

MEETING DATE: 5-13-21

BOARD OF ZONING APPEALS
Special Meeting

Z21-09
891 W Liberty St.



CITY of MEDINA
Board of Zoning Appeals
May 13, 2021 Meeting


Case No: Z21-09

Address: 891 W. Liberty Street

Applicant: Jason Micheal

Subject: An appeal of Planning Director's administrative decision

Zoning: I-1, Industrial District

Submitted by: Jonathan Mendel, Community Development Director 

Project Introduction:

In March 2021, the Community Development Department Code Enforcement Inspector witnessed three prohibited sign types placed along the frontage of the applicant's auto repair business property at 891 W. Liberty Street. The signs are often referred to as 'feather signs', but under Section 1147.10(d) of the Planning and Zoning Code they are considered also 'pole signs with a single pole'.

The Code Enforcement Inspector explained to the applicant that these signs were explicitly prohibited and directed the applicant to remove the signs. The applicant has subsequently submitted this appeal of administrative decision.

Analysis:

After performing the above investigation, staff concluded that the temporary signs are pole signs with one pole. As the temporary sign is clearly manufactured and designed to have one pole on which to mount the fabric text area and permit the 'flapping' of the fabric in order to draw attention.

Additionally, the subject site already has one existing nonconforming pole sign on which the applicant's business name is located. The three temporary single pole signs are not permitted due the maximum permitted ground signs of Section 1147.14 of the Planning and Zoning Code. The three subject temporary signs are not only strictly prohibited by Section 1147.10, but violate Section 1147.14 as well.

Please find attached to this report:

1. Applicant's appeal narrative labeled dated April, 1, 2021

Considerations:

Section 1107.08(I)(4) of the Planning and Zoning Code outlines the standards of review for the Board of Zoning Appeals when considering an appeal of administrative decision. The Board shall weigh the following factors to determine whether an appeal should be granted and the Planning Director's order is to be reversed:

A. Was arbitrary or capricious; or

Staff's analysis of the subject signs was not arbitrary or capricious, because it is staff's standard operation procedure to provide notice of violation for these specific sign types as they clearly and obviously violate the letter of the law. This is an enforcement procedure and code application staff uses evenly and fairly throughout the City of Medina.

B. Was based on an erroneous finding of a material fact; or

The administrative decision was not based on an erroneous finding of material fact. Staff has extensive experience determining these signs are in violation of Chapter 1147 of the Planning and Zoning Code as they are designed and manufactured with one pole so that the fabric portion can move in the wind in order to draw attention.

C. Was based on erroneous interpretation of this Ordinance or zoning law; or

Staff decision was not based on erroneous interpretation. The subject signs are clearly designed to have one pole and Section 1147.10(d) clearly states that signs with one pole are explicitly prohibited.

D. Constituted an abuse of discretion.

Staff's administrative decision did not constitute an abuse of discretion. The interpretative discretion provided by the Planning and Zoning Code to staff was not abused in this case, because staff used our years of experience and physical knowledge of these sign types to determine that they are designed and manufactured to only have a single pole.

The BZA must weigh the above five factors for the requested appeal and determine whether to affirm or reverse staff administrative decision to define the applicant's temporary signs as a violation of Section 1147.10(d) of the Planning and Zoning Code.

4/1/2021

Jason Michael
Owner of J&J Auto
891 West Liberty Street, Medina OH

Board of Zoning Appeals

Please accept this letter as my intent to request an appeal on the zoning citation I received for my feather flags out front of my Auto shop on 3/23/2021. I was cited for having a pole sign on a single pole and was told this is a prohibited sign enforced under ordinance 1147.10 (d). However I feel the Code Enforcement inspector Rick Bocek's decision to classify my flags as a pole sign with a single pole was arbitrary and based on an erroneous interpretation of this Ordinance. Being that they are flags on two poles and not signs on a single pole. I will gladly pay for any permits needed to keep them up. It significantly makes my property look presentable and attractive. I'd like to request a meeting on this to exercise my right to appeal this citation and have the chance to give my argument.

Attached to this letter you will find photo evidence and examples of my flags and my Sign in front of my business which is an actual pole sign on a single pole which I have had since I opened Feb 3rd, 2020 and have a permit for!! Rick Bocek is being selective and conflicting on what he considers to qualify under the vaguely written ordinance he claims I am violating. Him classifying my feather flags as a pole sign with a single pole and citing me for a violation for said flags, conflicts with my in ground sign on a single pole which has already been permitted by the city last year. On the city sign application there is even a choice for a pole sign!!!!

Forcing me to remove these flags and my signs on my building would significantly hinder my business, and my ability to show the public I am not a closed run down building. As well as my ability to donate money from every sale to St. Jude's to fund cancer research and treatment for the children, and keeping Kids Clean a program which educates our youth and their families on the dangers of drugs specifically the opioid epidemic. This program also provides treatment to get them clean and keep them that way as well as provide a positive path for them to be on. Since these flags have been up I have received 1400 more searches on google in just a few weeks. I am just a young small business owner who has lived in this community for 9 years now. I opened a few short weeks before the Covid-19 pandemic and Gov. Shutdowns and I'm still standing. I work 50 hours a week unpaid at my shop in medina and work 30hrs a week at night in the kitchen to help make that possible and still give back to those in need! They don't call us Medina Strong for no reason and I plan to be a business that helps and supports this community any way I can indefinitely.

P.S. attached to this letter are photos of my feather flags that I'm being cited for, my actual pole sign on a single pole that is permitted by the city which conflicts with the citation and city ordinance and the city sign application that gives the option for a pole sign which I'm being cited stating they are prohibited.

Thank you for your time,

Jason Michael



132 N. Elmwood Ave., Medina, OH 44256
Phone: 330-722-9023 Fax: 330-722-9045
www.medinaoh.org

SIGN APPLICATION

Application for a SIGN PERMIT

*Required Information

* Date of Application _____

* Property Owner's Name _____

*Address _____ *City _____ *State _____ *Zip _____

*Phone _____ Fax _____ *Email _____

* Contractor Erecting Sign _____ *Registration # _____

*Address _____ *City _____ *State _____ *Zip _____

*Phone _____ Fax _____ *Email _____

*Address where sign is being installed _____

*Type of Sign (check all that apply): Residential Commercial Industrial

Pole Sign Ground Sign Wall Sign Single-faces Double-faced

Size of Sign: Vertical _____ (x) Horizontal _____ (=) Square feet of Face _____

Zoning District _____ Building Frontage (linear feet) _____

*Permit Fee

Conditional Sign.....\$50.00

Single & Double Face.....\$25.00

- Signs are regulated by Medina Codified Ordinance Section 1147.
- All applications for a Sign Permit shall be accompanied by a detailed plan showing the proposed sign with height, width, and depth dimensions on a drawing not larger than 11' x 17".
- If an electrical circuit is being installed for this sign, an electrical permit will be required. Please contact the building department at (330) 722-9030 for more information.

The undersigned hereby applies to the City of Medina, Ohio for a Sign Permit for a sign to be installed in compliance with the regulations contained in the Sign Code and with the representations made herein, all of which the undersigned affirms to be true and accurate.

*Date _____ *Signature _____

SIGN PERMIT (Office Use)

Upon the basis of the above application and drawings, and conditions outlined on the reverse side of this form, the proposed sign is found to be in accordance with the City of Medina Sign Code and is hereby approved.

Date _____ Signature _____

Zoning Official

Clearly
states option
for pole
sign



X = feather
flag in
parking lot of
my shop.

See attached photo behind this one

feather flag

X

↙
7' x 3' crown
walk
way
↘

feather
flag
X

← 80ft →

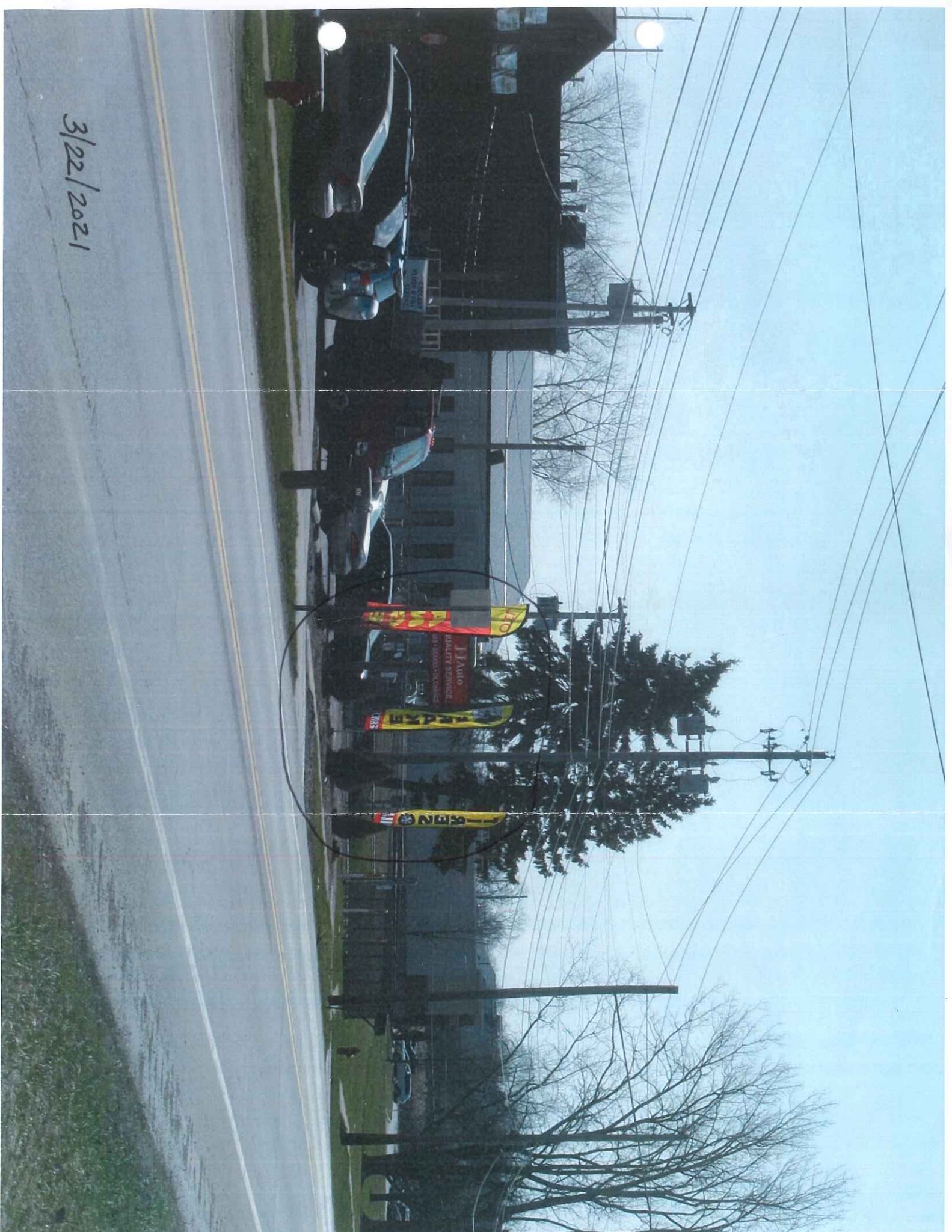
Pole
sign
w/permits

not on tree lawn
in way parking lot
all signs are 5ft away
+ 10ft away from road
from side walk

feather
flag
X

Parking lot

shop



3/22/2021



A
K
E

SERVICES

SERVICES

Pole sign! with permit!

