

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
FEBRUARY 21, 2007**

PUBLIC HEARING

Chair Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:38 p.m. All Board members were present. Alternate Robert Erickson was also in attendance. Chair Morel introduced the Board members and explained the public hearing procedure to those present.

Continuances

Merrill Lynch variance request-4018 Medina Rd.

Chair Morel stated this variance request was being continued from last month. A revised application has been filed. Secretary Ferencz then read the application. The applicant is Mr. Russell Kalina from Adams Signs on behalf of the property owner Mr. James Navratil of Section 605 C. Identification Sign requires a 20-ft. setback. We are requesting 15 ft. from the ROW, which would require a 15-ft. setback. The reason stated for the variation request, "The property has an existing ground sign with a setback of 15 ft. The property is entitled to an ID sign to allow Merrill Lynch's name. However, the sign already exists, and if it was to move all visibility of the sign would be greatly diminished due to the configuration of the road. The variance would not devalue the neighborhood and would help in the public safety."

The applicant, Mr. Russell Kalina addressed the Board. Mr. Kalina stated they would like to use the existing ground sign on the property and add the Merrill Lynch panel to it. Mr. Kalina added that there are numerous tenants already on the sign and they were now requesting this be considered an identification sign instead of a ground sign. The variance request is for a 5 ft. setback for an identification sign to be placed 15 ft. back from the road right of way instead of the required 20 ft.

Mr. Kalina continued that moving the sign back another 5 ft. would cause a visibility issue as one was proceeding from the east going west on Rt. 18. There is only one way into the property and if the sign was moved back there was a good possibility one would miss the entrance to site completely. Therefore they were asking the Board to consider the variance before them this evening.

The Board then reviewed the Duncan Factors.

1. Will the property yield a reasonable return or whether there is a beneficial use without the variance? Chair Morel stated yes there is already.
2. Is the variance substantial? Mr. Dufala stated no.
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? Chair Morel stated he was sure they did.
6. Whether the problem can be solved by some other manner other than the granting of the variance? Chair Morel stated there was always another way but was it practical.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated it does in this case, especially with the revised application that was submitted.

Mr. Dufala made a motion to approve a 5-ft. setback variance for the location of the identification sign at 4018 Medina Rd. It was seconded by Mrs. Karson.
ROLL CALL-Dufala-yes, Karson-yes West-yes, Becker-yes, Morel-yes.

VARIANCE REQUESTS

Western Reserve North-4955 Foote Rd.

Chair Morel reviewed the file. Secretary Ferencz read the application into the record. The applicant is Architectural Design Studios on behalf of Western Reserve North LLC. The variance request is of Section 605 I. 1. Wall, Roof and Awning Signs-One wall sign allowed per building. Requesting 16 portico signs for three buildings. See Attached Letter.

The letter from Architectural Design Studios dated January 4, 2007 read as follows:

“We are requesting relief from Medina Township Zoning Section 605.I.1, and asking for the approval of multiple wall signs on the Western Reserve North office complex as referenced above. We are submitting for five (5) 16 sq. ft. wall signs to be located on the phase 1 building where only one sign is allowed and another eleven (11) 16 sq. ft. wall signs to be located on the Phase 2A and Phase 2B Building where only one sign is allowed.

We offer the Board the following comments for its consideration in reviewing this request. Under Section 605 I. 1 it states “...**each business** shall be permitted one accessory wall roof or awning sign provided the following conditions are met.” Under subsection 1. It states “**Each business** whether free standing or occupying one or more units of a **multi-tenant structure**, shall be permitted one wall sign whose dimensions shall be based on the linear measurement...” We are proposing to provide a sign of up to

16 sq. ft. in size to be located at the entrance of the porticos of the buildings. It is anticipated that each entrance portico will service one business, thus one sign will be provided for each business in a multi-tenant structure as noted under subsection 1 of the zoning code. The building frontage of each suite varies, but is well in excess of 16' (each portico is roughly 20' wide). In the case of the Phase 1 Building the total area of the five signs is 80-sq. ft., which is equal to the amount allowed under the code for a single business. The sum of the sign area for the Phase 2A and Phase 2B Building is 176 sq. ft. Based upon the language of the Medina Township zoning code, we believe the signage we are proposing to be placed on the three proposed buildings to known as Western Reserve North is consistent with and allowed under the code.

We offer the following in response to the questions listed on the Township's application for a variance.

- A. The strict application of this Resolution creates an unnecessary hardship and is inconsistent with the stated general purposes of the Township's sign regulations. Currently there are several multi-tenant office facilities within the area that have been granted multiple wall signs. Not being able to offer the businesses of this facility similar signage would put the developers of this site and the occupying businesses at a disadvantage. Additionally, the zoning code states the purpose of the sign regulation includes promoting safety through the installation of signage in a unified and consistent appearance for identification and information. As a multiple tenant facility, clear organized signage enables patrons of the complex to easily identify their destination and improves overall safety as drivers are not distracted looking for a business entrance while they are driving through the parking lots. The proposed signage is less than the 80 sq. ft. allowed for individual signs, but has been made large enough (12" tall) so it can easily be read by a person driving in a car. (Directional signage of 4-sq. ft. does not allow for adequate sized text that can be easily read).
- B. The exceptional condition that applies to this property, as noted above, is the single building with multiple tenants, the multiple entrances make it necessary to allow for additional signage that addresses each entrance and provides for clarity of use by patrons. If all suites were accessed from a single entrance, patrons could be directed to the single entrance and smaller scale signage such as directories could be used to direct the patrons to individual suites. With multiple entrances, vehicular scale signage is necessary.
- C. The granting of this variance is not detrimental to the public interest. The signage requested is consistent with public interest. The signage proposed is not intrusive to the district, is consistent with the similar facilities with the district, and is consistent with the stated purposes of the township's sign regulations.

In addition to questions raised upon the variance application, we offer the following comments in response to the "Duncan Standards".

- a. **Will the property yield a reasonable return or whether there can be a beneficial use without the variance**-failure to grant the requested variance does not inhibit the property from being used in a beneficial way, but failure to grant the variance will inhibit the use of the property as currently proposed and would unfairly restrict the development of this property relative to the way similar properties have been developed in the area.
- b. **Whether the variance is substantial**-this request for multiple signs on the building is not substantial in that it is providing for only one sign per business suite in the complex, which is consistent with similar conditions where multiple signs are allowed under the code and the signage requested is substantially less in area for each tenant (16 sq. ft.) than what would be allowed based upon the code standard of 1 sq. ft. per linear foot of building frontage.
- c. **Whether the essential character of the neighborhood would be substantially altered or adjoining property owners suffer a "substantial detriment"**-the granting of this variance request will not adversely affect adjoining properties as the signage proposed is essentially the same as the property immediately adjoining to the south and is an extension of this existing signage standard.
- d. **Whether the variance would adversely affect the delivery of governmental services**-the granting of this variance will have no detrimental impact on the governmental services and could be of substantial assistance to fire and safety services that maybe responding to an emergency situation and need to be able to easily identify the location of a suite.
- e. **Whether the property owner purchased the property with the knowledge of the zoning restriction**-the property owner has past experience with this zoning restriction, but also has been granted a similar variance in the past for projects with similar conditions.
- f. **Whether the problem can be solved by some other manner other than the granting of a variance**-we do not believe there is another practical solution that provides for the development of a multiple entrance facility servicing multiple tenants. The solution proposed is consistent with variances granted in the past for buildings with similar conditions.
- g. **Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance**-the granting of this variance is consistent with the stated purposes of the Township's sign regulations. It provides for clear consistent signage that allows for easy identification of tenants while not being obtrusive, obstructive, or distracting to vehicular traffic at Foote Rd. The proposed signage enhances the overall safety of the community relative to this property.

We appreciate your time and consideration of the proposed signage and look forward to a favorable response from the Board."

Mr. Anthony Cerny from Architectural Design Studios and Mr. Morgan Faunce representing Western Reserve North LLC were sworn in.

Chair Morel asked Mr. Cerny what exactly the Zoning Commission denied at their meeting. Mr. Cerny stated they were denied all 16 portico signs though they were permitted one sign on each building. Chair Morel stated that did not make sense to him. Mr. Cerny stated there were technically 2 buildings total, but Building Phase 2A and Phase 2 B were located one on parcel and were connected.

Chair Morel stated he still could not figure out why, if Mr. Cerny was asking for 5 portico signs on Building 1 at 16 sq. ft. for a total of 80 sq. ft. the request was denied. Mr. Cerny stated that per the Zoning Commission they denied the signage stating only one wall sign was permitted though the code states, "Each business whether free standing or occupying one or more units of a multi-tenant structure, shall be permitted one wall sign whose dimensions shall be based on the linear measurement..." Mr. Cerny stated the reference of one per business refers to any of the permitted uses in this District and felt the signage was technically allowed but historically the Zoning Commission has denied such signage requests and refers the applicant to the Board of Zoning Appeals.

Mr. Hilkowski (4932 Foote Rd.) was sworn in. He stated he knew nothing about this plan and asked how many driveways were planned. Chairman Morel stated when somebody wants to build something in the Township they come to the Township with their plans. The plans then go to the Zoning Commission for approval. The Commission reviews for compliance of the ingress/egress, the setbacks, the landscaping, the parking, and the signage just to name a few. Anything that does not meet code then has the ability to go before this Board. The Board of Zoning Appeals is therefore seated this evening to hear a variance request for the signage. Mr. Hilkowski stated that what he has heard is that one sign is not efficient that there needs to be multiple signage. Chair Morel stated there would be individual signs above the portico like the existing Western Reserve Building was granted. The Board did this so instead of all different types of signs there would be uniformity and continuity of the signage to have a more tasteful, aesthetically appealing view. Mr. Hilkowski asked if the signs would be lighted. Mr. Cerny stated no.

Mr. Mark Simanski, President of the Homeowners Association of the Woods at Lake Medina was sworn in. He stated he was representing three property owners in this development. Some of the property owners have taken issue that the signage is facing a residential zoning district as opposed to the building up front. Regarding the Duncan Factor's that were addressed, the property owners feel the signage does pose a detriment to the surrounding area and to the property owners who live in The Woods at Lake Medina. Mr. Simanski stated he was told that in the building of the parking lot for this office development that the developer would be taking the fill from the neighbor next door and filling in the lake on the property in question, saving a substantial amount of money. Chair Morel stated that was not relevant. Mr. Simanski continued that he saw the proposed landscaping that is to be put in and it called for a double row of pine trees. He added that it has been the discussion among the property owners as to if there could be a berm or mound built so that it would shield the property owners from the proposed signage. Mr. Simanski added that the proposed signage will be able to be read from

individual's back yards and would infringe on the serenity of the area and decrease the property values of those lots in particular that abut up to the proposed parking area for this office development.

Mr. Cerny again stated the signs would not be internally or externally illuminated. The only lighting would be that required for the parking lot itself. Chairman Morel stated that the Board could put that stipulation in their motion that if the signs were approved that they could not be illuminated. Mr. Simanski stated he appreciated that, but asked if the sight line for the homes in this development could be blocked from the view of the signs, otherwise there will be many unhappy residents.

Chairman Morel asked Mr. Cerny what the landscape requirement was for this site. Mr. Cerny responded there is a 25 ft. buffer strip before you get to the paving. The paving is 45-46 ft. deep and then the building is setback another 15-20 ft. Therefore they were 80 ft. or so away from the property line. In the 25 ft. buffer strip there is proposed two staggered rows of Norway Spruce.

Mr. Dufala asked if there would be any mounding. Mr. Cerny stated no, due to the grading that was a natural drainage way and therefore it cannot be mounded at that particular location. Mr. Cerny added that there are condos there that were built right to the setback line so they would be about 30-40 ft. away from the property line. Mr. Cerny continued there were three entrances proposed on the east side that will have signage.

Chairman Morel stated they there were homeowners in the area that were concerned with the proposed signage and how dense the landscaping would be. Mr. Simanski stated this site was different than the building up front because this site abuts up against residential property. Mr. Cerny stated he felt the signage was inconsequential in comparison to the scale of the building itself. He added that they added denser landscaping due to the grading on that side. They have increased the amount of landscaping that the Township requires and the developer has proven he maintains the landscaping as shown with the building up front.

Mrs. Gardner Vice Chair of the Zoning Commission was sworn in. Mrs. Gardner read the motion that was passed at the Zoning Commission meeting last month regarding this site plan which read, "Mounding and landscaping to be placed on the east and northern boundaries of the property."

Mr. Dufala stated that if the County won't permit the mounding due to the grading that would supersede. Mr. Cerny stated it was a natural drainage way they have to maintain and it could not be filled in. If you fill it in, it would force water onto the adjoining properties.

Mr. Dufala stated that three units could be removed, the building cut down, and then the landscaping/mounding that was required by the Zoning Commission could be

accommodated. Mr. Cerny asked what the Board would like to see in lieu of the three proposed signs, as it was not going to stop the construction of the building. Mr. Cerny stated that if pushed, they would then go to three (3) 4-sq. ft. signs which would not require a variance, instead of 16 sq. ft. signs along the back. He added that what we are really talking about is 12-sq. ft. in three locations on the back of the building. Mounding is not a solution that can be accommodated on the property.

Mr. Tom Seddon (3915 Burgundy Bay West) was sworn in. He asked about the drainage of the parking lot. Mr. Cerny stated the drainage for the parking lot would be going to the pond to the north. The pond then discharges into the existing waterway. Mr. Seddon then asked why would there be a drainage issue with the addition of mounds. Mr. Cerny stated that there was other drainage that crosses this property and added that the drainage for Burgundy Bay runs onto this property then into the creek which was on this property. If that was blocked off with mounding, this would cause drainage problems for Burgundy Bay. There is also drainage to the south from the Church as well. Mr. Cerny continued that all the water from this site goes into the detention pond and then it is discharged at a rate that is the same as what a 1 yr. storm would have been off this site prior to its development.

Chairman Morel interjected that what was before the Board was a variance for signage. Mr. Simanski stated whatever could be done to obscure the view from the effected neighbors would be appreciated. Mr. Cerny stated that all they could do is add more trees, but then if you put in too many they will kill themselves off. Chair Morel asked how close the trees were when staggered. Mr. Cerny responded, approximately 10 ft. apart. Mrs. Karson and Mr. Becker stated that was a good distance between the trees so they have a chance to take and grow.

Mr. West stated that assuming a variance is required; the signs are not neon or lit and added if he were a resident in this area, he would probably have more issue with the lighting than the proposed signs. Mr. West added that the proposed size of the signs was not a big issue and that it was only three signs out of 16. Mr. West stated he felt the Duncan Standards as considered were reasonable as outlined but again questioned the interpretation of Section 605 I. 1. and if a variance was even needed.

Mrs. Karson stated that as she read the code she too did not feel a variance was needed. Mr. West interjected that the Zoning Commission does and if that is the case he did not feel the variance request before the Board this evening was unreasonable.

Chairman Morel stated that he felt if the Zoning Commission forwarded the signage issue to the BZA then a variance request is applicable. He added he can see both points of view that being that the signage is tasteful in nature and that there were homeowners who live in the Township who would be affected by the variance request.

Mr. Dufala stated he had an issue with the three signs and the fact that the developer wants to cram in as many units as he can into this envelope and push the boundaries to the maximum which puts the signs right in some of the homeowner's backyards. Chair Morel stated the developer is plenty off of the side yard setbacks and did not place the building at the minimum.

Mr. Becker stated he did not like the three signs but at the same time it seems the proposed lighting would be more of an issue. The signage on the other Western Reserve Building was not obnoxious and added that if two or three rows of pine trees were planted, it should provide adequate screening.

Mr. Dufala asked the distance from the nearest condo to the proposed signage? Mr. Cerny responded, approximately 110 ft. The sign itself would be 12" in height. The length of the signs would be a maximum of 16 ft. based on the name to be placed on the sign.

Mrs. Karson stated the property owner has the right to develop the property as long as it meets zoning. However it must be taken into consideration that there are some properties in the Township where residential properties overlook the back end of buildings.

Mr. Dufala asked about the mounding required by the Zoning Commission? Mrs. Gardner stated they added this provision due to concern of the property owners to the north and to the east. Mr. Dufala asked who does the checks and balances once the topographical map is produced and there is a mound instead of a swale. Mr. Becker stated from an engineering standpoint a mound may not be able to be accommodated.

Mr. Simanski stated he hoped the developer would take into consideration the lighting at that portion of the parking lot and take the homeowners into consideration.

Chair Morel stated that he would like to suggest the row of pine trees be increased by 20%. Also, no lighting on or in the signs to make sure that the signs will never be lit.

The Board felt the Duncan Factors were discussed in detail, therefore Chair Morel stated he would like to entertain a motion.

Mrs. Karson made a motion to approve the variance request for 16 portico signs for Western Reserve North to be erected on Building 1 and Building Phase 2A and 2B located at 4955 Foote Rd. subject to the following:

1. No lighting of the signs either direct or indirect
2. A 20% increase in landscaping on the east side of the property to consist of Norway Spruce.

It was seconded by Mr. West.

ROLL CALL-Karson-yes, West-yes, Becker-yes, Dufala-no, Morel-yes.

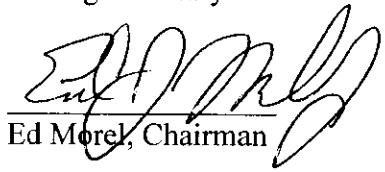
Minutes

The minutes to the BZA's January 17, 2007 were approved as written.

Having no further business before the Board, the hearing of Board of Zoning Appeals was officially adjourned at 9:20 p.m.

Respectfully Submitted,

Kim Ferencz
Zoning Secretary


Ed Morel, Chairman