

**MEDINA TOWNSHIP  
BOARD OF ZONING APPEALS  
PUBLIC HEARING  
DECEMBER 20, 2006**

Secretary Ferencz announced that since the Chair and Vice Chair were not present this evening, the remaining Board members would have to make a motion to appoint an acting Chairman for this evening's hearing.

Mrs. Karson made a motion to appoint Mr. William West as Acting Chairman for this evening's hearing. It was second by *Becker*.

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

Chair West called the meeting to order. Board members Becker, Karson, Erickson and West were present. Chair West introduced the Board members and explained the procedure for the hearing. Secretary Ferencz explained that there was a 4 member Board this evening and a tie vote results in the denial of a variance request. Therefore, it would be up to each applicant when their request was to be heard to make the decision to accept the vote of the Board with 4 members with the action that if they chose to go forward this evening instead of waiting until there was a full 5-member Board present, that they could not then request a hearing in front of a full Board with the same request, after being heard in front of the 4-member Board.

**VARIANCE REQUESTS**

**Russell Realty variance request (3848 Medina Rd.)**

The Board offered the applicant, Mr. Ron Russell the option of being heard by a 4 member Board this evening or waiting until a full 5-member Board was seated. Mr. Russell was sworn in and stated he wanted to proceed with his variance request this evening.

Acting Chair West reviewed the file. The application read as follows: The applicant is J & RR Investments. The property owner is Ron Russell. The address of the property requesting the variance is 3848 Medina Rd. The variation requested is of Section 605 H. Ground Signs. The proposed sign is 44.33 sq. ft. Variance requested-12.33 sq. ft. There was also a request of the height requirement of a ground sign which is 10 ft. The variance request is for 2 ft. The explanation for the variance request stated, "The top of the sign is just decorative and needs to be in proportion."

Secretary Ferencz stated she received two letters from Waterford Village-Jeffrey Reed (the same letter addressed to Secretary Ferencz and Chairman Morel) in opposition of the variance request. The letters were made part of the file.

Mr. Russell stated the Board had a copy of the proposed sign. There would be 2 ft. of brick for the bottom and 3 ft. for the top of the sign. If the top and bottom of the sign were removed it would not look in proportion. Mr. Russell stated that if he took off the

bottom of the sign and set it into the ground it would meet the zoning requirements, but it doesn't fit the sign. Mr. Russell stated he was trying to get away from just putting up a typical sign. He added he looked at a lot of different layouts and felt the proposed sign had good curb appeal.

Mr. Russell continued he did not feel the sign would adversely affect anyone in the area, and regarding Waterford Village, the closest visible person is almost in the next township. Mr. Russell stated that there is no one in that apartment that can see the light from the sign, so he did not know why they would object.

Mr. Russell stated he had 4-5 buildings planned to be built in the back of the property and agreed not to go with a huge monument sign so he believed he was being reasonable in his signage expectation compared to what he could have applied for. This was agreed to at a previous meeting.

Chair West asked why the sign was designed in such a way to start off in violation of the code. Mr. Russell stated the sign was originally designed to be 10 ft. in height. However, if made 10 ft. it looks like a squatty little sign. Mr. Becker suggested bringing the entire sign into proportion i.e. up, down and sideways. Mr. Russell stated that could not be done and a "roof put on it" as the sign was designed to make it look like the architecture of the building. Mr. Becker responded, "make a 2.5-ft. roof and a 6' sign and a 1.5-ft. base and bring the sides in by a foot or so." Mr. Becker stated that what bothered him was that Mr. Russell said that he could have come in and proposed a sign larger than the one he did. Mr. Becker continued that Mr. Russell knew what the size of the signs are supposed to be and decided he was not going to do that. Also the fact that this is the second variance request for this property before the Board this evening. Mr. Russell interjected that the prior variance was giving up a large identification sign. Mr. Russell added that at the last BZA hearing he agreed that they would put the name Russell Park on top of the clock tower in lieu of putting up a mammoth sign.

Mr. Russell commented there are some fairly large signs on Rt. 18 and that he could have asked for one but chose not to. Mr. Russell went on to say that when he built the building he did so without requesting any variances. Mr. Becker stated the sign didn't have to be small and unattractive. Mr. Russell responded that if he shortened the sign the Board is going to say once it was erected, that the sign does not "work" for the site; it looks too small. Mr. Russell stated that if the Board requires he will cut the top off or the bottom off the sign, but to shrink the size sign down would not work. Mr. Becker stated the sign needed to be reduced in proportion and told Mr. Russell to speak to an architect. Mr. Russell stated he has and Mr. Becker's comment is not true. He added he was vehemently against that idea as he has seen it on paper and it looks terrible. Mr. Russell stated that he would not shrink the size of the sign but cut the top or the bottom of the sign off. By doing either to the sign the sign will look stupid. Mr. Russell stated the cost of the proposed sign is \$20,000. He commented that he could put up a \$5,000 sign but that's what it would look like; a \$5,000 sign. However, if that's what the Board tells him to do,

that is what he will do. Mr. Russell stated he was trying to do something that would be attractive to the community and spending more than ½ the price of a conventional sign. Mr. Russell stated he was not asking for 30 or 40 ft. but a fairly small variance request.

Mrs. Strogin, Chairperson of the Zoning Commission was sworn in. She stated that Mr. Russell was before the Board previously for a second sign to be placed on the clock tower. The BZA granted the second sign in lieu of no request for an identification sign, which could be 75 sq. ft. and 25 ft. in height. Mr. Russell would be allowed a ground sign not to exceed 32 sq. ft.

Mr. Russell stated he was marketing the back buildings on the site and they all want signage. Mr. Becker stated if one was doing business in the Township, one should know the size regulations for signage. As the one marketing the back buildings, Mr. Russell should make the regulations known to the prospective tenants in those buildings. Mr. Russell stated the prospective tenants will say, "Then I will build elsewhere."

Secretary Ferencz then read the minutes from that BZA hearing held on August 16, 2006 which read, "Vice Chair Dufala stated the BZA when a motion was made, could put conditions on the approval regarding future signage for the rest of the development. Mr. Ron Russell stated he had no issues going on the record that they would only request a modest identification sign (they were looking at a 6' x 8' sign) for Russell Realty in lieu of any additional signage request. Mrs. Strogin stated the sign could only be 32 sq. ft.

Mr. West made a motion to grant a variance of Section 605 I-1 to allow for a second wall sign stating "Russell Park" to be located on the clock tower of the building located at 3848 Medina Rd. as submitted. Specifically conditioned upon the "on the record" waiver by Russell Realty (J & RR Investments LLC) of any right under the Zoning Resolution of Medina Township the request for any identification sign for Russell Park and or any future tenants of Russell Park. It was second by Mrs. Karson.  
ROLL CALL-West-yes, Karson-yes, Becker-yes, Erickson-yes, Dufala-yes."

Mr. Russell stated the reference in the motion was made to an identification sign not a ground sign. Also as read, he stated he would only request a modest size identification sign. Mr. Russell stated he did come in with a modest sign, and if the Board tells him he has to chop it up then he will but did not feel his request was out of line. Lastly, regarding Mr. Becker's comments, Mr. Russell stated yes, he could tell the back building tenants the signage requirements, but they will say how can I stay in business if nobody knows I am back here? It is important for businesses to make a livelihood, but if no one knows where they are they will be in financial trouble. Mr. Becker stated he agreed with Mr. Russell's comments but added if you go to the City of Hudson the sign would be 1/3 the size that Mr. Russell was proposing. Mr. Russell stated they were not asking for a big variance but for potential customers to know what businesses are in the rear of the property.

Mrs. Karson asked if Mr. Russell was asking for 3-4 tenants to be placed on this sign. Mr. Russell stated that was correct that he would like to reference the major tenant in each building (there would be 4-5 buildings). This would be a condo-association set up in that each major tenant would own the building. If the major tenant does not have signage, this project will be hard to sell.

Mrs. Strogin approached the Board with the site plan that was approved by the Zoning Commission. She stated that the front part of the property was located in Medina Township and Mr. Russell actually had to get approval by the Township in order to access and develop the rear property he has been making reference to which was actually located in Montville Township. There is actually a property next door to the east, which is similar in nature with road access in Medina Township and the bulk of the land in Montville Township. Pat Catans would be locating there. Mrs. Strogin continued that at the Zoning Commission meeting on October 17, 2006 a motion was made to approve, for Russell Realty the access frontage to the office buildings on backland that is located in Montville Township, with an additional turning lane to be put in on the Medina Township side of the driveway, and an agreement for a mutual curb cut into the adjacent property on the east under contract with Pat Catans for a permanent second means of ingress/egress for police/fire emergency access.

Mrs. Strogin continued that Mr. Russell gave up the larger identification sign by his own volition. She then asked Mr. Russell if he saw the ground sign for Fifth Third Bank which accommodated 6-8 panels with tenant's names on them. Mr. Russell responded that one could not see any of the names.

The Board closed the hearing to public discussion. The Board then reviewed the 7 Duncan Factors as follows:

1. Will the property yield a reasonable return or will the property have a beneficial use without the variance request? Chair West stated he believed the answer was yes it can be it's just a matter of how big the sign is going to be.
2. Is the variance substantial? Chair West stated the variance is roughly a 30% variance. In the context of the sign language that was a substantial request.
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 West stated the Board took note there is a neighbor who objected to the sign but from the Board's perspective probably not.
4. Will the granting of the variance adversely affect the delivery of governmental services? Chair West stated no, it would not.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions? Chair West stated he believed the answer was clearly yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? Chair West stated clearly the sign could be smaller/redesigned.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Chair West stated given the history on this signage,

that's open to question. The Board members concurred with Mr. West's comments on the 7 Duncan Factors.

Mr. Becker then stated that he felt the sign could be modified and still look pleasing to the eye and be readable. It seems like everyone who comes to town wants a sign bigger than the next guy. Mrs. Karson stated she, too, felt the sign could be reduced and still be aesthetically pleasing not by cutting off the top or the base but reducing the size proportionally which would then give the potential tenants visibility. Mr. Russell stated he respectfully and completely disagreed. Mr. Robert Erickson stated this was a nice looking sign but stated that he agreed with Mrs. Karson and Mr. Becker and added that a larger sign was already permitted on the building itself. Mr. Russell stated he built a nice building, and was not asking for an unreasonable variance request and wanted to be on the record as stating such.

Mrs. Karson made a motion to deny the ground sign variance as it relates to size and height for Russell Realty as presented. It was second by Mr. Erickson.  
ROLL CALL-Karson-yes, Erickson-yes, Becker-yes, West-yes.

**Vell's Bed & Breakfast variance request-3526 Pearl Rd.**

Secretary Ferencz gave the applicant, Mr. Vell Vasiljevich the option of being heard in front of a 4 member Board or a 5 member Board and the consequences of a 4-member Board vote. If there is a tie the result is a denial of the request. After a lengthy discussion and explanation to the applicant, Mr. Vasiljevich stated he would go ahead with having his variance request heard this evening.

Mrs. Strogin stated that when Mr. Vasiljevich brought his site plan for the Bed and Breakfast before the Commission for approval, the plan was lacking much detail. The Commission suggested he take the plan back and add the necessary details and try to make the variance the least that he would need to be able to go ahead with his plan. Mrs. Strogin stated that Mr. Vasiljevich said that he might want to push the building back, which would mean a larger variance may be required and questioned if the BZA should go through with the variance request before them if the plan was going to be changed and the variance increased.

Chair West stated that the Board would only act on the application and information before them. If it were Mr. Vasiljevich's intent to move the building and therefore change the site plan and amount of the variance, then he would need to revise his drawings to reflect the new location of the building and the amount of the variance now required.

The applicant/landowner, Mr. Vell Vasiljevich was sworn in. He stated he had 75 ft. from the closest borderline. If he had 60 ft. instead of 75 ft. to the closest borderline that would be better. Chair West again stated that the Board could only act on the request before them which was a 25-ft. variance request to the rear property line. Mr. Vasiljevich stated he changed the amount of the request he would have to have new blueprints made and

that would cost him another \$20,000 and the property would still be congested. Mr. Vasiljevich stated he wanted the Board to act on the variance request as applied for.

The Chair then reviewed the file. The application read as follows: The applicant/landowner is Vell Vasiljevich. The property is requesting the variance is 3526 Pearl Rd. The variance being requested is of Section 405.3 (D) 2. B. (2) Minimum Rear Yard Setback Required-100 ft. with a 50-ft. landscape buffer. Requested Rear Yard Setback-75 ft. Therefore a variance of 25 ft. Front Yard Depth-100 ft. Needs garage at 50'. Requesting a 50-ft. variance. The explanation for the variance stated, "Reasons for variance request is because if I need to put a little bigger building for purpose of building size." Secretary Ferencz stated that she knew for a fact that there have been numerous variances requested for this property.

Mrs. Karson asked what was to the west of Mr. Vasiljevich's property. Mr. Vasiljevich stated it was another commercial property. The variance is only for the rear corner of the property. Mrs. Strogina stated the property to the rear of Mr. Vasiljevich's property is actually zoned residential and therefore a 100 ft. buffer is required of which 50 ft. of it needs to be landscaped. She also asked Mr. Vasiljevich if he was going to increase the size of the building as previously discussed. Mrs. Strogina stated that a revised plan should not cost \$20,000.

Mrs. Karson asked how big the buffer would be. Mr. Vasiljevich stated he would be putting up a retaining wall to mask the residential property because there is a "business" being run off of it. Mrs. Strogina stated that the BZA granted Mr. Vasiljevich a variance to put up a wall instead of landscaping on the front of his property. Mrs. Strogina stated that Mr. Vasiljevich could put in a mound and trees instead of a wall. Mr. Vasiljevich stated he would put up the wall and maybe some spruce trees to hide the view of his neighbor's property. Mr. Vasiljevich stated he offered this neighbor to hook up to his storm sewer and even to pay the assessment to which his neighbor declined.

The Board then reviewed the Duncan Factors.

- 1 Will the property yield a reasonable return or a beneficial use without the variance request? Chair West stated I believe it could be it was just a matter of the size and shape. The way it is designed that rear corner will be an issue.
2. Is the variance substantial? Chair West stated the variance request was 25%.
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 West stated taken as a whole in particular with the green space the answer is that it would not be altered.
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 West stated he would assume yes.

6. Whether the problem can be solved by some other manner other than the granting of the variance? Chair West stated as he understood the discussion, the shape of the Bed and Breakfast with the gazebo and fountain he would not know how else it could be solved other than reducing the size of the building.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Chair West stated that seems the answer to him could be yes taken in the Context of this overall development.

The Board members concurred with Chair West's comments.

Mrs. Karson stated the plan in conjunction with the gazebo and the fountain limits what could be done with the building in regards the position of the building. She added that she felt Mr. Vasiljevich has done a good job with the property and the existing party center on the site. She added that the variance request would not have a negative effect on the neighbor or the Township as a whole. Mrs. Karson stated if she was to make a motion to approve the variance request, the Bed and Breakfast would not be able to be made bigger. Mr. Vasiljevich stated he would reduce the size of the fountain and gazebo.

Mrs. Karson made a motion to approve a 25-ft. Rear Yard Setback variance for Vel's Bed and Breakfast to be located at 3526 Pearl Rd. as presented. It was second by Mr. Becker. ROLL CALL-Karson-yes, Becker-yes, Erickson-yes, West-yes.

**Bill Doraty KIA variance request-2925 Medina Rd.**

Secretary Ferencz again offered the option of the 4-member Board vs. a 5-member board and the consequences of each choice. The applicant-Kerry Illes and the landowner, Mr. Bill Doraty stated they wanted to proceed with the variance request this evening.

The Chair reviewed the file. The application read as follows: The applicant is Kerry Illes from Illes Architects on behalf of the landowner Bill Doraty. The property is requesting the variance of Section 605 I.I Wall Roof and Awning Signs. The explanation for the variance request stated, "Install signage on the west elevation of building. Utilize the exposure to I-71 as previously allowed. Formerly corner lots were permitted signage on each exposure. This was changed several years ago and decided to address each situation individually. This is a corner lot and has exposure to I-71. Most if not all businesses with exposure to a major highway advertise as much as possible to that exposure. We are proposing the same signage and area of signage currently on the front face of the building for continuity."

The applicant, Mr. Kerry Illes, and the landowner, Mr. Bill Doraty were sworn in.

Chair West asked Mrs. Stogin for clarification if the proposed sign was within the size requirements and this was just a request for a second sign. Mrs. Stogin stated that was correct. The code use to permit two signs for a business that was on a true corner lot. The business could have signs facing both road frontages. A few years back that portion of the code was taken out and the Commission felt it would best be decided on a case by case

basis by the BZA. Mrs. Strogin continued that the Commission informally discussed putting it back in the code but it the consensus was to leave it to the discretion of the BZA.

Mrs. Strogin continued that this was a true corner lot, which had a lot of frontage that has no signage on it. The 80 sq. ft. was what the business would be allowed if it was not taken out of the code. Mrs. Karson stated she believed the signage would give Mr. Doraty a lot more visibility from I-71 going north/south and also the access on I-71 going north.

Mr. Illes stated they were not asking for something out of the norm, as Staples, Longhorn and Bob Evans all are corner lots and have dual signage. Mrs. Karson stated she had no issue with the variance request.

The Board then reviewed the Duncan Factors.

1. Will the property yield a reasonable return or a beneficial use without the variance request? Chair West stated yes it could.
2. Is the variance substantial? Chair West stated no he did not think it was because it was a true corner lot.
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 West stated he felt 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 West stated I suppose but there has been changes to the code over time.
6. Whether the problem can be solved by some other manner other than the granting of the variance? Chair West stated clearly the only way to get signage exposure of a true corner lot was to put up signage.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? Chair West clearly it is the intent of the zoning code drafters to leave it up to the BZA to make this decision any decision by the BZA would uphold the spirit and intent of the Zoning Resolution.

Mr. Russell asked what square size variance this was? Chair West stated it was not a variance for square footage but for a second sign on a corner lot. The sign size is 80 sq. ft.

Mrs. Karson made a motion to approve a second sign for Bill Doraty KIA to be placed on the West Side of the building facing I-71 not to exceed 80-sq. ft. as presented. It was second by Mr. Erickson.

ROLL CALL-Karson-yes, Erickson-yes, Becker-no, West-yes.

**APPC Plumbing Services variance request-3247 Pearl Rd.**

Mr. Kerry Illes from Illes Architects stated the applicant/property owners Eric and Vicky Schroeter wanted to table their variance request this evening.

Mr. Erickson made a motion to table the variance request for APPC Plumbing Services per the applicant's request until the Board's January hearing date scheduled to be held on January 17, 2007 at 7:30 p.m. It was seconded by Mr. Becker.

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

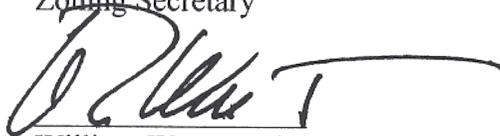
**Minutes**

The minutes to the BZA's September 20, 2006 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

A handwritten signature in black ink, appearing to read 'W. West', with a long horizontal flourish extending to the right.

William West, Acting Chairman