

**MEDINA TOWNSHIP ZONING COMMISSIONERS
REGULAR MEETING
OCTOBER 19, 2010**

REGULAR MEETING

Chairperson Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:35 p.m. Board members Overmyer, Erickson, Szunyog, Apana and Strogin were in attendance. Alternate Board members Matt Payne and Boris Williams were also in attendance.

The Zoning Commission minutes from their September 21, 2010 meeting were approved as written. The Trustees have scheduled site plan reviews to be heard on October 28, 2010 at 7:00 p.m. A letter would be sent to the applicants when the Trustees would hear their site plan/signage requests.

Chair Strogin summarized an article out of the Cleveland Plain Dealer dated 10/13/2010 regarding a sweepstakes café type business like the one the Township approved last month. The business, called "Cyber House" was closed in Cleveland. "The City's Building and Housing Dept. would not grant the owner a permit for that use...Sweepstakes cafes sell customers cards that allow them to use the Internet to play casino like games in the business computers. This business was targeted by Cleveland police for illegal gambling...Cyber House closed for 4-5 days then reopened in the summer. The owner applied for a variance but then withdrew the application. The owner of the building said the police raid surprised him given that the City's Board of Zoning Appeals had issued a variance for two other Internet sweepstakes cafes. The owner said, "how can it be gambling on the west side and not be gambling on the east side? ..The Ohio attorney generals office has not taken a stand on the issue, leaving enforcement of gambling laws up to local police...During the raid on Cyber House on October 1, 2010 the police confiscated 46 computers and \$2,250 in cash...After a month long probe the police concluded that gambling took place because some of Cyber House customers had lost "substantial amounts of money."

Chair Strogin added that whether these types of operations are considered gambling is unsettled in Ohio. ZI Ridgely stated she spoke to Mr. Anderson who is the owner of Internet Sweepstakes, the business that the Commission approved last month. She added that Mr. Anderson told her that Cyber House is back open again. He added that the reason they were closed down was that they did not have the proper permits to operate business.

Mr. Ostmann stated there was another article in the Plain Dealer today that the City of Cleveland declared a moratorium on any further types of these business operations to locate in the City.

CONTINUANCE

Medina Farmer Market-4184 Pearl Rd.

Secretary Ferencz stated a fax was received today 10/19/2010 from Allstate Insurance Hirschfelder Agency. It read that Mr. Hirschfelder needs to reschedule his signage request. "Will be changing locations next season and left message on recorder to see what needs to be done if we stay in the Township."

Chair Strogin stated that this agenda item has been tabled for several months now. ZI Ridgely interjected that she thought Mr. Hirschfelder would be closing after pumpkin season was over. She added there has been discussion of a motorcycle shop going in that location.

Mr. Overmyer made a motion to formally remove the ground sign request for Medina Farmer Market located at 4184 Pearl Rd. off the agenda. If signage is requested at a future date then the applicant would need to submit a new application and fee. It was seconded by Mrs. Szunyog .

ROLL CALL-Overmyer-yes, Szunyog-yes, Erickson-yes, Apana-yes, Strogin-yes.

Mr. Erickson asked if the existing sign at Medina Farmer Market ever received a permit? Chair Strogin stated no. ZI Ridgely stated she would go and speak with Mr. Hirschfelder about his intentions and the signage.

SITE PLANS

The Hoffman Group-5000 Foote Rd.

Mr. Neate represented The Hoffman Group. He stated that he meet with Mr. Huber from the Medina County Building Dept. and Medina Fire Chief Mark Crumley. Mr. Neate continued what they wanted to do was remove two existing internal stairways and one external stairway located at the rear of the building. The building was constructed with the existing stairways per the 2004 building codes. Mr. Neate added, now the 2007 building codes are in effect and the building is completely sprinkled. Therefore they are within code to only have one stairwell with inside the building and no longer need the external stairwell on the rear of the building. Both Mr. Huber and Fire Chief Crumley looked at the building and confirmed that the one internal and one external stairwell could be removed and the building still meet code. Mr. Neate concluded the purpose of the removal of the stairwells was to expand the existing conference room and add an office.

Chair Strogin stated she did speak with Fire Chief Crumley and affirmed that he and Mr. Huber were in agreement with the proposed changes to the building.

Mr. Erickson made a motion to approve the existing change of use for The Hoffman Group located at 5000 Foote Rd. as presented. It was seconded by Mr. Overmyer.

ROLL CALL-Erickson-yes, Overmyer-yes, Apana-yes, Szunyog-yes, Strogin-yes.

MISC.

Chair Strogin stated that there was a situation that occurred in Windfall Heights Subdivision where the Township received a complaint from a resident. When ZI Ridgely went out to investigate the complaint, it lead to a situation of finger pointing. Zoning Inspector Ridgely uncovered many sheds and accessory buildings that did not have permits or did not meet the setback requirements. Chair Strogin stated the Home Owners Association has now become active and is considering a request to modify Section 303.D of the Medina Township Zoning Resolution so that the 30 ft. rear yard setback would not apply to sheds/accessory structures within the development. (See file).

ZI Ridgely stated the zoning office has prepared a letter to the residents of Windfall Heights Subdivision and Sweetwater Subdivision regarding sheds/accessory buildings that are not within the required setbacks. This letter would be sent to approximately 200 residents. She added some of these structures were quite large and probably could not be moved or moved easily. Chair Strogin read the letter (see file).

ZI Ridgely stated of the approximately 200 homes in that development one part is covered under a Home Owners Association and the other is not. She added she did not know if it was a 50-50 split. Trustee Gardner stated it was split pretty close to 50-50. Mr. Apana asked if sheds/accessory structures were addressed in the Home Owners Association documents? ZI Ridgely stated she did not know. Chair Strogin stated that would need to be looked at to see if the residents were not only in non-compliance with the Township's zoning resolution but in non-compliance with their Home Owner's Association. She added a Home Owner's Association could have stricter regulations than the Township such as no fences or pools being allowed or mail boxes having to be the same style and color, etc.

Zoning Inspector Ridgely continued that some of the structures were built before 1984 when the Township's zoning resolution went into effect. Another issue is that some of the homeowners are second or third owners of the residences and were not the individuals who erected such structures on the property. Chair Strogin responded when a title search is completed there is a box on the document that asks if the property is in compliance with zoning.

Mr. Apana stated it appeared to him that the Home Owners Association did not enforce their own by-laws and now want the Township to correct the situation. Zoning Inspector Ridgely stated she wanted the Zoning Commission to be aware of the situation and that the zoning office is trying to find a way to handle this situation.

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Mr. Overmyer made a motion to enter into Executive Session with the following attendance- All Zoning Commission members permanent and alternate, Trustees Gardner and Jarrett, Zoning Inspector Ridgely and Zoning Secretary Ferencz to discuss pending litigation. It was seconded by Mr. Apana.

ROLL CALL- Overmyer-yes, Apana-yes, Erickson-yes, Szunyog-yes, Strogin-yes.

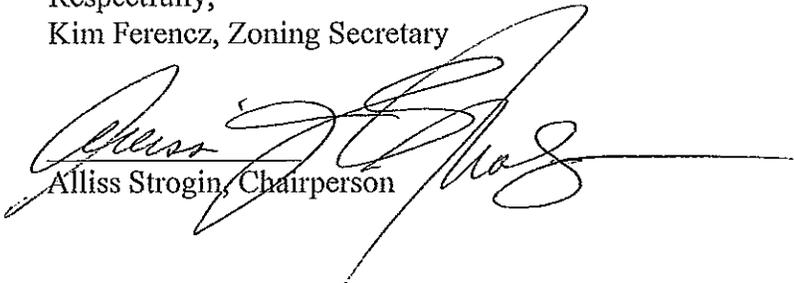
The Zoning Commission and the above stated individuals, entered into Executive Session at 8:05 p.m.

Mr. Overmyer made a motion to come out of Executive Session at 8:41 p.m.

Chair Strogin stated there were no decisions or determinations made this evening. The Zoning Commission and above noted individuals came out of Executive Session at 8:41 p.m.

Having no further discussion, Mr. Erickson made a motion to adjourn. It was seconded by Mrs. Szunyog. All Zoning Commission members were in favor. The meeting as officially adjourned at 8:41 p.m.

Respectfully,
Kim Ferencz, Zoning Secretary


Alliss Strogin, Chairperson