



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: March 20, 2014

Meeting Time: 6:00 pm

Present: Bert Humpal, Mark Williams, Steve Gallagher, Jim Bigam, Justin Benko (Associate Planner), Jonathan Mendel (Community Development Director)

Absent: Mark Pinskey

Minutes: There were no minutes presented for approval.

New Business:

1. Z14-06 325 W. Smith Lagerheads VAR
Jonathan Mendel gave a brief overview of the case. Mr. Mendel stated this is a request from Lagerheads Brewing Company to go into 325 W. Smith Road. Mr. Mendel stated the request is for a Use Variance from Section 1135.02 of the Planning and Zoning Code to permit a small scale brewery use in a C-3 Zoning district where it is not a permitted use.

Mr. Mendel stated the existing site is located at the northwest corner of Smith Road and Huntington Street. Mr. Mendel stated it is a relatively shallow property with significant frontage along Smith Road. Mr. Mendel stated the Wheeling and Lake Erie Railway tracks are adjacent to the north and separate the subject property from the residential uses to the north.

Mr. Mendel stated the subject property is a long standing light industrial building which was last occupied by Medina Tool & Die Co and has a long history of light industrial use occupancy. Mr. Mendel stated the proposed use is a low intensity beer brewing business that will occupy the property. Mr. Mendel stated the property is zoned C-2, Retail Office, but the proposed brewery use (beverage production) is not a permitted use in the C-2 district. Mr. Mendel stated in order to occupy this property, the applicant requests a use variance.

Mr. Mendel reviewed the following considerations from the staff report:

A. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;

Mr. Mendel stated this property has an existing light industrial building and is adjacent to the railroad tracks.

B. The hardship condition is not created by actions of the applicant;

Mr. Mendel stated this property has been zoned C-2 for decades and zoning was not the applicant's doing.

C. The granting of the variance will not adversely affect the rights of adjacent owners;

Mr. Mendel stated this property has been a light industrial use and building for an extended period of time, and is part of a mixed neighborhood of residential, commercial, other light industrial uses and the railroad tracks.

D. The granting of the variance will not adversely affect the public health, safety or general welfare;

Mr. Mendel stated the proposed use is a light industrial use that will occupy the existing building with no building expansion. This may maintain the extent and intensity within the context of the existing mixed neighborhood.

E. The variance will be consistent with the general spirit and intent of this Ordinance;

Mr. Mendel stated the proposed use will be consistent with the spirit and intent, since it will maintain the status quo for the immediate neighborhood.

F. The variance sought is the minimum which will afford relief to the applicant; and

Mr. Mendel stated the use variance being requested will permit occupancy of the vacant building and provide minimum relief.

G. There is no other economically viable use which is permitted in the zoning district.

Economically viable uses for this property with C-2 permitted uses is unlikely due to the odd shape of the property and the industrial nature of the design and construction of the building.

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 §1135.02.

Mr. Mendel stated if the Board approves this use variance request, staff recommends a condition be placed on the approval stating that it will only be valid if the applicant (Matt Kiene/Lager Heads) takes ownership of the property.

Mr. Humpal asked if the C-2 zoning is part of the proposed zoning changes that are in process. Mr. Mendel stated this area of the C-2 District is not proposed to be changed. Present for the case was John Kiene, Lager Heads part owner. Mr. Kiene stated the restaurant and micro-pub in Abbeyville is expanding the brewery and they are running out of room. Mr. Kiene stated this would give them the ability to bring their brewer to Medina where they could manufacture beer. Mr. Kiene stated they currently distribute throughout the State of Ohio. Mr. Kiene stated their distributor can distribute throughout the state. Mr. Kiene stated this gives them the ability to bring in more tanks.

Mr. Williams stated in the letter that was submitted by the applicant, it indicated there would be a tasting room and possibly small retail component. Mr. Kiene stated Ohio passed a law last year that afforded them the ability to give samples and have a tasting room. Mr. Kiene stated he would like to eventually have a tasting room with light retail. Mr. Kiene stated the first priority is to get the brewery up and running.

Mr. Williams asked if the tasting room is a separate license. Mr. Kiene stated it is not separate. Mr. Williams asked if the city is aware of the ability under the licensing law to have a tasting room. Mr. Mendel stated from a land use perspective, any retail would be permitted in the C-2 as would the tasting room. Mr. Mendel stated it is the brewery use that requires the use variance.

Mr. Humpal asked if the site needs to be altered and curb cuts added or changed. Mr. Mendel stated no, the site has sufficient curb cuts.

Mr. Humpal asked for comments from the public. Bill Lamb from S. Court Street in Medina asked the timeframe to open the business once he obtains permits. Mr. Kiene stated he does not know. Mr. Kiene stated they secured the architect today. Mr. Kiene stated he would like to be brewing by the end of the summer in 2014.

Mr. Lamb stated he thinks it is a great use of the building and a nice improvement with the tasting bar being a huge attraction.

Kimberly Rice, Economic Development Director, stated she is there to support the project. Ms. Rice stated they are taking a vacant building and bringing a great purpose to it.

Mr. Williams made a motion to approve a Use Variance from Section 1135.02 of the Planning and Zoning Code to permit a small scale brewery use at Parcel #028-10A-21-339, 325 W. Smith Road. Mr. Williams stated the approval is based on the finding that it will be the minimum relief necessary for the applicant to properly use the property. Mr. Williams stated the approval is subject to the fulfillment of the existing sales agreement between the current owner and the current applicant.

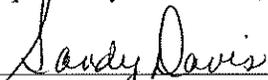
The motion was seconded by Mr. Bigam.

Vote:

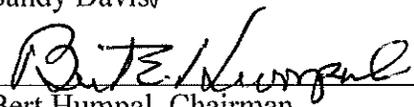
Gallagher	<u>Y</u>
Bigam	<u>Y</u>
Humpal	<u>Y</u>
Williams	<u>Y</u>
Approved	4-0

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairman