



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: August 11, 2016

Meeting Time: 6:00 pm

Present: Bert Humpal, Brandilynn Fry, Paul Roszak, Kris Klink, Samuel Livingston, Jonathan Mendel, (Community Development Director), Sandy Davis (Administrative Assistant)

Absent: Rob Henwood, Mark Williams

Minutes: Mr. Roszak made a motion to approve the minutes from the June 9, 2016 meeting as submitted. Mrs. Fry seconded the motion.

Vote:

Humpal	<u>Y</u>
Fry	<u>Y</u>
Livingston	<u>Y</u>
Klink	<u>abstain</u>
Rozsak	<u>Y</u>
Approved	4-1 abstention

The Court Reporter swore in everyone who will give testimony.

Old Business: None

New Business:

1. Z16-16 238 S. Court MMBKH Partners LLC VAR

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a variance request to Section 1147.15(B) of the Planning and Zoning Code to allow a ground sign of 15.3 square feet instead of the maximum 12 square feet and a variance from Section 1147.10(c) of the Planning and Zoning Code to allow a permanent off-site sign to be located on the property not owned by the applicant.

Mr. Mendel stated the subject property is zoned C-2, Central Business District. Mr. Mendel stated the subject property is located on the west side of S. Court Street south of Washington Street and North of W. Smith Road.

Mr. Mendel stated the applicant was seeking Conditional Sign approval at the August 11, 2016 Historic Preservation Board meeting to replace the existing Thyme² ground sign with a new ground sign for Thyme² and Got Milt. Mr. Mendel stated the Conditional Sign Permit review guidelines stated the proposed sign must be harmonious and in accordance with the general character of the district. Mr. Mendel stated the Conditional Sign approval was granted this evening by the Historic Preservation Board. Mr. Mendel stated the proposed sign would be in the same location as the existing sign on the east frontage of the Feckley city owned parking lot. Mr. Mendel stated the ground sign would be in the same location due to low visibility off of S. Elmwood. Mr. Mendel stated the applicant is working with Thyme² to include "Got Milt" on the same sign in the same structure frame that is existing. Mr. Mendel stated the existing sign was granted a Revocable Use Permit by the City via ordinance 154.11; and per the Medina Law Department, the proposed sign can continue using the same Revocable Use Permit as long as the sign remains in the same location.

Mr. Mendel stated the applicant requires review and approval of a practical difficulty to the seven factors for sign variances. Mr. Mendel reviewed the seven factors as below:

1. Construction of conforming signage would not obstruct vision of motorists. The proposed sign will be located in the same location as the existing sign which was granted a Revocable Use Permit by the city in 2011.
2. Conforming signage would be blocked from the sight of passing motorists. The primary parking and entrance for both businesses is via the city owned parking lot on S. Court Street. Compliant signage must be located on W. Smith Road for Thyme² and S. Elmwood Avenue for Got Milt which may confuse potential patrons of each business.
3. Conforming signage would not require removal or severe alteration to any significant features on the site.
4. Due to the size of the parking lot, the larger sign may appear appropriate in scale. Additionally, the larger sign may improve readability.
5. The variance may not adversely affect the character of the neighborhood. The applicant has received Conditional Sign approval from the Historic Preservation Board at their meeting this evening. The Conditional Sign Permit Review guidelines in Code section 1147.16 state that the proposed sign must be compatible with the design and materials of the building on which the sign is to be placed and that the proposed sign must be harmonious and in accordance with the general character of the district.
6. The variance sought may not be the minimum necessary for the ground sign. The sign could be reduced to 12 square feet in area; however, this may not limit the readability of the sign.
7. 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.

Present for the case was Business Owner, Milt Marshall. Mr. Marshall stated they have been in business approximately 9 years as a health and fitness center. Mr. Marshall stated the facility is located S. Elmwood Street. Mr. Marshall stated the location has been difficult for visibility and accessibility. Mr. Marshall stated the building has been hit by vehicles coming through from S. Elmwood several times.

Mr. Marshall stated he would like visibility from S. Court Street. Mr. Marshall stated he came to an agreement with John Kolar, the owner of Thyme² to share the signage on S. Court. Mr. Kolar signed off on the sign design.

Mr. Klink stated the sign calculations are incorrect and should be 16.3 sq. ft. Mr. Marshall stated that is correct. Mr. Mendel noted to make that correction in the record.

Mr. Klink made a motion to approve a variance to Section 1147.15(B) of the Planning and Zoning Code to allow a ground sign of 16.3 sq. ft. in area instead of the maximum 12 sq. ft. located at PP#028-19A-21-241, S. Court Street and also a variance request to Section 1147.10(c) of the Planning and Zoning Code to allow a permanent off-site sign to be located on property not owned by the applicant. Mr. Klink stated the approval is based on the finding that conforming signage would be blocked from the side of passing motorists and due to the size of the parking lot, a larger sign is more appropriate in scale and will approve readability.

The motion was seconded by Mr. Livingston.

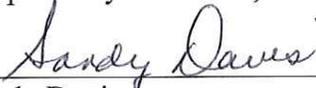
Vote:

Humpal	<u>Y</u>
Fry	<u>Y</u>
Livingston	<u>Y</u>
Klink	<u>Y</u>
Roszak	<u>Y</u>
Approved	5-0

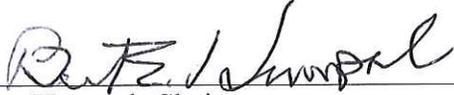
Mr. Mendel gave an update on demolition of the Chamber of Commerce building and also the Masonic Temple building. Mr. Mendel stated a permit has been issued for the chamber building and environmental remediation will begin on the Masonic Temple on Monday for the inside of the building and the full structure demo will begin on August 28th and will take approximately 6 weeks.

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis


Bert Humpal, Chairman
