

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
APRIL 20, 2011**

Chair Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:50 p.m. Board members Morel, West, DeMichael and Karson were present. Mr. Becker was absent. The board offered the applicants the option to be heard by the sitting board of 4 members or to wait for alternate board member Mike Stopa as a tie vote is a denial of a request. Alternate board member Mike Stopa then sat in for a full board. Chair Morel introduced the Board members and explained the public hearing procedure to those present.

Variance Requests

Heaton variance request-5074 Fenn Rd.

Chair Morel reviewed the application. The applicant is Jason Heaton. The property requiring the variance-5074 Fenn Rd. Present Zoning-R-2. Previous Requests-No. Variation Requested: R-2.B.5.b Rear Yard Setback-40 ft. (Forestview Estates). Want setback of 29 ft. for a deck (11 ft. variance request); and a 36 ft. rear yard setback for a pool. (4 ft. variance request) The explanation for the variance request: Setback from house is 60'. I need an 11' variance from the back line to add the pool and deck due to small back yard.

Secretary Ferencz stated three phone calls were received that were in favor of granting the variance requests.

The applicant and property owner Mr. Jason Heaton was sworn in. Chair Morel asked about the outbuilding on the property and if Mr. Heaton had zoning approval for it? Mr. Heaton stated it was actually a one car garage, and yes he obtained a zoning permit. Mr. Heaton also clarified that the shed reflected on the topo was no longer on the property.

The board felt the request was self-explanatory and then decided to review the Duncan Factors.

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 an average size 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 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? Chair Morel stated the pool size and deck could be reduced and it could be squeezed to fit but regardless a variance would need to be requested.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes. The requests are not unreasonable. Mr. West asked if the letters received in favor were adjacent/contiguous to the property in question? Secretary Ferencz stated 2 out of the three were.

Mr. West made a motion to approve an 11 ft. rear yard setback variance for the construction of a deck and a 4 ft. rear yard setback variance for the construction of a pool to be located at 5074 Fenn Rd. It was seconded by Ms. Karson.

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

Lite House Pools-3800 Stonegate Dr.

Chair Morel reviewed the application. The applicant is Agnew Sign Co. representing the property owner V & V Real Estate Investments on behalf of Lite House Pools. The address of the property requiring the variance: 3800 Stonegate Dr. suite B
Present zoning: BI. Previous variance requests: No. Variance requested: Square footage on building from 80 sq. ft. on each wall to 126 sq. ft. on the west wall. One sign only per Section 605 I.1. Explanation for the variance request: A. The only hardship I can see is the cost of 2 sets of signage for both walls or 1 large set for one wall.

B. This suite has 2 sides that allow 80 sq. ft. of signage per side for a total of 160 sq. ft.

C. We are asking for 126 sq. ft. total. This would help the vision from the street side only and the property would have only the holes in the building on the west side.

The applicant, Mr. Stump from Agnew Signs was sworn in. Chair Morel asked for information as to how the signage that is currently on the building came to be. Mrs. Strogan, Chair of the Zoning Commission was sworn in. She gave the following background information: In the past the Township used to allow a corner lot to have two wall signs. When the building was entirely occupied by DIY, the Board of Zoning Appeals approved, "one wall sign on the north side of the building facing Stonegate not to exceed 80 sq. ft.; no sign on building facing Jefferson St.; and one sign on the front of the building facing Rt. 42 not to exceed 200 sq. ft...." The building is no longer one big box store occupied by one company, but has been divided into several businesses. Ms. Strogan added that it was not until 2003 that the BZA made motions that cancelled out previous variances granted and replaced them with new variances accordingly. Mrs. Strogan continued at last night's Zoning Commission meeting, the board approved a wall sign not to exceed 80 sq. ft. That way, if the BZA did not grant this variance, the applicant would still have received approval for an 80 sq. ft. sign. Also, the applicant could have a second sign, per the previous variance granted, but has stated they only want to have the one, larger sign.

Mr. Stump confirmed that they had no intention at this time to seek approval for a second sign especially if this variance request were granted. He added the only reason for the size of the sign was due to the Lite House Pools logo and the requirements of how the dimension of a sign is measured in the Township.

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 that in size yes, but the reduction of two signs down to one sign in lieu of a variance, it was reverse.
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. They would rather see one sign on the front instead of one sign on the front and one of the side.
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 than the granting of the variance? The Board stated yes.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Ms. Karson made a motion to grant a 46 sq. ft. variance for one (1) wall sign not to exceed 126 sq. ft., for Lite House Pools to be placed on the west wall of the building located at 3800 Stonegate Dr. The previous variance granted on October 26, 1994 for a wall sign to be located on the north wall of the building is negated. It was seconded by Mr. DeMichael.

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

Announcements:

CPC workshops:

April 27, 2011 topic: Zoning Commission

May 18, 2011 topic: Board of Zoning Appeals

April 27, 2011 –Farm Bureau topic-Oil and Gas Regulations and fracking-County Administration Bldg. at 7:00 p.m.

May 13, 2011 APA Zoning Conference-Tangier's in Akron, Ohio

Trustee Gardner stated she could group register those who want to attend.

Meeting Minute Approval

Mr. Stopa made a motion to approve the Board's March 16, 2011 meeting minutes as written. It was seconded by Ms. Karson.

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

Having no further business before the Board, the hearing of Board of Zoning Appeals was officially adjourned at 8:40 p.m.

Respectfully Submitted,

Kim Ferencz
Zoning Secretary

A handwritten signature in black ink, appearing to read 'Ed Morel', is written over a horizontal line.

Ed Morel, Chairman