

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
March 15, 2006**

Acting Chair Mr. Ed Morel called the organizational meeting of the Medina Township Board of Zoning Appeals to order at 7:30 p.m. All Board members were present except for Dave Dufala. New permanent Board member William West and Alternate member Robert Erickson were in attendance.

ELECTION OF OFFICERS

Secretary Ferencz called for nominations for Chairman.

Mrs. Karson made a motion to nominate Mr. Ed Morel as Chairman of the BZA for the calendar year 2006. It was second by Mr. Becker. The nominations were closed.

ROLL CALL-Karson-yes, Becker-yes, West-yes, Erickson, Morel-yes

Chair Morel then called for nominations for Vice Chairman.

Chair Morel made a motion to nominate Mr. David Dufala as Vice Chairman of the BZA for the calendar year 2006. It was second by Mr. Becker. The nominations were closed.

ROLL CALL- Morel-yes, Becker-yes, Karson-yes, West-yes, Erickson-yes.

Set hearing dates/Confirm hearing posting

Mrs. Karson made a motion to set the 3rd Wednesday of the month at 7:30 for the BZA to hold their public hearings on an as needed basis. Legal notice shall be placed in the Medina Gazette with posting to be placed on the Town hall marquee. It was second by Mr. West.

ROLL CALL-Karson-yes, West-yes, Becker-yes, Erickson-yes, Morel-yes.

The organizational meeting was closed at 7:38 p.m.

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 except for Dave Dufala.

Permanent BZA member William West and alternate Robert Erickson sat for a full Board. Chair Morel introduced the Board members and explained the public hearing procedure to those present.

DETERMINATION OF COMPARABLE USE

Self-Service Mini Storage (3990 Pearl Rd.)

Mr. David Brown and MaryAnn Chandler from the law firm Brown and Amodio represented Self-Service Mini Storage for determination of comparable use or accessory use. Chair Morel stated that it has come to attention that permanent Board member Mr. William West and the alternate board member, Mr. Eric Robertson did not have copies of

Robert Erickson

the court transcription regarding this case. Mr. David Brown stated he would therefore like to request a continuance until the Board's hearing date next month.

Mrs. Karson made a motion to continue the hearing on the determination of comparable and or accessory use for Self-Service Mini Storage located at 3990 Pearl Rd. until the BZA's next scheduled hearing date on April 19, 2006 meeting at 7:30 p.m. It was second by Mr. West.

ROLL CALL-Karson-yes, West-yes, Becker-yes, Erickson-yes, Morel-yes.

VARIANCES

Montali variance request-3594 Pearl Rd.

The Chair reviewed the file. Secretary Ferencz read the application. The applicant is John Montali. The property is located at 3594 Pearl Rd. The variation requested:

The approval of 35' side lines and 105' frontage being a buildable lot. Section 405.3.A. Min. Lot Width, Section 405.3.B Min. Lot Frontage, Section 405.3.F. Minimum Side Yard Width. The reasons for the variance request: Roughly 30 ft. of frontage was lost when Pearl Rd. was moved. We bought 17.5 ft. from the Becker's. This was all they would give up. We need 105-ft. frontage approved so we can destroy existing condemned house and build a new structure.

Included was a letter dated April 5, 1992, which stated the original variance(s), granted to the property in question? Section 405.3A. from 150 ft. to 95 ft. and Section 405.3B from 150 ft. to 135 ft. and Section 405.3F from 75 ft. to 30 ft. per the plan submitted.

In writing it stated on the letter, FYSD-no variance, Min. Lot Frontage-150 ft. to 135 ft. SYSD-75 ft. to 30 ft. Residential on both sides, Min. Lot Width at building line-95 ft.

Mr. John Montali was sworn in. He stated that when the variance was originally granted in 1992, the piece of property was a pie shaped lot. Mr. Montali stated he went to the property owners to the north and purchased 15 ft. to make it a rectangular shape lot 150-ft. wide by 400 ft. deep. He stated that the problem is when Pearl Rd. was moved, the property had 150 ft. of frontage but with the road being moved the frontage was reduced 50 ft. That 50 ft. of frontage was given to the individuals across the street. Mr. Becker continued that those individuals who then owned the land asked the Beckers if they wanted to buy the frontage, which the Becker's did. Mr. Montali stated the Beckers would only sell him 15 ft. of frontage because they too have the problem regarding frontage between his property and the bridge.

Mr. Montali went on to state that when the property was still triangular shaped, 30 ft. side yard setback variances were granted on the north and south sides. The lot had 135 ft. at Pearl Rd. Therefore, the only variance he really needed was for the frontage, as he could get by with 45 ft. side yard lines. This would result in him giving back so to speak to the Township, 15 ft. on the north and south lines. Mr. Montali stated he also felt a mistake was made in regards to the frontage when the original variance was granted as there was only 95 ft. of frontage. He added he went through considerable expense and time with a

surveyor, and it took 9 months to do a proper survey. The majority of the information he stated this evening was gotten from ODOT. It was also discovered by the survey that he lost a driveway. Mr. Montali stated that the good news is that this is still a nice piece of property and can be developed with the frontage being given a variance.

Mrs. Strogin was sworn in. She stated she did not know how this lot was created back in 1992, but Mr. Montali has called numerous times on this property and has been told that this lot was not buildable per the zoning code. She also stated that there was concern for the size of the building that was proposed to be placed on the lot and questioned if it could even be accommodated with the parking that would be required as well. Mrs. Strogin continued that even though Mr. Montali has purchased additional land the lot is still unbuildable yet he purchased it as such. The lot still does not meet the frontage requirement and 75-ft. buffers on both sides of the property were also required and would not be met. Mr. Montali responded that he did not need the 30 ft. side yard variances, which were granted originally. All he really needed was the frontage. He added that this variance was being requested only because Pearl Rd. was moved and the lot only had 95 ft. of frontage to begin with.

Chair Morel then opened up the hearing to testimony and evidence.

Ms. Marla Meszar (3595 Pearl Rd.) was sworn in. She stated that her family has owned the property at 3611, 3595 and 3623 Pearl Rd. respectively. Ms. Meszar stated she was concerned with the property Mr. Montali bought from the Becker's as she believed she rightfully owned that property. This lead to a lengthy discussion as to what property Ms. Meszar owned, the Becker's own and what Mr. Montali recently purchased. She added that the State did not "give" them the frontage when Pearl Rd. was moved they owned it, but the road went right through their property. Ms. Meszar stated that per her information, technically the Beckers do not have access to their property though there is gravel down there and Mr. Becker hunts and does target practice, but technically he does not own it.

Mr. Montali stated he was surprised that his surveyor did not pick that up. Mrs. Meszar stated she had the property re-surveyed by Cunningham and Associates in 2002 when her father died because the river course had changed. She added her stakes were still there. Mr. Montali stated his surveyor, ODOT and the Beckers all showed that the Beckers owned the land. Mrs. Meszar interjected that she paid the taxes on it. Mr. Montali stated he would just as soon buy the property from Mrs. Meszar than from the Beckers.

Chair Morel stated that if Mr. Montali could then get 150 ft. of frontage he would only need a variance for buffering on other side which was a lesser variance to be considered. The Board stated that until this is rectified as to who owns what they could not act on Mr. Montali's request.

Zi Ridgely stated this property would need the required frontage on the outside curve so the frontage would need to be 110 ft. not 150 ft.

Mr. Dan Miltner 3380 Pearl Rd. was sworn in. Mr. Miltner stated that he and his wife own property behind the property in question. He then read a letter he wrote which stated "Dear Ms. Ferencz,

We should start by thanking your office for your assistance in providing information regarding this matter.

We have three reasons for opposing this variance. The first two reasons are public purpose. The third is personal.

First, we physically inspected the location of the proposed building. Upon attempting to exit the property on Pearl Rd., we found that it was extremely difficult to exit the property as southbound vehicles had very little reaction time coming around the bend by the bridge over the Rocky River. We have yet to feel the increase traffic flow from the River Trace development immediately north the property requesting variance. Allowing multi-vehicle access and egress will create a high accident area.

Secondly, encroachment to the west of the existing structure will further restrict the wildlife greenbelt that travels through our property (now registered as a Backyards for Wildlife Sanctuary) to the forty-six acre Medina County Park District Property and the twenty-nine acre Medina Sanctuary immediately beyond the Park property.

Finally, the residents of Medina Twp. rely on the enforcement of proper zoning to protect the standard of living that this wonderful community provides. Regina and I ask that you consider the above in your decision.

Dan and Regina Miltner."

Mr. Montali then asked if he brought in the legal description of the lot would the Board act on his request? Mrs. Strogan asked if Mr. Montali has taken possession of the property and has the deed transferred? Mr. Montali stated the checks have been written but he could not complete the transaction until the Township signed off on it. Mrs. Strogan stated if the deed has not transferred there is still room for error. Mr. Montali stated he had the legal description of the lot. Chair Morel stated until the property transfer goes through tax map and the title company does their research, there is time for an error to be caught.

Trustee Michael Todd was sworn in. He concurred with Mrs. Strogan that until the deed is transferred and all the research on the property completed by the Title Company, it was not a finished final transaction. Mr. Montali stated this has been through tax maps once but once he bought the little sliver from the Beckers in the back it had to start all over again.

Mr. Erickson made a motion to continue the variance request for Mr. John Montali for the property located at 3594 Pearl Rd. until the BZA's next hearing date scheduled for April 19, 2006 at 7:30 p.m. It was second by Mrs. Karson.

ROLL CALL-Erickson-yes, Karson-yes, West-yes, Becker-yes, Morel-yes.

Hoffman variance request-4994-5000 Foote Rd.

The Chair reviewed the file. Secretary Ferencz read the application. The applicant is Margaret Dellinger for The Hoffman Group. The owner, 57 Poe, LLC, Marchis LLC, PITA Holdings, LLC. The address of the property is 4994-5000 Foote Rd. The variance requested is: Section 605 I.1 of the Zoning Resolution. We are requesting signage on each of the six porticos of our building, to identify tenants located in the complex. Portico signage not to exceed 28'9" for any one sign. The signs would be the following sizes

Sign 1-16'

Sign 2-16'

Sign 3-29'

Sign 4-29'

Sign 5-16'

Sign 6-14'

Mr. Brian Russell who represented the Hoffman Group was sworn in. He stated they wanted to put up signs for the tenants in this office building similar to that across the street at Western Reserve.

Mrs. Stogin stated that variances were granted for Western Reserve at 13-sq. ft. for the porticos and 22-sq. ft. on the wall signs. After some discussion between the applicant and the Board, the portico signs requested to be at 29' would be reduced to 24'.

Mr. Becker made a motion to approve the variance request for the following non-illuminated portico signs for the Hoffman Group located at 4994-5000 Foote Rd. as follows:

Three portico signs not to exceed 16 sq. ft.

One portico sign not to exceed 14 sq. ft.

Two portico signs not to exceed 24 sq. ft.

It was second by Mrs. Karson.

ROLL CALL-Becker-yes, Karson-yes, West-yes, Erickson-yes, Morel-yes.

Minutes

Chair Morel made a motion to approve the BZA hearing minutes from December 21, 2005 as written. It was second by Mr. Becker.

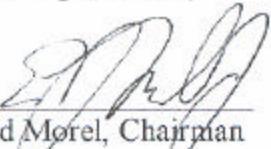
ROLL CALL-Morel-yes, Becker-yes, Karson-yes, West-abstain, Erickson-abstain.

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

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Respectfully Submitted,

Kim Ferencz
Zoning Secretary


Ed Morel, Chairman