

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
APRIL 21, 2010**

Chair Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:38 p.m. Board members Morel, Becker, West, DeMichael and Karson were present. Alternate Board member Linda De Hoff was also in attendance. Chair Morel introduced the Board members and explained the public hearing procedure to those present.

CONTINUANCE

First Baptist Church of Medina variance request-3646 Medina Rd.

Chair Morel stated that this variance request was tabled to give the applicant to opportunity to reconsider the variance request for the installation of a monument sign with an overall height of 13 feet and a copy area that is approximately 72 sq. ft. The sign includes an electronic message center. The request was modified to a monument sign with an overall height of 11 ft. and a copy area that is approximately 49 sq. ft. including an LED electronic message center. The reason for the variance request: A. The allowable square footage prohibits an appropriate size of letters to name the Church and include an electronic message center. B. The landscape is a hillside that greatly restricts visibility to the west. There is also a visibility restriction to the east. Height of the sign is an important factor. C. The magnitude of the width and depth of the property will allow for a sign of this size. Neighbors to the east and west would not be impacted in any way. The sign would be in harmony with District.

The applicant, Mr. Chris Butdorf Project coordinator from Lettergraphics was sworn in. He handed out revised drawings to the Board. ZI Ridgely was sworn in and stated she spoke with Lettergraphics and told them they needed to submit a new drawing with the correct dimensions i.e. 11 ft. in height by 8 ft. wide. Mr. Butdorf stated they reduced the height size from the original submittal by 2 ft. and the width by 1 ft.

The Board stated they appreciated the revised submittal, which was more in line with the zoning requirements for a monument sign i.e. 10 ft. in height and 32-sq. ft. in width. Chair Morel what the Board should take into consideration as was previously stated was this was a request for one sign on a 26-acre parcel with a 1,000 ft. of frontage on Rt. 18.

Mrs. DeHoff asked if the Board was going to consider the electronic message center portion of the sign? Mrs. Stogin Chair of the Zoning Commission stated the Zoning Commission voted to recommend a zoning text amendment regarding electronic message center signs as follows:

Addition of a Definition for Sign, Digital Message Sign.

Addition of letter M. to Section 605 to address Digital Message Signs;

- 1 Frequency.
2. Color
3. Illumination. Illumination level of a digital message sign shall not exceed .3 foot candles
4. A digital message sign shall be programmed to dim or brighten automatically in response to changes in ambient light to avoid undue brightness
5. Digital message signs shall be programmed to freeze or go blank if there is a malfunction so flashing or other distracting movement does not result.

Mrs. Strogin stated hopefully the proposed text amendments would go into effect in the next 60 days. These amendments would be going before the Trustees for their public hearing on April 29, 2010 and if passed would go into effect 30 days from their vote. However because this language was not in effect at this time, Mrs. Strogin recommended that the conditions of the digital signs be referenced in the motion accordingly. Chair Morel stated this was discussed at the last meeting and the Church was aware of the proposed language/conditions.

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 it was fairly substantial in terms of square footage.
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 in effect 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? Chair Morel stated he felt the request was appropriate given the nature of the "business" and the size of the property. The Board agreed.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated given all the factors, they felt that granting the request would uphold the spirit and intent of the Resolution.

Mrs. Karson made a motion to grant area variances for a monument sign (1 ft. height variance and a 15.84 sq. ft. variance) for First Baptist Church located at 3646 Medina Rd. The size of the monument sign shall not exceed 11 ft. in height and 47.84 sq. ft. as

presented and shall include the following regarding the digital message portion of the sign:

1. Frequency. Copy change shall not be more frequent than once per 60 seconds and both text and color shall remain static between intervals.
2. Color. Any Digital Message Sign erected within one hundred (100) feet of an intersection where an illuminated device has been provided for the control of traffic shall not duplicate the electric light of such sign in any colors appearing in the traffic control signal.
3. Illumination. Illumination level of a Digital Message Sign shall not exceed .3 foot candle as measured from the adjacent right of ways.
4. Digital Message Signs shall be programmed to dim and brighten automatically in response to changes in ambient light to avoid undue brightness.
5. Digital Message Signs shall be programmed to "freeze" or go blank if there is a malfunction, so that flashing or other distracting movement does not result.

It was seconded by Mr. Becker.

ROLL CALL-Karson-yes, Becker-yes, DeHoff-yes, DeMichael-yes, Morel-yes.

Hotchkiss variance request-3109 Hamlin Rd.

Chair Morel reviewed the application. The applicant and owner of the property is Mr. Brett Hotchkiss. The property requiring the variance-3109 Hamlin Rd. Present Zoning-RR. Previous Requests-No. Variation Requested: Section 401.3.D. Front Yard Depth required 100 ft.; front yard depth requested 75 ft. Variance request-25 ft. Reasons for request: The Medina Township provision on Lakes and Ponds required distance being 100 ft. I felt that with the guardrail and the 15 large pine trees the pond would be well shielded from the roadway. With the added size to the pond, it would give additional water that the Fire Dept. could pump in case of a house fire. Also the extra size could help in picking up the water runoff from the hillside, resulting in drying up the lower yard in which areas cannot be mowed until June.

Secretary Ferencz stated she received a written and verbal communiqué both in favor of granting the variance request. (See file).

The applicant, Mr. Brett Hotchkiss was sworn in. Chair Morel stated this property is parallel to the golf course on the east side of the road. The property is shielded behind a cluster of trees at least 25 ft. thick. Chair Morel added that the property used to have a bunch of tree stumps and scrub on it and now it is a mowed manicured basin.

Mr. Hotchkiss stated the creek did run along the edge of the property. He added he contacted the County to see if this was a designated flood plain area but the County stated no. Mr. Hotchkiss stated he could put a small mound along the creek just to prevent any overflow onto his property.

Mrs. Karson stated the variance request made sense to her to provide a bigger retention area. Chair Morel stated the request is for a 25-ft. variance and to make the area between the trees and the pond larger serves no purpose.

The Board 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 it was fairly 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 in effect 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? Chair Morel stated the only way was to grant the variance. The Board agreed.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes because of the existing tree barrier and the fact there were no property owners in the direction of where the pond would be built.

Mr. Becker made a motion to grant a 25-ft. front yard depth variance for the construction of a pond to be located at 3109 Hamlin Rd. It was seconded by Mr. DeMichael.
ROLL CALL-Becker-yes, DeMichael-yes, Karson-yes, DeHoff-yes Morel-yes.

Meeting Minute Approval

Mrs. DeHoff made a motion to approve the Board's March 17, 2010 meeting minutes as written. It was seconded by Mr. DeMichael.
ROLL CALL- DeHoff-yes, Karson-yes, DeMichael-yes, Becker-yes, Morel-yes.
The minutes were approved as written.

Having no further business before the Board, the hearing of Board of Zoning Appeals was officially adjourned at 8:10 p.m.

Respectfully Submitted,

Kim Ferencz
Zoning Secretary

Ed Morel, Chairman

Marlolee E. Karson