



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: February 14, 2019

Meeting Time: 5:30 pm

Present: Brandilyn Fry, Paul Roszak, Bert Humpal, Rob Henwood, Mark Williams, Jonathan Mendel, (Community Development Director), Sandy Davis (Administrative Assistant)

Absent: None

Mr. Williams made a motion to approve the minutes of January 10, 2019 meeting as submitted. The motion was seconded by Mrs. Fry.

Vote:

Fry	<u>Y</u>
Humpal	<u>Y</u>
Williams	<u>Y</u>
Henwood	<u>Y</u>
Rozsak	<u>abstain</u>
Approved	4-1

The Court Reporter swore in all attendees.

New Business:

1. Z19-03 947 N. Court Street The Original Steaks & Hoagies VAR
Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a variance request from Section 1147.14(d) of the Planning and Zoning Code to permit a 37.68 sq. ft. wall sign instead of the maximum allowed 21 sq. ft.. Mr. Mendel stated the business is located in a center tenant space of the new building at the north end of Medina Shopping Center.

Mr. Mendel stated the applicant requests a variance for a new 37.68 square foot wall sign for Original Steak Hoagies on the east (front) building façade instead of the maximum allowed 21 sqft. Mr. Mendel stated the graphic provided by the applicant states the store front is 27.4 ft. but it is actually 21 ft. wide.

Mr. Mendel stated the Board shall weigh the following factors to determine whether an area variance should be granted:

1. ***Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health.***

Mr. Mendel stated a conforming sign would not obstruct anyone's vision.

2. ***A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees, or other obstructions.***

Mr. Mendel stated conforming signage will not be blocked by any existing obstructions.

3. ***Construction of a conforming sign would require removal or severe alteration to significant features on the site, such as removal of trees, alteration of the natural topography, obstruction of a natural drainage course, or alteration or demolition of significant historical features or site amenities.***

Mr. Mendel stated conforming signage would not require removal or alteration to significant features.

4. ***A sign that exceeds the allowable height or area standards of this Ordinance would be more appropriate in scale because of the large size or frontage of the premises or building.***

Mr. Mendel stated the proposed wall sign could be considered more appropriate in scale given the design of the building façade although, in absolute numbers, the proposed sign is 16.68 sqft larger than the maximum allowed or 79% larger.

5. ***The exception shall not adversely impact the character or appearance of the building, lot or the neighborhood.***

Mr. Mendel stated the proposed wall sign may not be noticeably out of character with the wall signs in the immediate vicinity as there are varying wall sign sizes and the difference between the maximum permitted and the proposed area for the proposed sign may not be readily perceptible.

6. ***The variance sought is the minimum necessary to allow reasonable use, visibility, or readability of the sign.***

Mr. Mendel stated the proposed sign may be considered the minimum necessary to allow readability of the sign.

7. *The variance will be consistent with the general spirit and intent of this Ordinance.*

Mr. Mendel stated sign regulations are established in the Planning and Zoning Code to promote clarity in sign communications; to balance sign communications; to promote a harmonious relationship between sign types, sign locations and land uses; and to protect the public health, safety and welfare from the hazards resulting from indiscriminate placement.

Mr. Mendel stated the BZA must weigh the above seven factors for the requested variance and determine if a practical difficulty exists that would merit a variance from Section 1147.14(d).

Present for the case was MaryAnn Serafino from East Sign representing Original Authentic Cheesesteak. Ms. Serafino stated the applicant is asking for a deviation from the code of 16 sq. ft. Ms. Serafino stated the sign was originally installed according to code at 21 sq. ft. Ms. Serafino stated it looks considerably smaller than the other tenants in the building. Ms. Serafino stated the applicant feels this increase in size will be a benefit in visibility. Ms. Serafino stated this is his branding and he has multiple locations where he has utilized this branding and he believes this enlarged sign will help to make this location successful.

Mr. Humpal stated this particular location is the same building that the board considered for other tenants over the last two months. Mr. Humpal stated it would be helpful to have a picture of that to get some relativity between the signs.

Mr. Mendel stated for comparison sake, those were additional secondary wall signs where they are not approved and/or extra-large window signage. Mr. Mendel stated none of them were a request for a permitted wall sign to have an increase to the area allowed so it not apples to apples comparison.

Mr. Williams stated as he understands, this is the applicant's primary sign and is all that will be on the building for this tenant. Mr. Mendel stated that is his understanding but he does not know if there will be additional window signage which is permitted. Mr. Mendel stated they will also have an allowable tenant sign on the ground sign toward the road. Mr. Mendel stated the tenant panels on the ground sign are already within the approved square footage.

Mr. Williams asked the tenant if they can describe the window signage they will be adding. Ms. Serafino stated there will be window signage typical to some of the other locations. Ms. Serafino stated, for the most part, it will consist of a door decal with the circular logo.

Jeff Wiseman, part owner, was present. Mr. Wiseman stated there will be a logo on the door when you walk in with hours of operation. Mr. Wiseman stated the main thing to him is for everyone to be comfortable with the proposal. Mr. Wiseman stated when he

originally designed the signage, the plans he was given by the landlord, it was a different style of frontage with an overhang on the top and now it is more than a flat front which is the same length but much taller than expected and the signage now looks very dwarfed to where you cannot read the verbiage. Mr. Wiseman stated they are a privately owned company and this is their 5th location and this is their biggest frontage and the smallest sign they have. Mr. Wiseman stated the logo plus the verbiage together is the branding and cannot break it apart.

Mr. Wiseman stated the first day the existing sign was put up he received several messages asking why he put up such a small sign.

Mr. Williams asked Mr. Wiseman if he expects to have regular or changing window signage other than what is stated on the door. Mr. Wiseman stated no.

Mrs. Fry asked the overall size of the existing sign. Ms. Serafino stated the existing sign is 27 x 113. Ms. Serafino stated the original storefront rendering from the architect was considerably different than what it ended up as.

Mr. Mendel stated for the record, permanent window signage cannot exceed 25% of the window in which it is located, not the window frame but the actual pane that it is in.

Mr. Roszak stated the existing sign does seem small in relationship to the Aspen Dental sign. Mr. Roszak stated he is not opposed to a variance. Mr. Mendel stated the Aspen Dental tenant space is almost twice the width of the applicant's tenant space.

Also present was Josh Bierman, part-owner of the business. Mr. Bierman stated their tenant space is longer than Aspen Dental but the Aspen Dental sign is larger.

Mrs. Fry stated she drove by the site last week and if she didn't know what she was looking at, she would not be able to tell what it was so she thinks they truly have a hardship with the existing sign.

Mr. Henwood stated the proposal is 79% larger than what is permitted. Mr. Henwood stated for him that is the relevant figure. Mr. Williams stated he is not opposed to this variance request at all. Mr. Williams stated the appearance of the proposal is more to scale on the face of the building.

Mr. Humpal agreed. Mr. Henwood stated his concern is we are comparing apples and oranges. Mr. Henwood stated the code reads the sign size is determined by the width of the frontage of the business and he is not comfortable with the request.

Mr. Roszak stated he understands Mr. Henwood's position if he is looking strictly at a percentage but it is also important to consider the design and scale as a whole in relationship to the building façade and architecture. Mr. Roszak stated he feels what is there now is out of scale and too small.

Mr. Williams asked about the uses of the other tenants in the building. Mr. Mendel stated one is service oriented, this one is a restaurant, and health services as well as one vacant space.

Mr. Wiseman stated this is a longer term investment for them. Mr. Wiseman stated they would like to have their branding visible and not have to come back in the future with a variance request because the sign is too small.

Ms. Serafino explained the hardship. Mr. Henwood made suggested making some changes to the logo and window signage to fit the code requirements.

Ms. Serafino stated this is a trademarked logo which they will be franchising.

Mr. Wiseman stated this is a half million dollar investment into the community and they will take this floor plan and use it as the blueprint for all of their stores moving forward. Mr. Wiseman stated the brand is on all of their products.

Mr. Henwood stated he is hearing the answer about reconfiguring the sign as a no. Ms. Serafino stated that is correct. Mr. Henwood asked the applicant if they would consider changing the scale to be closer to conformance. Mr. Bierman asked what percentage would be correct to make it visible from the street.

Ms. Serafino stated they would not consider rescaling the sign to be closer to conformance as the applicant feels this is an appropriate request.

Mr. Williams asked if the sign is backlit. Ms. Serafino stated it is LED lit from the inside.

Ms. Serafino stated the white background is just to show the scale of the sign and will only be channel letters.

Mr. Henwood asked the record to reflect that the applicant responded the answer is no to the question of rescaling the sign.

Mr. Williams made a motion to approve a variance from Section 1147.14(d) of the Planning and Zoning Code to permit a 37.68 sq. ft. wall sign based on the finding that a sign that exceeds the allowable height or area standards of this ordinance would be more appropriate in scale because of the large size of the frontage of the building and also based on the exception will not adversely impact the character or appearance of the building, lot, or neighborhood.

The motion was seconded by Mr. Roszak.

Vote:
Williams Y
Fry Y
Humpal Y
Henwood N
Roszak Y
Approved 4-1

Mr. Mendel announced the Huntington Bank garage building on Public Square has been demolished this week. Mr. Mendel stated they will be building a small 12 space parking lot.

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairperson