MEETING DATE: 10-13-16

BOARD OF ZONING APPEALS

Z16-21

232 W. Smith

CITY of MEDINA
Board of Zoning Appeals
October 13, 2016 Meeting

Case No:	Z16-21
Address:	232 W. Smith Road
Applicant:	Andrew Kason – Cin Dees Place
Subject:	Variance request from Section 1147.07(J) of the Planning and Zoning Code to allow a 26.8 square feet, five feet eight inches tall electronic message center sign to be located in the TCOV where they are prohibited.
Zoning:	C-2 Central Business / TCOV
Submitted by:	Justin Benko, Associate Planner

Site Location:
The property is located on the south side of W. Smith Road west of S. Huntington Street and east of S. Court Street.

Project Introduction:
The applicant is proposing the installation of a full color LED electronic message center sign. The property is zoned C-2 and is located in the TCOV. Electronic message center signs are prohibited in the TCOV. The proposed sign is compliant is size and height.

Please find attached to this report:

1. Sign details dated September 12, 2016
2. Aerial site photograph

Considerations:
§1107.08(b) of the Medina Planning and Zoning Code describes the responsibilities of the Board of Zoning Appeals as such: Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this chapter, the Board shall have the power, in a specific case, to interpret any such provision

in harmony with its general purpose and intent so that the public health, safety, and general welfare may be secured and substantial justice done.

When a sign variance is requested, as in this case, a practical difficulty must exist. There are seven factors that the BZA should consider when evaluating whether or not a practical difficulty exists. These factors are outlined below, along with a discussion of how these factors apply to the application in question. The Board shall weigh the following factors to determine whether an area variance should be granted:

1. ***Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health.***

   Construction of a conforming sign would not obstruct the vision of motorists. The request is for an EMC sign in an area where they are prohibited.

2. ***A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees, or other obstructions.***

   Conforming signage would not be blocked from the sight of passing motorists due to existing trees or other obstructions.

3. ***Construction of a conforming sign would require removal or severe alteration to significant features on the site, such as removal of trees, alteration of the natural topography, obstruction of a natural drainage course, or alteration or demolition of significant historical features or site amenities.***

   Conforming signage would not require removal or severe alteration to any significant features on the site.

4. ***A sign that exceeds the allowable height or area standards of this Ordinance would be more appropriate in scale because of the large size or frontage of the premises or building.***

   The variance is for size compliant EMC sign in an area where they are prohibited.

5. ***The exception shall not adversely impact the character or appearance of the building or lot or the neighborhood.***

   The property is located in the TCOV. One of the primary objectives of the TCOV is to provide uniformity in the design standards applicable to arterial corridors having varied underlying zoning. The property is zoned commercial and the properties directly across the street are occupied residential sites. An LED sign may adversely impact the neighborhood due to the signs proximity to residential properties.

   The location of the existing sign is actually located on the neighboring property. Any new sign would need to be located 5 feet from the front lot line. Staff will work with the applicant to find a compliant location during the sign permitting process.

6. ***The variance sought is the minimum necessary to allow reasonable use, visibility, or readability of the sign.***

   The variance sought is the minimum necessary for the electronic message center sign because they are prohibited in the district. A conforming non-EMC sign would be as visible and legible.

7. ***The variance will be consistent with the general spirit and intent of this Ordinance.***

   Sign regulations are established in the Planning and Zoning Code to promote clarity in sign communications and to promote a harmonious relationship between sign types, sign locations and land uses, and to adhere to the intent of the TCOV and its consistency with TCOV guidelines. Please see TCOV regulations below.

The BZA must weigh the above seven factors for the requested variance and determine if a practical difficulty exists that would merit a variance from code section 1147.07 (J).

TCOV Regulations

The purpose of Overlay District regulations is to assist with the development of land and structures to be compatible with the environment and to protect the quality of the urban environment in those locations where the characteristics of the area are of significant public value and are vulnerable to damage by development permitted under conventional zoning and building regulations. Overlay Districts are established to provide additional land use controls and are superimposed over existing zoning districts. Property within an Overlay District is also subject to the provisions of its underlying zoning designation; provided, however, that where the provisions of the Overlay District are more restrictive than the provisions of the underlying zoning designation, the provisions of the Overlay District shall apply. Overlay Districts are intended to serve one or more of the following purposes:

(a) To implement land use and urban design recommendations and standards set forth in neighborhood or corridor area plans, which plans have been adopted as part of the City's Comprehensive Plan;

(b) To provide uniformity in the design standards applicable to arterial corridors having varied underlying zoning;

(c) To provide uniform standards for mitigating the impact of intensive commercial uses adjacent to low density residential uses;

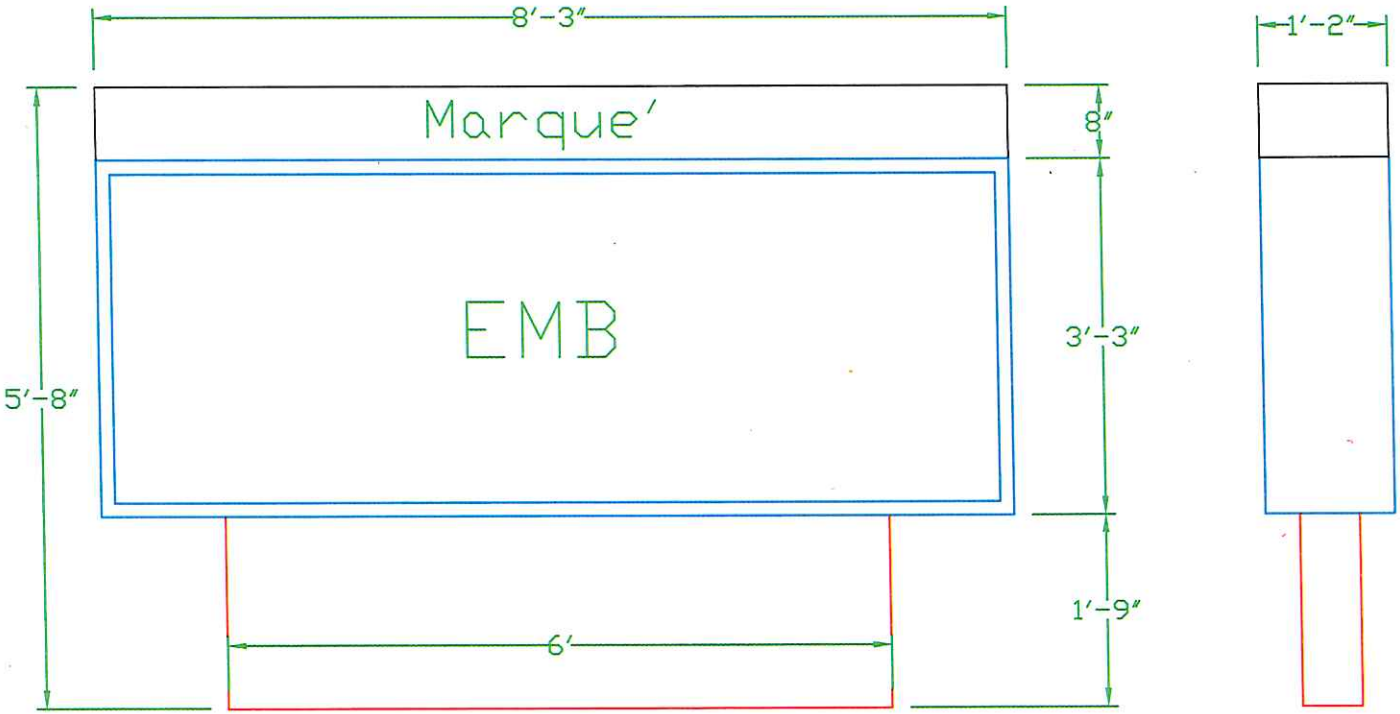
(d) To protect the public and property owners from blighting influences which might be caused by application of conventional land use regulations to properties and areas having sensitive environmental qualities;

(e) To protect the public from unsafe buildings or unstable land which would be caused by uncontrolled development;

(f) To prevent significant damage to the economic value and efficiency of operation of existing properties and/or new developments due to the interdependence of their visual and functional relationships;

(g) To protect the public from blighting influences in areas of high public investment which have added substantial value to a neighborhood; and

(h) To provide for the protection of special features in the natural and built environment.

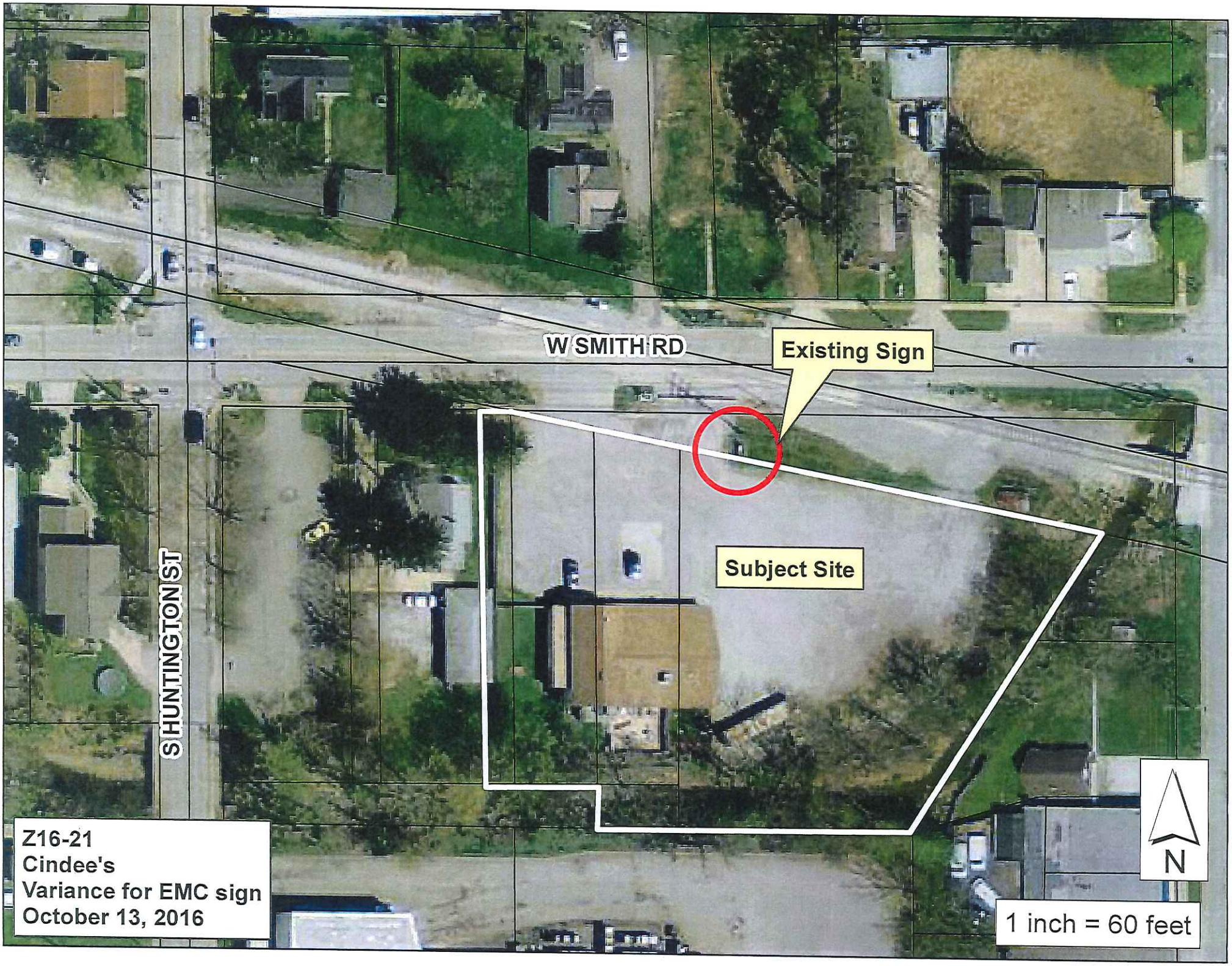


Sign Proposal for Cin Dees Place
232 W. Smith Rd. Medina, Ohio
Zone C-2
8'-3" X 3'3" is Electronic Message Board

Overall Dimensions:
Length 8'-3", Height 5'-8", Depth 14"

Sign Placemnt on Lot is a Direct Replacement for CUrrent Sign

RECEIVED
SEP 12 2016


W SMITH RD
Existing Sign
Subject Site
S HUNTINGTON ST
N
1 inch = 60 feet
Z16-21
Cindee's
Variance for EMC sign
October 13, 2016