



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: October 8, 2015

Meeting Time: 6:00 pm

Present: Bert Humpal, Kris Klink, Mark Williams, Mark Pinskey, Jim Bigam, Jonathan Mendel, (Community Development Director), Justin Benko (Associate Planner), Sandy Davis (Administrative Assistant)

Absent: None

Minutes: Mr. Klink made a motion to approve the September 10, 2015 minutes as submitted. The motion was seconded by Mr. Williams.

Vote:

Humpal	<u>Y</u>
Klink	<u>Y</u>
Williams	<u>Y</u>
Bigam	<u>abstain</u>
Pinskey	<u>Y</u>
Approved	4-1 abstention

Announcements: None

Old Business: None

New Business:

1. Z15-27 1038 N. Court Johnny Malloy's/Geppetto's VAR
Mr. Benko gave a brief overview of the case. Mr. Benko stated this is a variance request from Section 1147.14(D) of the Planning and Zoning Code to allow a second wall sign to be installed on the side of the building, and also a variance request to Section 1147.14(B) of the Planning and Zoning code to allow a second ground sign to be installed at the rear of the property located at 1038 N. Court.

Mr. Benko stated the storefront is located on the east side of N. Court Street, south of Reagan Parkway and North of Forest Meadows Drive.

Mr. Benko stated the applicant is seeking a variance for a second wall sign and a second ground sign for Geppetto's/Johnny Malloy's. Mr. Benko stated there is currently a wall sign fronting N. Court Street with the Geppetto's name in red channel letters. Mr. Benko stated the applicant is seeking a variance for a second wall sign on the south façade with the Johnny Malloy's name in green channel letters. Mr. Benko stated the entrances on the south façade are the primary entrances for Johnny Malloy's.

Mr. Benko stated there is a private alley behind Johnny Malloy's that connects North Pointe Plaza with E. Reagan Parkway. Mr. Benko stated the applicant believes traffic in the alley will increase once the ODOT widening of N. Court Street begins. Mr. Benko stated the applicant is seeking a variance for a second ground sign to be located at the rear of the building so that the restaurant is identifiable from the alleyway.

Mr. Benko stated construction of a conforming sign would not obstruct the vision of motorists or otherwise endanger public health because the request is not a sign size or sign location variance but rather a variance to allow additional signage.

Mr. Benko stated the variance request is for additional signage. Mr. Benko stated the proposed signs are a 100% increase to the number of wall and ground signs at the site. Mr. Benko stated the permitted signs are visible.

Mr. Benko stated the variance request does not affect the size of the sign. Mr. Benko stated the second wall sign may be appropriate because the south wall has the primary entrances for the restaurant.

Mr. Benko stated the second ground sign may be appropriate in scale for the rear of the building because the private alley is currently used as a cross street. Mr. Benko stated the ground sign would identify the building.

Mr. Benko stated the second wall sign may be consistent with the district. Mr. Benko stated Arby's restaurant to the south has a wall sign fronting N. Court Street with secondary wall signs on the north and south facades.

Mr. Benko stated the second ground sign may not adversely impact the neighborhood. Mr. Benko stated the private alley functions as a through street for the adjacent businesses. Mr. Benko stated the sign is non-illuminated and is proposed for existing landscaping.

Mr. Benko stated the variance sought is the minimum necessary for the second wall sign. Mr. Benko stated a second wall sign is only permitted on properties fronting two streets. Mr. Benko stated the restaurant fronts the driveway shared by Johnny Malloy's and Arby's.

Mr. Benko stated the variance sought for the second ground sign is not the minimum necessary. Mr. Benko stated instructional signs, as determined by the Planning Director, are exempted from regulation. Mr. Benko stated although the primary intent of the sign

is instructional in nature, the ground sign could be reduced in size to be consistent with instructional signs within the city which is typically 2-3 sq. ft.

Present for the case was Carl May from Medina Signs, 411 W. Smith Road, Medina. Mr. May stated they intent to install channel letters on the south façade and the ground sign will be all aluminum construction with vinyl overlay letters.

Mr. May stated the applicant feels the directional sign is needed to direct traffic into the parking lot. Mr. Pinskey asked if there is already a ground sign. Mr. Benko stated yes, there is a ground sign in the front of the building at Court Street. Mr. Benko stated this would be a second ground sign. Mr. Benko stated all instructional signs in the city are up to the discretion of the Planning Director for approval. Mr. Benko stated the proposed ground sign is larger than the typical instructional sign but it is serving the same purpose. Mr. Benko stated it needed the variance due to the proposed size of the sign.

Mr. Benko stated adjoining property owners have been notified and there has been one property owner from the condos at the rear of the building to discuss it but had no comment either way.

Mr. Pinskey asked if there has been any discussion about making the sign consistent with other instructional signs in the city. Mr. Benko stated the applicant opted to apply for the variance for the larger instructional sign.

Mr. Benko stated the applicant feels the smaller instructional sign may not be visible enough to vehicles passing by.

Mr. Klink asked if the sign will come down once the widening of Rt. 42 is complete. Mr. May stated no they are not considering that.

Mr. Humpal stated other businesses on that street may request the same thing. Mr. Benko stated it is his understanding that only Geppetto's/Johnny Malloy's own the property to the other side of the alley. Mr. Benko stated they also own the alley behind Arby's as well. Mr. Benko stated other businesses would need to get approval to put their sign on the Geppetto's property.

Mr. Humpal asked if that is the only two businesses on the alley other than the BP Gas Station. Mr. Benko stated there is also Pizza Hut at the end. Mr. Humpal stated theoretically, they could also ask for a sign. Mr. Benko stated yes but the property behind them is owned by the Condo Association.

Mr. Klink stated Pizza Hut could request a sign on the other side of the alley.

Mr. Bigam stated this is an unimproved alleyway and is already in very bad shape. There was a brief discussion regarding the volume of traffic in the alley way now.

Mr. Humpal stated he is fine with the side wall sign variance since there is a side entrance. Mr. May stated it will be LED illuminated channel letters in green.

Mr. Klink asked if there is any other signage in alleyways in the city. Mr. Benko stated not that he is aware of. Mr. Mendel stated this is more of an access drive and there are several access drives off of the shopping centers on secondary roads with instructional signage. Mr. Mendel stated there are no other substantial signs such as this.

Mr. Mendel stated this is not a dedicated public right-of-way. Mr. May stated the variance being requested is not for permission to have a sign there but is for the size of the sign. Mr. May stated the applicant feels the size is necessary so people can read it. Mr. May stated the purpose is to get a larger, more readable sign that puts both names of the business on the sign and can read when driving down the alley.

Mr. Klink stated he reads the variance request as a request for a second ground sign, not the size of the sign. Mr. Benko stated essentially if they were reducing the size of the sign, then staff could approve the sign. Mr. Benko stated due to the sign being the size of a typical ground sign, they are requesting a variance for the sign to exist.

Jim Evans, 1077-C N. Jefferson Street, Board President of the condo complex behind Geppetto's/Johnny Malloy's, commented. Mr. Evans stated his main concern is a vehicle swerving to not hit the sign and hit the fence and condos. Mr. Evans stated this has happened in the past. Mr. Evans stated the sign looks very close to the alley. There was a brief discussion regarding the proposed location for the sign. Mr. Mendel stated it was unlikely that a vehicle would hit the fence and condos due to the sign since the traffic will be going north and south, not east and west.

Mr. Klink asked Mr. Evans if the location of the sign alleviates his concerns. Mr. Evans stated he never thought a car would hit the fence and condo before but it happened.

Tim Divis, 1085 N. Jefferson Unit D commented. Mr. Divis stated he lives in the condos. Mr. Divis stated he objects to the sign because it will be an eyesore that is visible to the condo residents. Mr. Divis asked if the sign could be located on the other side of the alley. Mr. Williams asked if the condo association owns the drive or does Geppetto's own the drive. Mr. Mendel stated the driveway is a separate parcel owned by the condo association. Mr. Mendel stated there is a gated fence as part of the emergency access into the back of the condo complex.

Mr. Williams asked how high the fence is at the condos. Mr. Divis stated five or six feet high. Mr. Humpal reiterated that if the sign being proposed was a 2-3 ft. instructional sign, there would be no variance required and the sign would be allowed without going through the process.

Mr. Benko stated the size of instructional signs is total up to the discretion of the Planning Director but are typically anywhere from 2 to 4 feet, no larger. Mr. Benko

stated staff feels that the proposed 12 sq. ft. foot sign is closer to a ground sign than an instructional sign.

Mr. Evans asked if the sign will be facing the street that is owned by the condos. Mr. Evans stated the condos own the street and permission should be required for the sign to be facing it. Mr. Mendel stated permission is not required for a sign to face a certain direction.

Mr. Benko stated the proposed sign is 64 inches tall. Mr. Klink stated if the sign is five feet and the fence is five to six feet then the sign would only be visible from a second story.

Mr. Evans asked if the Condo Association has any rights at all. Mr. Mendel stated the rights they have is through the variance request process. Mr. Mendel stated they have the right to be provided notice as an adjacent property owner. Mr. Mendel stated cross properties do not have visual rights that can be imposed upon adjacent property owners.

Mr. Williams stated he feels since there is some contention, the wall sign is fine but he would not approve the second variance for the ground sign.

Mr. Bigam made a motion to approve a variance request to Section 1147.14(D) of the Planning and Zoning Code to allow a second wall sign to be installed on the side of the building at 1038 N. Court Street as submitted based on the finding that the sign will not adversely affect the character or appearance of the building or neighborhood and the variance sought is the minimum necessary for visibility and readability of the sign.

Mr. Williams seconded the motion.

Vote:	
Humpal	<u>Y</u>
Pinskey	<u>Y</u>
Klink	<u>Y</u>
Williams	<u>Y</u>
Bigam	<u>Y</u>
Approved	5-0

Mr. Bigam made a motion to deny the variance request from Section 1147.14(B) of the Planning and Zoning Code to allow a second ground sign to be installed at the rear of the property at 1038 N. Court Street due to the size and placement and it affects the character of the neighborhood and the alleyway.

The motion was seconded by Mr. Pinskey.

Vote:	
Humpal	<u>Y</u>
Pinskey	<u>Y</u>

Klink	<u>Y</u>
Williams	<u>Y</u>
Bigam	<u>Y</u>
Motion to deny approved	5-0

2. Z15-28 799 N. Court James Guhde VAR

Mr. Benko gave a brief overview of the case. Mr. Benko stated this is a variance request to Section 1147.14(C) of the Planning and Zoning Code to allow a poll sign on a property that does not meet the shopping center plaza area requirements.

Mr. Benko stated the property is located on the southwest corner of the N. Court Street and Highland Drive intersection.

Mr. Benko stated there is 29,000 square foot, multi-tenant shopping center at the site that consists primarily of retail and office uses. Mr. Benko stated there is a legal nonconforming pole sign at the site which will be removed as part of the State of Ohio widening of N. Court Street. Mr. Benko stated the widening is scheduled to begin in the spring of 2016. Mr. Benko stated the applicant is seeking a variance to move the non-conforming pole sign to another portion of the site and reduce the sign height to 12 feet. Mr. Benko stated Planning and Zoning Code section 1147.14(C) allows pole signs, with two or more supports, for shopping centers with a floor area of 50,001 or greater.

Mr. Benko stated construction of a conforming sign would not obstruct vision of motorists.

Mr. Benko stated conforming signage would not be blocked from the sight of passing motorists due to existing trees or other obstructions.

Mr. Benko stated conforming signage would have the same impact to the parking lot as the proposed sign does.

Mr. Benko stated the existing sign is a legal non-conforming sign that will be removed as part of the N. Court Street widening. Mr. Benko stated moving the sign to anew portion of the parking lot may continue the status quo at the site.

Mr. Benko stated the variance sought is the minimum necessary.

Present for the case was Jim Guhde, Manager of the Highland Court building. Mr. Guhde stated they purchased the property 18 years ago and five years later they refaced the lower portion of the sign. Mr. Guhde stated the upper portion used to be about five foot high. Mr. Guhde stated the tenants of the building have been complaining that the sign is ugly. Mr. Guhde stated they then refaced the top of the sign in white with black letters. Mr. Guhde showed photos of other signs in the area. Mr. Guhde stated the proposed sign is lit in the morning until 11:00 pm.

Mr. Pinskey asked if the rendering reflects the reduction in height to 12 feet. Mr. Guhde stated initially the top was four foot high and is now one foot high. Mr. Guhde stated from the base to the ground is 13 feet.

Mr. Pinskey asked for the definition of legal non-conforming. Mr. Benko stated it means it was permitted before the sign code changed to where it is now not permitted.

Mr. Pinskey asked what the size of a conforming sign would be. Mr. Benko stated it would be a six foot tall ground sign, 40 square feet maximum. Mr. Guhde stated the proposed sign is 54 square feet.

Mr. Guhde demonstrated where ODOT will be taking the land up to. Mr. Guhde stated there is a construction easement that ODOT will require. Mr. Guhde demonstrated where the sign will be moved on the property. Mr. Guhde stated they will be using the same sign, not a new sign. Mr. Guhde stated the height will be two feet less and a base will be added to the sign.

Mr. Klink asked if there are eleven tenants on the sign and if there will be more added in the future. Mr. Guhde stated he believes there are spaces on the sign for 12 tenants. Mr. Guhde stated they will not add to it.

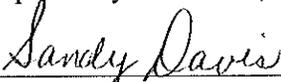
Mr. Williams made a motion to approve a variance request from Section 1147.14(C) of the Planning and Zoning Code to allow a poll sign on a property that does not meet the shopping center plaza area requirements at 799 N. Court Street as presented based on the finding that the variance is the minimum necessary.

The motion was seconded by Mr. Klink.

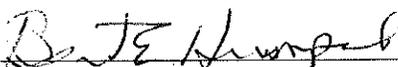
Vote:	
Williams	<u>Y</u>
Klink	<u>Y</u>
Humpal	<u>Y</u>
Pinskey	<u>Y</u>
Klink	<u>Y</u>
Approved	5-0

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairman