

**MEDINA TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
JULY 19, 2006**

Chair Ed Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:30 p.m. All Board members were present except for Mr. Becker. Alternate member Robert Erickson sat in for a full Board. Chair Morel introduced the Board members and explained the public hearing procedure to those present.

Slaybaugh variance request-3241 Granger Rd.

The Chair reviewed the file. Secretary Ferencz read the application. The applicant is Dan Lloyd Construction. The landowner is Mr. William Slaybaugh. The address of the property requesting the variance is 3241 Medina Rd. The variation requested is of Section 401.3 D-Minimum Front Yard Depth-100 ft. from road right of way. Requesting front yard depth of 56 ft. from road right of way. The reason for the variance requested read as follows, "Need more room for kids. They are getting older and need a room for each of them. The house is very small with our family. Please help with this variance. The house was here when we moved in. We like the area we live in. The house was built in 1938, no zoning back then. Thank you."

The applicant, Mr. Dan Lloyd from Lloyd Construction was sworn in. He stated the reason they wanted to add onto the home on the north side was due to the location of the septic system. If they built on the other side of the home, that was where the garage, deck and kitchen were located so they would be unable to add bedrooms on that side. He continued that they also looked to put the bedrooms on the back of the residence, but that was not feasible either due to the roofline. Mr. Lloyd stated the property owner has adopted two children and would like to have a bedroom for each of them. The project would consist of making the bathroom larger and adding two bedrooms. The children now share a bedroom that is not much bigger than a size of a bathroom. Mr. Lloyd concluded that they did look at all options and this was the best possible location for the addition.

Chair Morel asked how large the addition would be. Mr. Lloyd stated 20' x 34'. Mr. Lloyd stated they could comply with the side yard setbacks and rear yard but not the front yard depth requirement. The variance being requested is for 44 ft.

Ms. Shirley Gowran was sworn in. She stated that she lived at 3241 Granger Rd. and that there were other homes in this particular area that are closer to the road than what they were proposing. The house was built actually in 1939. Mr. Lloyd interjected that another reason for the variance request is that there is a very dangerous narrow stairway in the home and that would be corrected and made safer.

Mr. Eugene Vann (4615 Nettleton Rd.) was sworn in. He stated that he lived Nettleton Rd., which abuts the property in question. He stated that he had no problem with granting

the variance request. Mr. Vann continued that family values are important, and the property owners and doing this for their children so the variance should be granted.

Mrs. Strogin was sworn in. She asked if the applicant had considered going up with the addition. Mr. Lloyd state the structure of the house would not support such an addition without major modifications having to be made just to have the proper structural support which also would add significantly to the expense.

Board member Erickson asked the applicant if he had health dept. approval for the proposed addition in regards to the septic system. Mr. Lloyd stated yes he did.

Chair Morel stated that the front yard depth for this area was 80 ft. from the road right of way and was changed to 100 ft.

The Board then reviewed the Duncan Factors as follows:

- Will the property yield a reasonable return or a beneficial use without the variance request? Chair Morel stated yes there can because the property owner and his family are living in it currently.
2. Is the variance substantial? Chair Morel stated yes it was from a measurement standpoint.
 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? No.
 4. Will the granting of the variance adversely affect the delivery of governmental services? No.
 5. Did the property owner purchase the property with the knowledge of the zoning restrictions? Chair Morel stated probably not but that is no excuse.
 6. Whether the problem can be solved by some other manner other than the granting of the variance? Chair Morel stated there were probably other ways the addition could be done but was it cost effective? Did it make sense?
 7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Chair Morel stated yes, because it allows for the integrity of that neighborhood to be maintained instead of having the smaller, older homes in that area torn down.

Mr. Dufala made a motion to grant a 44-ft. front yard depth variance to construct a 20' x 34' addition at the property located at 3241 Granger Rd. It was second by Mrs. Karson. ROLL CALL-Dufala-yes, Karson-yes, West-yes, Erickson-yes, Morel-yes.

Norris AutoMall variance request-3205 Medina Rd.

The Chair reviewed the file. Secretary Ferencz read the application. The applicant and property owner is Norris AutoMall. The property is located at 3205 Medina Rd. The variation being requested read as follows, "Section 605- I. 1 Wall Signs. The request is for the distance of the wall sign from the building. No knowledge of requirements prior to installation.

Signage was installed on 1/06 after approval. Notified 4/06 of violation. Need variance due to type of/size of signage installed. Manufacture requirement, no prior conversation of location, only size of letters on wall sign.”

Mr. Jim Brown, who represented the applicant, Norris AutoMall was sworn in. He began by stating that Norris AutoMall underwent an upgrade to their General Motor’s showroom. Part of this upgrade was the sign in question. Mr. Brown stated that when they first came to the Township to discuss the new signage, there were questions about the size of the letters and emblems on the proposed sign but nothing ever mentioned about the distance of the sign from the wall. Norris AutoMall received approval for the sign and in January the sign was delivered. When they began to dig on the south side of the showroom, they found a drainage pipe. So they decided they did not want to deal with the removal of the pipe, so instead moved this sign on the south over 2 ft. However, by doing so they then needed clearance for the east side sign so they moved it on the outside of the pad not realizing they were in violation of the zoning code. Mr. Brown stated he would be willing to add supports to connect the sign to the building because if they had to move the sign, it would require a major excavating to move the drainage pipe.

Chair Morel asked Mrs. Strogin, the ZC Chair what signage was approved for Norris AutoMall by the Zoning Commission. Mrs. Strogin stated that Mr. Brown was not at the approval meeting for the signage which took place on August 16, 2005. Mrs. Strogin stated that per the minutes from the meeting, the Commission asked where the proposed signs were going to be placed. She added that Mr. Norris stated they were wall signs and would be physically attached to the building. Mrs. Strogin stated that if the signs were not to be attached to the building they would not have been approved. Mrs. Strogin stated the Commission gave approval for a wall sign, a permit was written by the Zoning Inspectors for a wall sign, and now what we have is a sign so far away from the building that a car could be parked between the sign and the building.

Trustee Michael Todd was sworn in. He stated that Mr. Jim Brown called him in April and asked him what to do about the violation to which Trustee Todd stated he told Mr. Brown the proper procedure was to come in and request a variance. Trustee Todd stated that Mr. Brown has been very respectful in the conversations he has had with him. He added that all the other conversations mentioned this evening took place prior to him becoming a Trustee and he realized there were some issues in that past that needed to be removed from this request. Trustee Todd continued that the picture submitted was a bit ambiguous in that it stated tower, and one could not tell how far the tower sign was from the building but there were similar signs in other upscale communities such as Beachwood and Hudson. Trustee Todd stated he did not feel the sign as it is currently, adversely effects Medina Twp. or the surrounding neighbors. Mrs. Karson stated that right now the sign is freestanding. Mr. Brown stated that was correct, but he was willing to anchor it to the building.

Ms. MaryAnn Vann (4615 Nettleton Rd.) was sworn in. She stated that she has lived in 46 Medina Twp. for 46 years when it was country. She added that they have bought all their cars from Norris and have had a good relationship with them; however she felt the

“tower” signs were ugly and distracted from the neighborhood and did not feel they were effective. Trustee Todd interjected that he did not feel the sign distracted from the neighborhood, but did question its effectiveness and added that per Mr. Brown, Norris AutoMall was mandated by GM to put up such sign. Trustee Todd asked what if the Township did not permit the sign. What would GM have done? Mr. Dufala stated that this occurs frequently, and such companies know that they must comply with the local zoning laws for their signage. Mr. Brown stated that the issue would probably be sent to GM’s legal department for further action or determination.

Mr. Vann (4615 Nettleton Rd.) asked if it was proper to put up something that was not permitted and then ask for a variance? Mrs. Karson stated that it was done all the time, but it was not the preferred procedure to follow. Mr. Vann stated he felt that from an aesthetic standpoint, the sign adversely affected the neighborhood. Mr. Brown stated they secured a permit for the sign prior to installation, they just did not understand the distance requirement of the sign to the building.

Chair Morel stated that in his opinion the sign in question is a monument sign and is very large-22 ft. in height. Mr. Brown stated the sign on the South Side is 4 ft. in height and the sign on the East Side is 9 ft. in height. Mr. Dufala stated he did not see why the sign could not be attached to the building as originally approved. Chair Strogin stated that the zoning code states that wall signs cannot protrude more than 18 inches from the building. If connected by a support, Norris would then need a side yard setback variance. If left as is, the sign is a monument sign and monument signs cannot exceed 10 ft. in height and lastly, Norris AutoMall is not permitted to have a monument sign and a pole sign.

Trustee Todd stated he understood what was being said, but from an aesthetics point of view or adversely effecting the neighborhood, the sign was approved for the size, height and content, and whether it is attached or not attached it would still be visible and still contains the same image that was approved by the Commission and did not feel that point was relevant.

Chair Morel stated that he would never have approved the sign as proposed originally as it is not part of the wall of the building but an extension of the wall of the building and felt the Zoning Commission was very generous with its approval. He added that the code would probably be looked at and modified so such “loopholes” are closed.

The Board then reviewed the Duncan Factors as follows:

- 1 Will the property yield a reasonable return without the variance request? Chair Morel stated it is an auto dealership now and has been for 30 yrs., and can still be an auto dealership without the variance.
2. Is the variance substantial? Chair Morel stated the request was for almost 2 ½ times the size monument of a monument sign or 8 ft. from the building for a wall sign and all that is permitted is 18 inches. Either way the request 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?

- Chair Morel stated that if the variance was approved, other similar businesses in the area would say they were adversely effected or at a detriment.
- 4 Will the granting of the variance adversely affect the delivery of governmental services? No.
 5. Did the property owner purchase the property with the knowledge of the zoning restrictions? Chair Morel stated he felt Mr. Norris knew the zoning restrictions.
 6. Whether the problem can be solved by some other manner other than the granting of the variance? Chair Morel stated yes, the sign can be moved.
 7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution?

Chair Morel stated that he felt the spirit and the intent of the zoning was very clear. This Board has traditionally held to the letter of the code about signs. The purpose is to minimize sign clutter and felt that this Board and previous Board's have done a good job in trying to make Medina Twp. a community to be proud of.

Mr. West made a motion to deny the variance request for Norris AutoMall of Section 605-I 1 Wall Signs distance thereof as submitted. The applicant will have 90 days from this action to correct the zoning violation regarding said sign. It was second by Mrs. Karson.

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

Minutes

The minutes to the BZA's April 19, 2006 were approved as written

Having no further business before the Board, the hearing of Board of Zoning Appeals was officially adjourned at 8:00 p.m.

Respectfully Submitted,

Kim Ferencz
Zoning Secretary


Ed Morel, Chairman


DAVE
DUFALA