

Board of Zoning Appeals
Adams Signs – Variance request
March 13, 2013
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Ch. Manley called the meeting to order at 7:05 p.m.

Roll Found: Manley, Fox, Hoop, Zeleznak, Mainzer and Calabro (Alternate) present. Also present was Trustee Catherwood, Trustee Schulte, ZI Schaefer, ZI Marzullo, Zoning Commission Chairman Spellman, Mr. Jim Kamps, Mr. Jon Kolozvary, Ms. Kristyn Kolozvary, Mr. Russell Kalina, Ms. Jane Eberhart, Mr. Mike Maloney, Mr. and Mrs. Joe and Clare Elias and Mr. Bill Horton.

Ch. Manley stated that the Hinckley Township Board of Zoning Appeals acts within the regulation of Section 519 of The Ohio Revised Code and exercises its power as provided under Section 7 & 13 of The Hinckley Township Zoning Regulations, that all hearings are open to the public, that all persons wishing to testify must do so from the podium, be sworn in, and must identify themselves giving their address. Evidence and testimony must be pertinent to the hearing at hand and that it is within his discretion to limit personal comments. He stated he will not permit personal attacks and opinions. Disruptive persons will lose their right to remain at the hearing.

Ch. Manley stated the hearing is for a variance submitted by Adams Signs on behalf of Jon Kolozvary business and property owner of the Green Smith located at 1340 Ridge Road, Hinckley Township, Ohio. He stated it is a request for variance for a sign regarding lights and size from the current regulations.

Recording Secretary Gienger polled the Board as to whether they received the packet of information and inspected the property at 1340 Ridge Road, Hinckley Township (Parcel #01603A35007).

Response: Manley – yes and yes inspected on 3/11, Fox – yes and yes inspected on 3/11, Zeleznak – yes and yes inspected on 3/10, Hoop – yes and yes inspected on 3/9, Mainzer – yes and yes inspected on 3/8, Calabro – yes and inspected on 3/8.

Recording Secretary Gienger read the legal ad.

Mr. Gienger noted that there were no written notices or phone calls regarding this variance request.

Mr. Russ Kalina of Adams Signs was sworn in accordingly.

Ch. Manley asked Mr. Kalina if there was any additional item he would like to add or submit in addition to what has already been submitted. Mr. Kalina noted that they are planning to replace

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an existing sign with a new LED sign. He noted that the owner operates three businesses out of the building and would like to better advertise their work.

Ch. Manley asked if the sign would look like what was submitted. Mr. Kalina stated that it will. Ch. Manley noted that the proposed sign is 32SF and the current regulation only allows 20SF. Mr. Kalina stated that if you have multiple businesses in the building, it can be larger. Mr. Zeleznak noted it is actually 33SF and is also higher than what is allowed in the current regulations.

Mr. Zeleznak asked if there are truly 3 separate businesses and if they file taxes as 3 separate businesses. Mr. Kalina noted he cannot answer that question.

Being no further questions, Mr. Kalina was seated.

Mr. John Kolzvary of The Green Smith was sworn in accordingly.

Ch. Manley asked Mr. Kolzvary if he had 3 separate businesses. Mr. Kolzvary stated he has three different LLC's: Garden center, landscaping and a transportation company. He also has in the front gift shop, 60 different families that sell locally made products and are there in consignment arrangement.

Ch. Manley asked Mr. Kolzvary if he owns all three companies. Mr. Kolzvary stated he does and he files one consolidated set of taxes. Ch. Manley noted that the state and federally it would be considered one business. Mr. Kolzvary noted that is correct.

Mr. Kolzvary noted he has in the past rented the front house, then has the garden center and landscaping in the back and would like to have the sign up front for better advertising.

Ms. Fox asked Mr. Kolzvary where the power for the sign will be supplied. Mr. Kolzvary stated it will be supplied from the house underground to the sign.

Ch. Manley asked Mr. Kolzvary if the sign will remain 20' from the street as currently configured. Mr. Kolzvary stated the new sign will be in the exact same location as the current sign.

Ch. Manley asked Mr. Kolzvary if he was aware of the proposed new regulations for signs. Mr. Kolzvary stated he is aware of them and has been waiting for the regulations to be put in place but is afraid to wait any longer and miss another season.

Being no further questions, Mr. Kolzvary was seated.

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Mr. Mike Maloney of Hinckley, Ohio was sworn in.

Mr. Maloney stated he is a neighbor of The Green Smith for 25 years. He stated that the current sign is of no issue and will have no issues with the new sign if it is in the same location.

Being no questions, Mr. Maloney was seated.

Mr. Joe Elias of Hinckley, Ohio was sworn in.

Mr. Elias stated that he lives behind the Green Smith and noted he has no issue with the new sign.

Being no questions, Mr. Elias was seated.

Mr. Jim Kamps of the Zoning Commission was sworn in accordingly.

Mr. Kamps noted that the new regulations allow for signs up to 32SF and 8' in height.

Ch. Manley asked Mr. Kamps if he has seen the filing of this variance request and if he sees any issues with the proposed sign. Mr. Kamps stated he has seen the filing and does not see any issue with the proposed sign.

Mr. Zeleznak asked Mr. Kamps if the new regulations will be different for a multiple business or single business. Mr. Kamps stated that it will be 32SF for all businesses.

Mr. Zeleznak stated that the proposed sign is 33SF and 8'6" and if the new regulations should not exceed 32SF and 8'. Mr. Kamps stated that is correct they are not to exceed numbers.

Being no further questions, Mr. Kamps was seated.

Mr. Kalina retook the stand.

Ch. Manley asked Mr. Kalina if he could make the sign 32SF and reduce it to 8' high and also comply with all new proposed regulations. Mr. Kalina stated he will make sure the new sign will comply with all proposed regulations.

Being no further questions, Mr. Kalina was seated.

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There being no further testimony offered, Ch. Manley asked for a review of the Duncan Factors.

Factor #1

Will the property yield a reasonable return or can there be a beneficial use of the property without the variance?

Vote:

Mainzer – Yes

ZeleznaK – Yes

Hoop – Yes

Fox – Yes

Manley – Yes

Factor #2

Is the variance substantial?

Vote:

Mainzer – No, not per new regulations

ZeleznaK – With new regulations, No

Hoop – No

Fox – No

Manley – No, it is only 7’-8’

Factor #3

Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment if this variance is granted?

Vote:

Mainzer – No

ZeleznaK – Does not appear to

Hoop – No

Fox – No

Manley – No per testimony

Factor #4

Will the variance adversely affect the delivery of governmental services such as fire or ambulance?

Vote:

Mainzer – No

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Zelevnak – No

Hoop – No

Fox – No

Manley – No

Factor #5

Did the property owner purchase the property with knowledge of the zoning restrictions?

Vote:

Mainzer – Don't know

Zelevnak – Don't know

Hoop – Yes he was aware

Fox – Don't know when purchasing, but was aware

Manley – Yes he was aware of the issue

Factor #6

Can the problem be solved by some manner other than the granting of a variance?

Vote:

Mainzer – No

Zelevnak – No

Hoop – No

Fox – No

Manley – No

Factor #7

Does the variance preserve the “spirit and intent” of the zoning requirement and will “substantial justice” be done by granting the variance?

Vote:

Mainzer – Yes

Zelevnak – Yes to proposed regulations

Hoop – Yes

Fox – Yes to proposed regulations

Manley – Yes

Ms. Fox stated that this is a motion for a variance (AP#0167) for Adam Signs on behalf of Jon Kolovzary business and property owner of The Green Smith located at 1340 Ridge Road, Hinckley Township, Ohio (Permanent Parcel #01603A35007) from the Hinckley Zoning

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Regulations for a variance to replace the existing sign with a new LED sign/message center not to exceed 32SF and 8' in height and also subject to the following conditions: 1) Frequency: copy shall not be more frequent than once per ten seconds and both text and color shall remain static between intervals. 2) Color: Any digital message sign erected within one hundred 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 0.3 foot candles as measured from the adjacent right-of-ways. 4) Digital message sign shall be programmed to dim and brighten automatically in response to change in ambient light to avoid undue brightness and 5) Digital message sign shall be programmed to “freeze” or go blank if there is a malfunction, so that flashing or other distracting movement does not result.

Ms. Mainzer seconded the motion.

Ch. Manley stated that any person adversely affected by a decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Medina County on the ground the decision was unreasonable or unlawful and will have 30 days from the date of this meeting and the minutes of this appeal will be journalized on the second Wednesday of December. A copy of the signed documents will be given to the applicant at the end of this hearing.

Vote: Manley – Yes, Fox – Yes, Hoop – Yes, Zeleznak – Yes, Mainzer - Yes.

Passed by a vote of 5 to 0

Ch. Manley asked for a motion to adjourn the meeting. Mr. Zeleznak moved and Ms. Fox seconded the motion.

Vote: Manley – Yes, Fox – Yes, Hoop – Yes, Zeleznak – Yes, Mainzer - Yes.

Meeting was adjourned at 7:35 p.m.

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Todd Gienger, Recording Secretary

Minutes Approved: _____, 2013

David Manley, Chairman

Dottie Fox, Member

Jeff Hoop, Member

Dave Zeleznak, Member

Julie Mainzer, Member

Josephine Calabro, Alternate Member