

MEETING DATE: 01-10-19

BOARD OF ZONING APPEALS

Z19-02

941 N. Court



CITY of MEDINA
Board of Zoning Appeals
January 10, 2019 Meeting

Case No: Z19-02

Address: 941 N. Court St.

Applicant: Modernistic representing Aspen Dental

Subject: Variance request from Section 1147.06(c)(4) of the Planning and Zoning Code to permit permanent window signs on the south building façade where they are not a permitted as it is not a building frontage for window signage purposes.

Variance from Section 1147.14(e) of the Planning and Zoning Code to allow 100% window signage area per window when 25% window signage area is allowed per window on the east building façade.

Zoning: C-3, General Commercial

Submitted by: Jonathan Mendel, Community Development Director 

Site Location:

The business is located in the south tenant space of the new building at the north end of Medina Shopping Center.

Project introduction:

The applicant requests two separate variances for new window signage at the subject tenant space:

- 34.7 square feet of permanent window signage (comprised of two separate window signs on separate windows) on the front (east) building façade covering 100% of each sign's window where only 25% of the window is permitted to be covered under Section 1147.14(e).
- 29.5 square feet of permanent window signs on the south building façade, which is not considered a building frontage for permanent window signs purposes under Section 1147.06(c)(4).

Please find attached to this report:

1. Applicant's narrative for the variance and sign plan received December 20, 2018
2. Site and aerial photos

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.***

This is not applicable as the applicant has already constructed conforming signs permitted under the zoning code (wall sign and tenant panel in the ground sign) and the proposed are window signs.

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

Conforming wall and ground signs have already been approved and installed on this property identifying the tenant/business. The proposed window signs appeared to be intended to provide sales/services information for actual and potential customers. On the premise or passing the site, customers' view of conforming window signage may is not blocked.

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.***

No conforming window signage proposed for the east façade would require severe alteration to significant site features.

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 proposed window signs on the east façade of the tenant space may be considered appropriate to the scale of the building, but it is still four times larger than the 25% maximum coverage permitted.

The proposed window signs are not permitted for the south building façade due to the façade design. It is a 100% variance and could be considered inappropriate.

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

The proposed wall sign may impact the subject building's or the immediate vicinity's character as the proposed signs may negatively add to the amount of existing signage already present within the subject site and neighborhood.

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

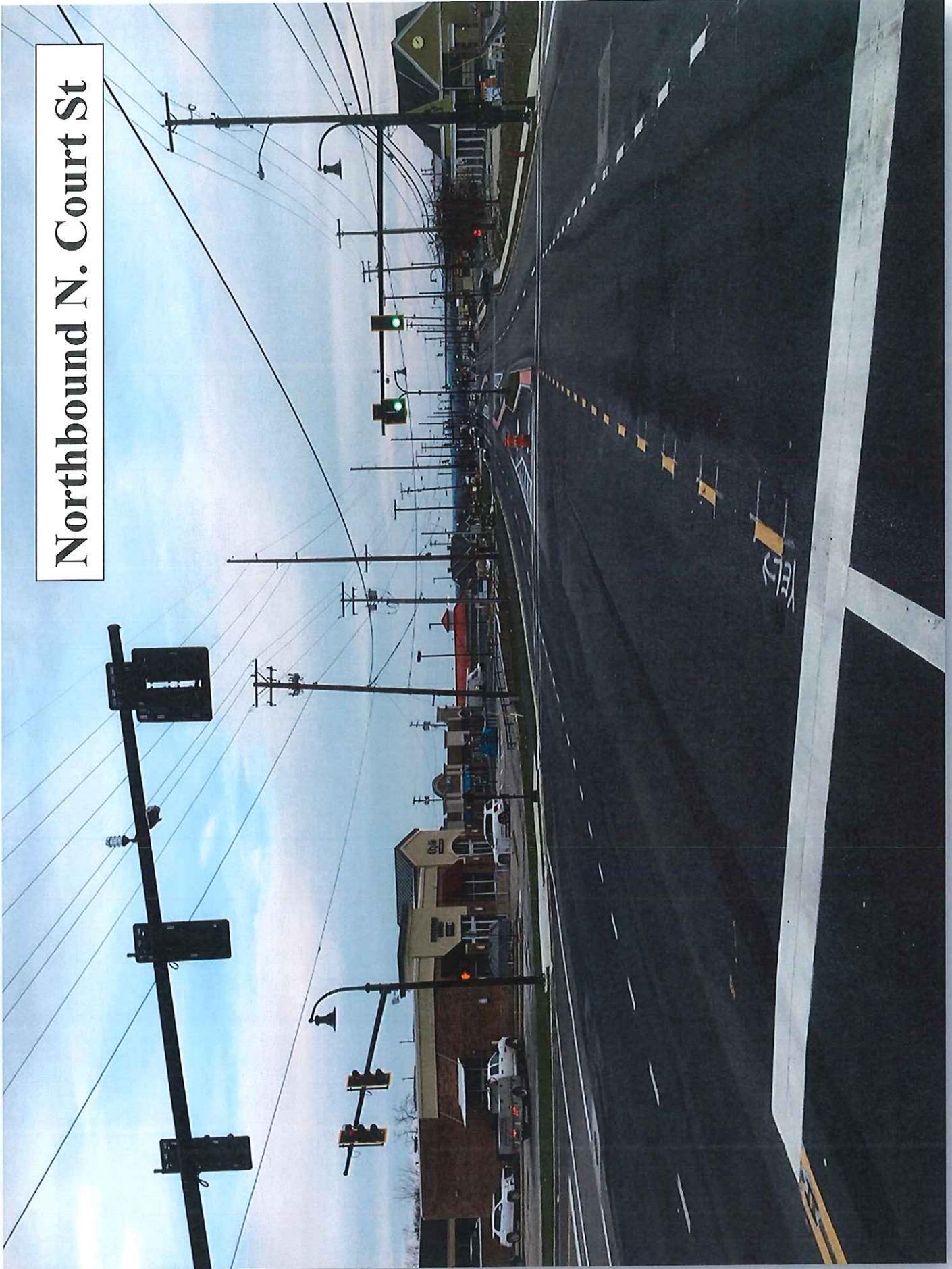
The proposed window signs for the east façade would be readily visible from all appropriate vantage points and the window signs' messages on the east façade could be easily communicated with conforming signage.

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

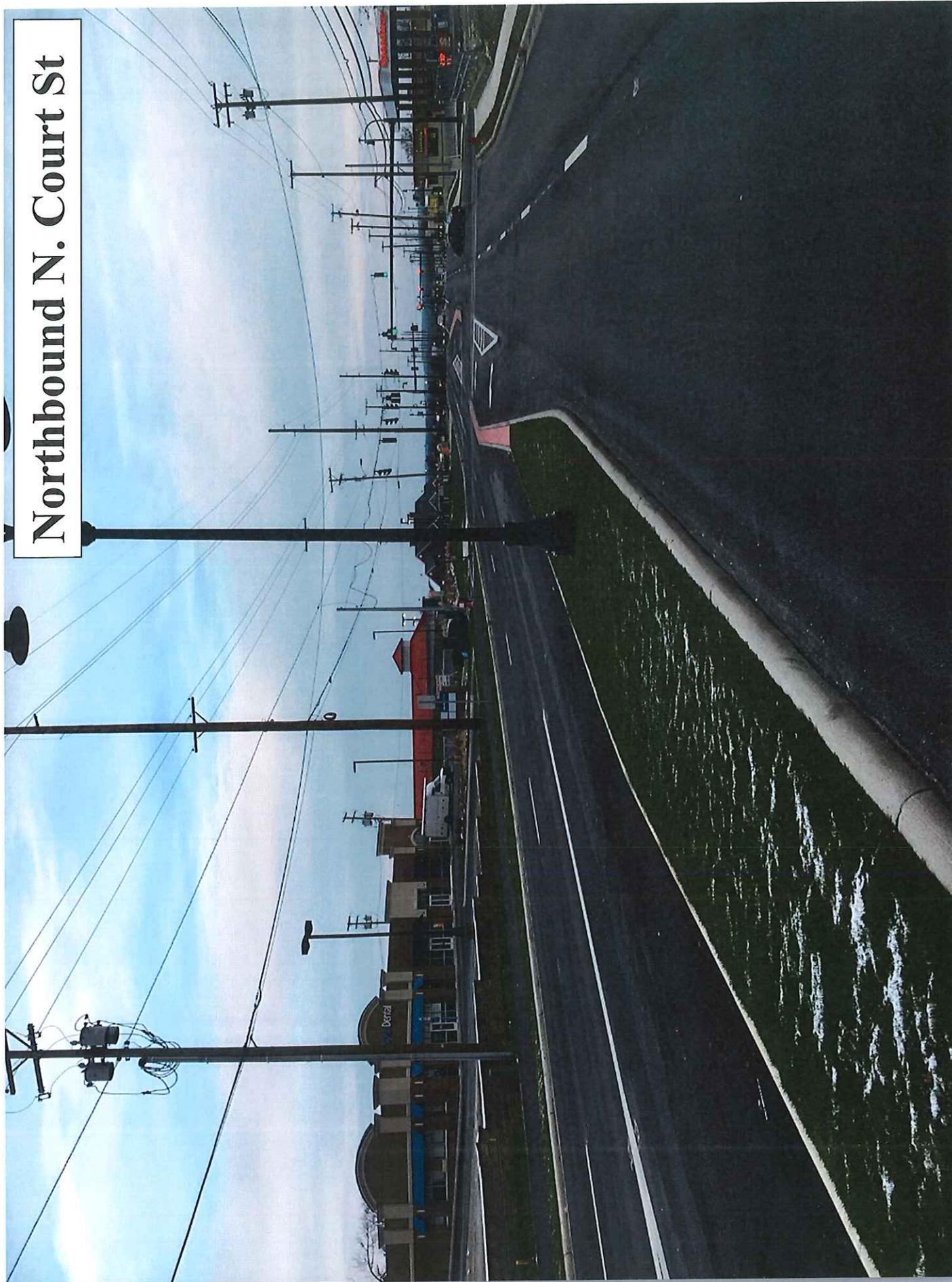
Sign regulations are established in the Planning and Zoning Code to promote clarity in sign communications; to balance sign communications; to promote a harmonious relationship between sign types, sign locations and land uses; and to protect the public health, safety and welfare from the hazards resulting from indiscriminate placement.

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 Sections 1147.06(c)(4) and 1147.14(e).

Northbound N. Court St



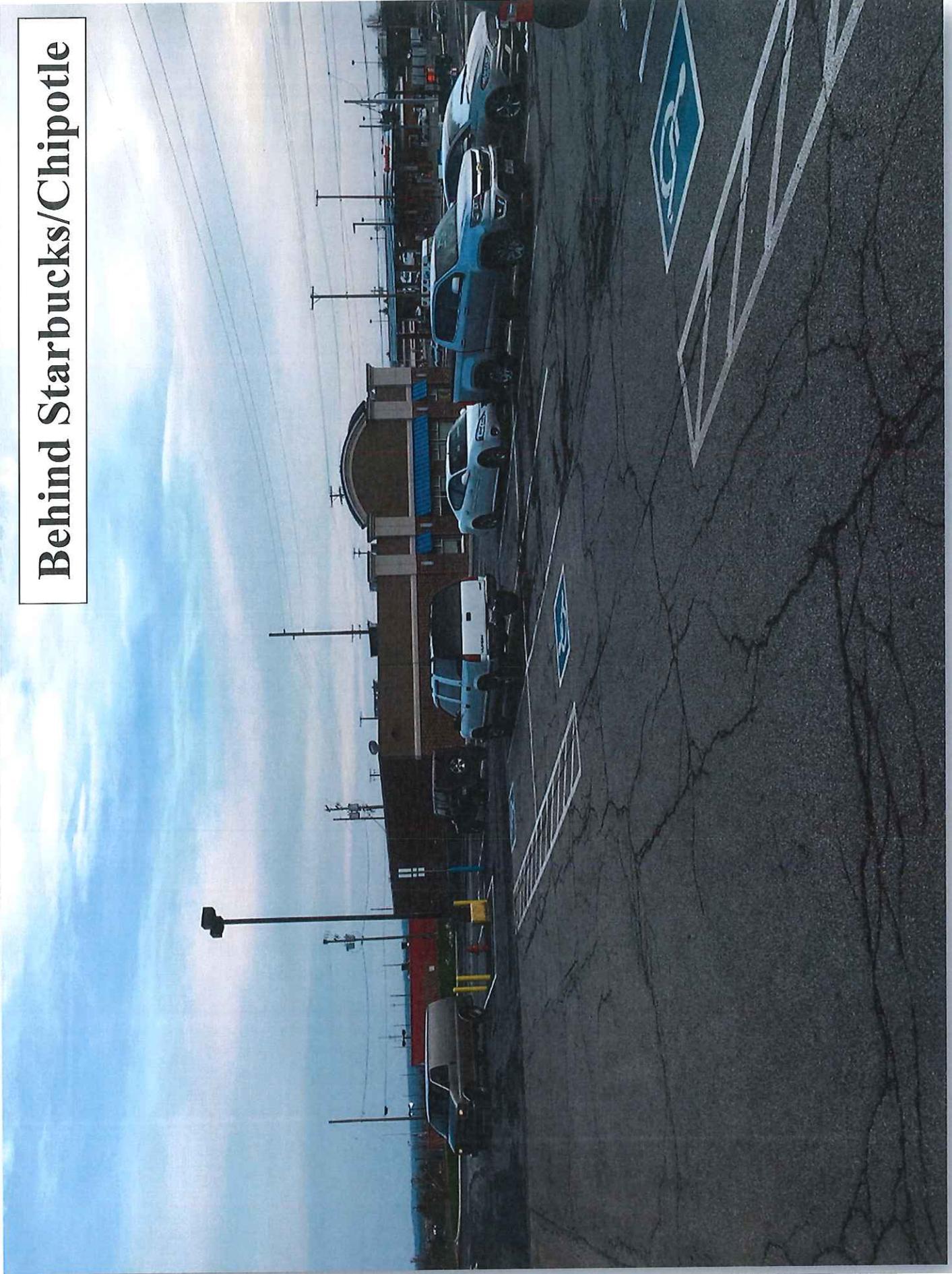
Northbound N. Court St



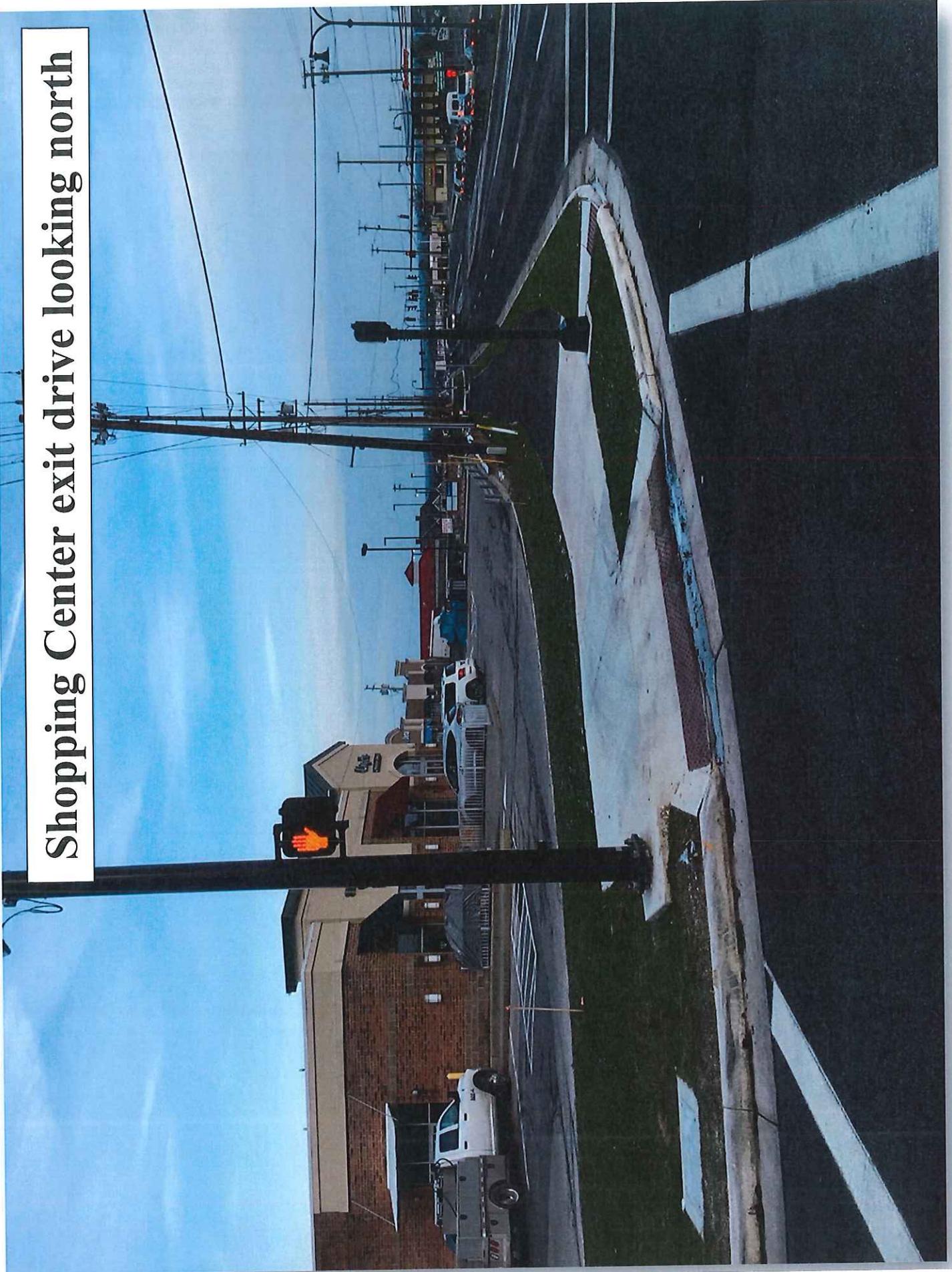
In front of Chipotle



Behind Starbucks/Chipotle



Shopping Center exit drive looking north







CITY of MEDINA
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Board of Zoning Appeals
Area/Size (practical difficulties) worksheet

Case No. _____
Address: _____
Applicant: _____

- A. The property in question [will/ will not] yield a reasonable return and there [can/cannot] be any beneficial use of the property without the variance because
It has been proven that Aspen Dental Buildings without window graphics yield significantly less returns than those allowed the typical set of window graphics
- B. The variance is [substantial/insubstantial] because
We are requesting 2-4 window graphics - this is significantly less than other offices.
- C. The essential character of the neighborhood [would/would not] be substantially altered and the adjoining properties [would/would not] suffer substantial detriment as a result of the variance because
graphics are not invasive or intrusive.
- D. The variance [would/would not] adversely affect the delivery of governmental services (e.g., water, sewer, garbage); NO
- E. The property owner purchased the property [with/without] knowledge of the zoning restrictions;
Aspen chooses locations based on communities under served with dental needs.
- F. The property owner's predicament feasibly [can/can not] be obviated through some method other than a variance because window graphics allow passerbys know key offers - especially those in high need.
- G. The spirit and intent behind the zoning requirement [would/would not] be observed and substantial justice done by granting a variance because
The window graphics will not be invasive, and will preserve the intent and spirit. If allowed these graphics. It has been proven that the practice will better perform than a practice without ^{these} window graphics.

For all of the above reasons, I move the board [approve/disapprove] the request with the following conditions:

