

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
NOVEMBER 16, 2011**

Vice Chair West called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:35 p.m. Board members West, Becker, DeMichael and Karson were present. Alternate board member Mike Stopa sat in for a full Board. Vice Chair West introduced the Board members and explained the public hearing procedure to those present.

CONTINUANCE

Divecha variance request (portico)-3760 Cook Rd.

Vice Chairman West reviewed the application. The applicant is T.S. Macosko (Macosko Architect). The property owner is Behram Divecha. The address requesting the variance-3760 Cook Rd. Present Zoning-RR. Previous variance request-yes. Variation requested-Section 401.3 d. Front Yard Setback-100 ft. required. Requested variance-57 ft.

Explanation for variance request. We are asking that the Board grant us the variance of 57' from the required 100' front yard setback. We would like to add a portico entry to the front of our house to provide cover from the weather for our guests when they arrive. Our house was originally built over 100 yrs. ago and is well in front of the 100' front yard setback. As such, it would be impossible to accomplish our objectives without a variance.

We believe our request will not prove to be detrimental to the general public, nor to the immediately surrounding properties. The portico will be designed and be integrated with the design of the house. 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 hope our proposed portico addition will actually be a benefit to our neighbors by improving the value of our property and thus theirs as well. 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.

Mr. Tony Valore of Valore Builders was sworn in. He stated that the first remodel was done 7 or 8 yrs. ago and his company completed another addition to the home 6 yrs. ago. A staircase was built that came off the front door and out towards the driveway. The staircase is approximately 12 ft. in length. This staircase is an important element of the actual architectural structure of the home. In 5 yrs there is now deterioration of the front staircase and a potential safety hazard due to being exposed to the weather.

Vice Chair West asked if the existing porch was currently under roof? Mr. Valore stated no. Mr. Mascosko interjected 4 ft. of the porch was actually under roof i.e. the landing but the stairway was not. The proposed portico will cover the staircase as well as a portion of the circular drive. The property is 486 ft in width. The setback is 100 ft. from the edge of the right of way. The edge of the right of way actually varies from 18 ft to 24 ft. from the edge of the pavement. Therefore if the variance were granted the closest we would be with this portico would be 66 ft. from the edge of the pavement. The portico would not be enclosed other than the roof but would

just consist of four columns so there would be no sight distance issues for residents or obstructions when traveling down Cook Rd. Mr. Valore continued that the only entrance to the house beside the front door is on the side. The garage is beneath the house and then one had to go up two sets of stairs before one got to the main floor. Mr. Valore asked the Board to please consider the variance request.

Mr. Becker stated he felt the variance was quite substantial.

Mr. Stopa asked about the two entrances to the home. Mr. Valore stated there is the main entrance then an entrance on the south side of the house. Mr. Stopa stated there appeared to be another entrance on the north side of the house. Mr. Mascosko stated that was just a deck that leads to another porch. Mr. Stopa stated it appeared to be a doorway with two sets of lamps on either side of the door, which would make sense to gain access to the deck.

Mr. Valore responded that was the original entrance of the original farmhouse. Ms. Karson stated that was not correct. The original entrance was on the other side. Originally the Behram's were going to rebuild the old farmhouse but it did not make sense to do so. Mr. Valore stated there was the farmhouse addition before they did their addition and then there was another addition done as well to the residence.

Vice Chair West asked about the existing variance that was granted for the previous addition? Zoning Inspector Ridgely was sworn in. She stated that the original variance was 20 ft.

Mr. Mike Kaminsky (3823 Cook Rd.) was sworn in. He stated he owned the farm directly across the street and said he had no issues with the proposed addition.

Ms. Arnold (3727 Cook Rd.) was sworn in. She stated she lived cattycorner from the Behrams and said she was concerned that the house was going to be built closer to the street but that did not appear to be the case now that she has seen the drawings. Ms. Arnold stated she therefore did not object to the proposed addition.

Ms. Strogin, Chair of the Zoning Commission was sworn in. She stated that the front yard setback is not measured from the edge of pavement it is measured from the road right of way. Second, she wanted to know the height of the proposed portico, as she believed there was a fire code stipulation that such a structure had to be 13 ft. in height for emergency and safety vehicle access. Mr. Valore and Ms. Mascosko both stated they would accommodate whatever the code requires.

Ms. Susan Robinson (3730 Cook Rd.) was sworn in. She stated that it's a beautiful addition and it will give the house balance, but the house could have been built in an open field. How many variances are they going to get? The variances take away from the character and charm of Cook Rd.

Mr. Tom Robinson (3730 Cook Rd.) was sworn in. He stated that the homes which are less than 100 feet from the road are the older historic homes. The newer homes are all set further back, so the setback does detract from 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 a 57 ft variance is substantial.
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 the only issue is the height of the portico and that has to be a 13 ft. clearance.
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 only alternative would be to not do the work.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

The Board recognized Mr. Valore. He stated that if they cannot get the portico, then at least a covered porch would accomplish protection for the entry from weather conditions.

Mr. Stopa stated he felt that the variance request of 57 ft. was substantial. Mr. Becker agreed. Mr. Macosko stated he understood that the variance appears substantial but from the aspect of spirit of community and enhancement of the residence, he felt the variance should be granted.

Ms. Karson stated that as a homeowner, who has a portico, you need to have some protection from the weather and so she really doesn't object to the variance.

Mr. DeMichael stated the portico would enhance the property value but it also would be closer to the road so at the end of the day it is the neighbors that are most affected and therefore he was conflicted by what the neighbors have stated.

Vice Chair West said what he heard the neighbor's say was their concern over previous actions of the Board but not a concern of this particular addition.

Ms. Robinson interjected she felt the addition would be an asset.

Ms. Karson made a motion to grant a 57 ft. front yard setback variance for the construction of a portico for the property located at 3760 Cook Rd. as presented. The height of the portico to be in compliance with any Fire Code(s) that are applicable. It was seconded by Mr. Stopa.

ROLL CALL-Karson-yes, Stopa-no, Becker-yes, DeMichael-yes, West-yes.

VARIANCE REQUESTS

Medina Auto Mall (Cadillac Sign)-3205 Medina Rd.

Vice Chair West reviewed the application. The applicant is Illes Architects. The property owner is Gary Pantek for Medina Real Estate Holdings. The property requiring the variance is 3205 Medina Rd. The present zoning: BZ. Previous variance requests: yes. Variation requested: 87.5' Front yard setback on Nettleton Rd.-12.5' variance requested. 82.1 front yard setback on Medina Rd. 17.9' variance requested. 100' setback required. Reason for variance request: Since the widening of Rt. 18 the original 130' setback has been reduced to 88.11' on Rt. 18 and 87.5' is existing on Nettleton Rd. We request to reduce the setback as requested above to accommodate renovation of the front façade to meet GM standards. The renovations are minimal as depicted by the drawings. Granting the variance will also bring the existing facility into compliance.

The applicant, Mr. Chip Klinkenberg from Illes Architects and Mr. Lou Kaltenstein representing Medina Auto Mall both were sworn in. Mr. Illes gave a brief history as to why he was present this evening to request two variances. the issue is the setback goes right through the building. Originally the building setback was 130 ft. but when ODOT widened Rt. 18 it had to take right of way, which resulted in this setback reduction. Since this is a corner lot, Medina Auto Mall was deficient in the front yard setback requirements on Medina Rd. as well as Nettleton Rd.

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 but as dictated by the improvements made to Rt. 18.
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.
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 car manufacturers often make it difficult if not impossible for the dealerships to change the signage specs of that particular manufacturer.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Ms. Karson stated she liked the new "sophisticated" look of the dealership and hoped that signage would remain at a minimum.

Mr. DeMichael made a motion to grant a 12.5 ft. front yard setback variance on Nettleton Rd. resulting in a 87.5 ft. front yard setback; and a 17.9 ft. front yard setback variance resulting in a 82.1 ft. front yard setback on Medina Rd. for the property located at 3205 Medina Rd. due to the road widening project on Rt. 18 by the Ohio Department of Transportation. It was seconded by Ms. Karson.

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

The second variance request was for a sign for the Cadillac portion of the business. Vice Chair West reviewed the file. The applicant is Illes Architects. The property owner is Gary Pantek for Medina Real Estate Holdings. The property requiring the variance is 3205 Medina Rd. The present zoning: BZ. Previous variance requests: yes. Variation requested: Section 605.I.1. Asking for a second wall sign 18.5'x4'=74 sq. ft. The explanation for the variance: Signage is the only Cadillac standard available from GM.

Mr. Illes stated every 5 yrs. General Motors initiates a remarketing program for their dealerships. The main item with this remarketing is separate branding for Buick GMC and Cadillac. He stated he was before the Commission last month and received approval for the Buick GMC sign. However they did not receive approval for the Cadillac sign because per the Medina Township zoning code only one sign is permitted.

Mr. Klinkenberg continued that that is the standard sign package for GM and it could not be manipulated. Therefore they would be willing to remove the wording "Medina Auto Mall" on the building in exchange for receiving a variance for the Cadillac sign. The only identification of Medina Auto Mall would be on the monument sign.

Mr. Klinkenberg stated the east side of the building would contain Buick GMC. They would be adding new pylons in the front, which will create the new pylon sign, which is a requirement of Buick GMC. It will consist of an eyebrow roof on pylons with the words Buick GMC and it will be connected to the building. On the west side of the building will be where Cadillac will locate. There will be separate entrances for each that is being mandated by GM. Mr. Klinkenberg added that the building would be painted as well to reflect the color scheme of charcoal and silver.

Mr. Klinkenberg continued regarding the new addition, it would consist of the new canopy on the southeast corner for Buick GMC and on the other side the new canopy of Cadillac. Both would extend out 5 ft. The new addition would consist of an enclosure (24' x 30') on the west side of the building. The entire remarketing and addition is a \$1.4 million investment.

Ms. Strogin stated that there has been numerous variances granted to this property for signage on the front of the building and added if the Board approves the variance to make a part of the condition of the variance that all other signage variances become null and void. Mr. Klinkenberg stated they were already going to accommodate that stipulation.

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 but understandable given the range of products sold under the GM branding.
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.
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 the testimony does not support that their issue could be solved in another manner given the "One size fits all" branding of GM.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Mr. Stopa made a motion to approve a variance for a second wall sign (18.5 x 4.0) to reflect the Cadillac branding not to exceed 74.5 sq. ft. for the property located at 3205 Medina Rd. All previous variances for signage on the front of the building shall become null and void. It was seconded by Mr. Becker.

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

October 19, 2011 meeting minute approval

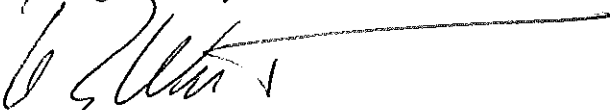
Mr. Mr. Stopa made a motion to approve the October 19, 2011 meeting minutes as written. It was seconded by Mr. DeMichael

ROLL CALL- Stopa-yes, DeMichael-yes, Karson-abstain (not present at meeting), Becker-yes, West-yes.

Having no further business before the Board, the hearing of Board of Zoning Appeals was officially adjourned at 8:55 p.m.

Respectfully Submitted,

Kim Ferencz
Zoning Secretary



William West, Vice Chairman

**MEDINA TOWNSHIP
ZONING COMMISSION
ORGANIZATIONAL MEETING
JANUARY 17, 2012**

Acting Chairperson Alliss Strogin called the organizational meeting of the Medina Township Zoning Commission to order at 7:33 p.m. Permanent Board members Szunyog, Apana, Overmyer, Erickson and Strogin were in attendance. Alternate Board member Kuenzer was also in attendance.

ORGANIZATIONAL MEETING

Election of Officers

Secretary Ferencz called for nominations for Chairperson.

Mr. Overmyer made a motion to nominate Alliss Strogin as Chairperson of the Zoning Commission for the calendar year 2012. It was second by Mr. Apana. The nominations were closed.

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

The meeting was turned over to Chair Strogin. Chair Strogin then called for nominations for Vice Chairperson.

Mr. Erickson made a motion to nominate Mr. Overmyer as Vice Chairperson of the Zoning Commission for the calendar year 2012. It was second by Ms. Szunyog. The nominations were closed.

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

Set hearing dates/Confirm hearing posting

The Commission stated they would continue to meet on the 3rd Tuesday of the month at 7:30. Posting of the meeting would be placed on the Townhall marquee and The Gazette accordingly.

It will now be up to each zoning board member to make sure they comply with the 6 hours of mandatory training each year and to keep track of those workshops, seminars etc. attended and to provide proof of attendance to the Township Secretary Celia Goe.

Training:January 31, 2012 at 6:30 p.m. at the University of Akron in Lafayette-Dept. of Planning Services-West Branch Rocky River Balanced Growth Plan.

The Zoning Commission minutes from their December 20, 2011 meeting were approved as written.

Don Kuenzer was reappointed as the first alternate on the Zoning Commission and Mr. Gene Krause is the second alternate to the Zoning Commission.

The organizational meeting was closed at 7:45 p.m.

REGULAR MEETING

Chairperson Alliss Strogin called the regular meeting of the Medina Township Zoning Commission to order at 7:45 p.m. Permanent Board members Szunyog, Apana, Overmyer, Erickson and Strogin were in attendance. Alternate Board member Kuenzer was also in attendance.

The Trustees will hear site plans/signage on February 2, 2012 at 7:00 p.m. A letter would be sent to the applicants when the Trustees would hear their site plan/signage requests.

CONTINUANCE

US Bank-3705 Medina Rd.

Chair Strogin stated per the last meeting on this agenda item, she and ZI Ridgely and Ass't ZI Heiss spent three hours reviewing the audio recordings and minutes on Signature Square from the years 1998-1999 when this commercial development was approved. The end result is that the parcel that is currently being occupied by US Bank is not an individual parcel but part of the entire development known as Signature Square. Chair Strogin stated she also had a copy of the Declaration and Covenants which refer to the "entire development" consisting of parcels one, two three and four. US Bank is parcel three. It is not a stand alone parcel but part of the entire development known as Signature Square. ZI Ridgely sent this information to Mr. Joel Frezel for his review with his client US Bank. Mr. Frezel is the individual representing US Bank and their ground sign request. Chair Strogin added she also spoke with the original developer Joe Bierne and asked for his recall about the approval process of Signature Square. He stated that he was in agreement that the four parcels that make up Signature Square are considered as one and not separate parcels. He also stated there were to be no ground signs for the individual lots just for the complex known as Signature Square and that he would be happy to come before the Commission to personally make those statements.

Therefore Chair Strogin concluded that the Zoning Commission could not approve the ground sign for US Bank as it was not permitted per the Township Zoning Resolution. However if the applicant wanted to apply to the Board of Zoning Appeals they had the right to do so.

Secretary Ferencz stated a fax was received dated January 17, 2012 from Mr. Joel Frezel from Watkins Lighting representing US Bank. They are requesting to be tabled until the Commission's February meeting.

Mr. Overmyer made a motion to table the signage request for US Bank per the applicant's request until the Commission's February 21, 2012 meeting. It was seconded by Ms. Szunyog. ROLL CALL- Overmyer-yes, Szunyog-yes, Apana-yes, Erickson-yes, Strogin-yes.

SITE PLANS

Planned Parenthood-4018 Medina Rd. Suite C.

Mr. James Navratil and Ms. Elizabeth Bowen represented Planned Parenthood. Mr. Navratil stated Planned Parenthood would be moving to 4018 Medina Rd. Suite C. This is the site formerly occupied by Dr. Naples.

Ms. Szunyog made a motion to approve the change of use for Planned Parenthood to be located at 4018 Medina Rd. Suite C as presented. It was seconded by Mr. Overmyer.

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

Mr. Navratil stated that he was also before the Commission to request signage for Planned Parenthood. The first signage request was for a 4.5 sq. ft. wall sign. The business has 32 ft. of linear frontage.

Mr. Erickson asked about signage on the door. Ms. Bowen stated it would consist of their logo and their hours of operation. Chair Strogin responded that 20% of the glass window/door was permitted to be covered.

Mr. Apana made a motion to approve the wall sign for Planned Parenthood not to exceed 4.5 sq. ft. as presented. It was seconded by Mr. Erickson.

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

The second request was for a tenant panel for Planned Parenthood to be placed on the existing pylon sign.

Mr. Overmyer made a motion to approve a tenant panel to be placed on the existing pylon sign for Planned Parenthood not to exceed 2.44 sq. ft. as presented. It was seconded by Ms. Szunyog.

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

Pat O'Brien Chevrolet-3880 Pearl Rd.

Mr. Kim Mulder from Star Inc. represented Pat O'Brien Chevrolet. This car dealership is located at the corner of Fenn Rd. and Rt. 42. Chair Strogin stated for the record when this dealership was first developed it consisted of 7 parcels; several which were in different owners names. It was asked of Mr. O'Brien to consolidate all of the parcels into one under one ownership, which he did.

Mr. Mulder stated the new construction of the dealership would not fit on the existing land so parcels were purchased that had existing homes on them and frontage along Fenn Rd.

Chair Strogin interjected that she was informed the land purchased consisted of two lots which are deep and land was going to be split off to make those residential uses on the lots viable but allow for the addition to the dealership as well.

Mr. Mulder continued that the body shop would be razed immediately. The service department and the sales building would stay intact while the new dealership was built. The existing pond on the rear of the property has been drained. Ms. Gardner interjected that when she was trustee, she was involved with the residents when the property was drained. It was stated by Soil and Water that they were talking with Mr. O'Brien at that time but it was uncertain at this time if a permit had been obtained. There were big issues regarding the drainage of the water and it flooding surrounding homes. Chair Strogan commented that approval to create a pond or drain a pond needs approval from the County Soil and Water District and the County Engineer's Office.

Mr. Mulder continued O'Brien's new retention area will be between the two houses and would be piped out directly to the existing storm water sewer on Fenn Rd. This is being approved by Soil and Water District. He added there is an existing retention pond at the corner of the property that will be enlarged to accommodate drainage issues as well.

Mr. Mulder stated this plan has been in front of ODOT for their review. The site would consist of two driveways on Pearl Rd. to deal with stacking issues on that Rd. and one drive off of Fenn Rd. as well.

Chair Strogan stated Fire Chief Crumley needs to be contacted. Chief Crumley has said there is a fire hydrant at Pearl and Fenn Rds. He wants that hydrant left and another placed by the driveway. Mr. Mulder stated they chose an alternative way to go with the placement of the fire hydrants but he would contact Chief Crumley accordingly to see what is required.

Regarding the parking lots, Mr. Mulder stated wherever large, heavy trucks would be parking, the lot would consist of concrete. The area where the car haulers come in and turn around would be gravel because it has been experienced that those haulers tear up asphalt. All other areas would consist of asphalt. The landscaping would be enhanced and lighting plans were in compliance with the zoning regulations.

Mr. Mulder explained the plans for a "second floor community room". This idea was taken from a dealership in Orrville, Ohio. This room would hold about 150-200 people. This could be used for proms, community functions i.e. Boy Scouts, etc. There would be no charge for using this room. To address the issue of parking for this "community room," Mr. Mulder responded most of these functions would take place in the evening or weekend nights so parking spaces should not be an issue. There are no cooking provisions in this community room. Any meals would need to be brought in accordingly.

Mr. Erickson made a motion to approve the new construction for Pat O'Brien Chevrolet located at 3880 Pearl Rd. as presented. It was seconded by Mr. Apana.

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

Bamboo House-3579 Medina Rd.

There was no one present to represent the requests for Bamboo House.

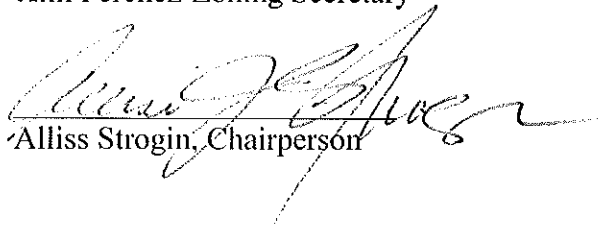
Mr. Overmyer made a motion to table the site and signage requests for Bamboo House until the Commission's February 21, 2012 meeting due to the applicant not being present this evening. It was seconded by Mr. Erickson.

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

Having no further business before the Commission, the meeting was adjourned at 8:35 p.m.

Respectfully Submitted,

Kim Ferencz-Zoning Secretary


Alliss Strogin, Chairperson