

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
OCTOBER 19, 2011**

Chair Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:30 p.m. Board members West, Becker, DeMichael and Morel were present. Alternate board member Mike Stopa sat in for a full Board. Chair Morel introduced the Board members and explained the public hearing procedure to those present.

Variance Requests

Heartland Community Church variance request-3400 S. Weymouth Rd.

This variance request was tabled last month per the applicant's request to be heard in front of a full Board. Chair Morel reviewed the application. The applicant is Mr. Terrence Holley (84 Laurel Glens Drive, Medina) representing Heartland Community Church. The property requiring the variance- 3400 Weymouth Road. Present Zoning-RR. Previous Requests-No. Variation Requested: Section 605 I.1 - 180.56 sq. ft. requested, 80 sq. ft. allowed, 100.56 sq. ft. variance. Reason for the variance request:

- A. 80 sq. ft. allowance results in very small letters which are very difficult to read from a distance. Also an aesthetic issue of proportion of letters to building.
- B. Wall sign will be on a building that is more than 1/10 of a mile off Rt. 3 (Weymouth Rd.)
- C. Variance will be more aesthetically pleasing. Building is set back off road over 1/10 of a mile.

Mr. Holley was sworn in. He noted that the drive comes up from Weymouth Road and the building is a little more than 1/10 of a mile off the roadway. The wall sign would be facing the oval drop off area. You can not see the front of the building from the street; you are looking at the back of the building.

Chair Morel clarified that the building is up on a hill.

Mr. Holley stated that it is.

Chair Morel asked the area of the parcel and if this was the sole building on the property.

Mr. Holley responded that it is 43 acres and it is the only building.

Mr. West asked what other signage would accompany this request.

Mr. Holley stated that they were working on a road sign, but wanted to get that sign closer to the road since the right-of-way is 110 feet and the sign has to be back 10 more feet for a total of 120 feet back.

Chair Morel asked how many square feet is the building?

Mr. Holley said it is 15,000 square feet.

Mr. West asked if this was the only sign on the building.

Mr. Holley stated that it would be the only wall sign. He stated they believe that the sign will actually improve the aesthetics of the building because right now the wall is blank. Some churches put religious icons on the wall of their building, but we would like to have the name of our church there. We think if its larger it will look better.

Ms. Strogin, Chair of the Zoning Commission, was sworn in. Ms. Strogin stated that the orientation of the church is such that if you are going north it will not be very visible and the sign will be so far back.

Chair Morel noted that normally a variance from 80 to 180 square feet would be a huge variance but with the scope of the property your talking 40 acres and a 15,000 square feet building with only one non-illuminated sign.

Mr. Holley stated that the color of the letters has not been finalized, it might be brushed aluminum.

Mr. Ronald Danes (3358 Remsen Road) was sworn in. He stated that in the winter time he could see the church from his backyard. That is his concern. He then asked about lighting.

Chair Morel pointed out that the illumination of the church building was not a matter for the Board. The sign is not being proposed to be illuminated and therefore should not be a visual factor.

Mr. Holley explained the present lighting of the building and the parking areas.

The Board then reviewed the Duncan Factors.

1. Will the property yield a reasonable return or a beneficial use without the variance request? The Board stated yes.
2. Is the variance substantial? The Board stated yes.
3. Whether the essential character of the neighborhood would be substantially altered or adjoining property owners suffer a substantial detriment if the variance is granted? The Board stated no.
4. Will the granting of the variance adversely affect the delivery of governmental services? The Board stated no. The Board noted that it might actually help locate the property in an emergency situation.

5. Did the property owner purchase the property with the knowledge of the zoning restrictions? The Board stated yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated that if the variance was not granted there would just be a smaller sign.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes. The scope of the building and land area, and the fact that the sign is not going to be illuminated keeps it consistent with the spirit of the regulation.

Mr. Stopa made a motion to grant an area variance for 100.56 square feet for the construction of a wall sign for Heartland Community Church located at 3440 S. Weymouth Rd. The total size of the sign to be 180.56 square feet with the provision that the lettering on the sign cannot be illuminated. It was seconded by Mr. Becker.
ROLL CALL - Stopa-yes, Becker-yes, DeMichael-yes, West-yes, Morel-yes.

Divecha variance request-3760 Cook Rd.

Chairman Morel reviewed the application. The applicant is Behram Divecha. The address-3760 Cook Rd. Present Zoning-RR. Previous variance request-yes. Variation requested-Section 401.3 d. Front Yard Setback-100 ft. required. Requested variance-36 ft.

Explanation for variance request. We are asking that the Board grant us the variance of 36' from the required 100' front yard setback.

We would like to build a new, detached garage, which will allow us to keep all of our automobiles and yard equipment under cover and out of sight. Our house was originally built over 100 yrs. ago and is well in front of the 100' front yard setback. As such, if we were to locate the garage beyond the setback, it would be too far removed from the house and would encroach on our rear yard. Locating the garage where we propose will also allow us to take advantage of the existing concrete driveway and turn around pad.

We believe our request will not prove to be detrimental to the general public, nor to the immediately surrounding properties. The garage will be designed and built to match the details and materials of the house. The proposed scale and location will blend with the existing scale and location of the house. The proposed location of the garage is at a much lower elevation than the road and so will not have a visual impact on traffic. Additionally, there are no other houses within sight in either direction on our side of the road and so it is not inconstant with any visual building sight lines. It is our understanding that the general purpose of setbacks is to maintain safety standards, to maintain property values, and to achieve a desired "perceived density". We believe that our proposal is not contrary to those objectives.

The applicant, Mr. Ted Mascosko (architect) represented the property owner Mr. Behram Divecha and the variance requests before the Board this evening. He stated the Divecha's

have an extended family and there are many cars on the property so they want to build a larger garage. The property consists of almost 3 acres and there are two outbuildings on the property that the Divecha's would like to remove. Mr. Macosko added the property owner's would like to locate the garage to take advantage of the existing concrete driveway and turnaround.

Chair Morel stated he recalled that this property received a previous variance approximately five years ago to increase the size of the house. Mr. Macosko responded he was not the architect at that time but said the house was substantially expanded to the south and believed a variance was granted for that to occur. This house is 100+ yrs. old.

Ms. Karson (who arrived after the meeting began) was sworn in. She confirmed that the Devicha's house is a century home and was extensively remodeled and added onto via a variance that was granted by the Board of Zoning Appeals. Mr. West asked if Ms. Karson recalled what setback variance was granted when the house was renovated and when it was granted, to which Ms. Karson answered she did not remember.

Mr. Mocosko stated per the drawings it appeared the addition on the south side was roughly 65-70 ft. Mr. West asked why the garage could not be moved to that line? Mr. Mocosko responded if the garage was moved back it would be an inconvenience to the property owners in terms of distance from the dwelling, not then being able to take advantage of the existing concrete driveway and turnaround which then would add an additional expense to the project.

Mr. West commented he did not know how that would be true. The proposed garage would just be shifted away from the street by 5 feet to bring it to this line.

Mr. Mocosko stated that if that was a requirement he was sure that could be accomplished.

Mr. West stated that his concern is that the Board continues to allow additional encroachments.

Mr. Mocosko pointed out that the house is not parallel with the road so they could slide it back to match the setback of the existing house.

Chair Morel stated that he agreed with Mr. West because he remembers that this was a fairly small house and the neighbors had indicated concerns. He is not in favor of getting any closer for any reason.

Elaine Ridgely, Zoning Inspector, was sworn in. She read the previous variance action by the Board from April 2006 to grant a variance of 20 feet to permit the house to be at an 80 foot setback so the existing setback should be 80 feet.

Mr. Mocosko stated that he was not involved in the previous request and he scaled the distance from the drawing.

Chair Morel stated that his concern and that of Mr. West is that the Board allowed the building to be built at 80 feet. If the building was built at a different distance, then they should correct everything at once. Therefore the Board has two choices. Chair Morel continued that the Board can move forward with the request but he would be unhappy to have the applicant come back again with another change, or the Board could table the request until next month and the applicant can bring us the correct numbers and we can move forward then.

Rose Arnold (3727 Cook Rd.) was sworn in. She stated that she lives across the street and she does not want to see the house any closer to the road.

The Board then reviewed the Duncan Factors.

1. Will the property yield a reasonable return or a beneficial use without the variance request? The Board stated yes.
2. Is the variance substantial? The Board stated yes it's a 20% variance.
3. Whether the essential character of the neighborhood would be substantially altered or adjoining property owners suffer a substantial detriment if the variance is granted? The Board did not address this factor.
4. Will the granting of the variance adversely affect the delivery of governmental services? The Board stated no.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions? The Board stated yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated that the garage could be built further back.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes because the garage setback would match the house setback, having the garage further back would not enhance the spirit and intent of the Zoning Resolution. It is consistent with the house setback variance that the Board previously granted.

Mr. Stopa made a motion to grant a 20 foot front yard setback variance for the construction of a 1,400 square ft. single story garage at the property located at 3760 Cook Road. It was seconded by Mr. Becker.

ROLL CALL - Stopa-yes, Becker-yes, DeMichael-yes, West-yes, Morel-yes.

The second variance request was for the construction of a front portico on the Divecha home. Chair Morel asked the applicant if he would like to table this variance request, as he did not believe the portico should be constructed closer to the road. Mr. Mocosko stated that he would like to table the second variance request for a front portico.

Mr. DeMichael made a motion to table the variance request to construct a front portico at the property located at 3760 Cook Rd. per the applicant's request until the Board's November 16, 2011 meeting. It was seconded by Mr. Stopa.
ROLL CALL-DiMichael-yes, Stopa-yes, West-yes, Becker-yes, Morel-yes.

MEETING MINUTE APPROVAL

August 17, 2011 meeting minutes

Mr. West made a motion to approve the August 17, 2011 meeting minutes as written. It was seconded by Ms. Karson-yes.
ROLL CALL-West-yes, Karson-yes, Becker-yes, Williams-yes, Morel-yes.

September 14, 2011 meeting minutes

Ms. Karson made a motion to approve the September 14, 2011 meeting minutes as written. It was seconded by Mr. Williams.
ROLL CALL-Karson-yes, Williams-yes, Becker-yes, West-yes, Morel-yes.

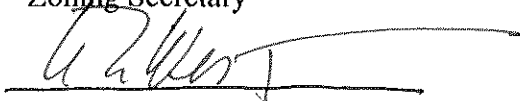
September 21, 2011 meeting minutes

Mr. DeMichael made a motion to approve the September 21, 2011 meeting minutes as written. It was seconded by Mr. Stopa.
ROLL CALL-DeMichael-yes, Stopa-yes, Karson-yes, West-yes, Morel-abstain (not in attendance).

Having no further business before the Board, the hearing of Board of Zoning Appeals was officially adjourned at 8:44 p.m.

Respectfully Submitted,

Kim Ferencz
Zoning Secretary



Ed Morel, Chairman

William West