

**MEETING DATE: 8-11-16**

# **BOARD OF ZONING APPEALS**

**Z16-16**

**238 S. Elmwood**



**CITY of MEDINA**  
**Board of Zoning Appeals**  
**August 11, 2016 Meeting**

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**Case No:** Z16-16

**Address:** S. Court Street – 028-19A-21-244

**Applicant:** MMBKH Partners (DBA Got Milt Health & Fitness)

**Subject:** Variance request from Section 1147.15(B) of the Planning and Zoning Code to allow a ground sign 15.3 square feet instead of the maximum 12 square feet.

Variance request 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.

**Zoning:** C-2 – Central Business District JB

**Submitted by:** Justin Benko, Associate Planner

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**Site Location:**

This subject property is located on the west side of S. Court Street south of Washington Street and North of W. Smith Road.

**Project Introduction:**

The applicant is seeking conditional sign approval at the August 11, 2016 Historic Preservation Board Meeting to replace the existing Thyme<sup>2</sup> ground sign with a new ground sign for Thyme<sup>2</sup> and Got Milt. The Conditional Sign Permit Review guidelines state that the proposed sign must be harmonious and in accordance with the general character of the district: The proposed sign will be located in the same location as the current sign which is on city owned property. The current 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.

Please find attached to this report:

1. Sign rendering
2. Aerial site photograph

**Considerations:**

§1107.08(b) of the Medina Planning and Zoning Code describes the responsibilities of the Board of Zoning Appeals as such: Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this chapter, the Board shall have the power, in a specific case, to interpret any such provision in harmony with its general purpose and intent so that the public health, safety, and general welfare may be secured and substantial justice done.

When a sign variance is requested, as in this case, a practical difficulty must exist. There are seven factors that the BZA should consider when evaluating whether or not a practical difficulty exists. These factors are outlined below, along with a discussion of how these factors apply to the application in question. 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.***

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

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 Thyme<sup>2</sup> and S. Elmwood Avenue for Got Milt which may confuse potential patrons of each business.

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.***

Conforming signage would not require removal or severe alteration to any significant features on the site.

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.***

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

The variance may not adversely affect the character of the neighborhood. The applicant is seeking conditional sign approval from the Historic Preservation Board at the August 11, 2016 meeting. 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 is the minimum necessary to allow reasonable use, visibility, or readability of the sign.***

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.

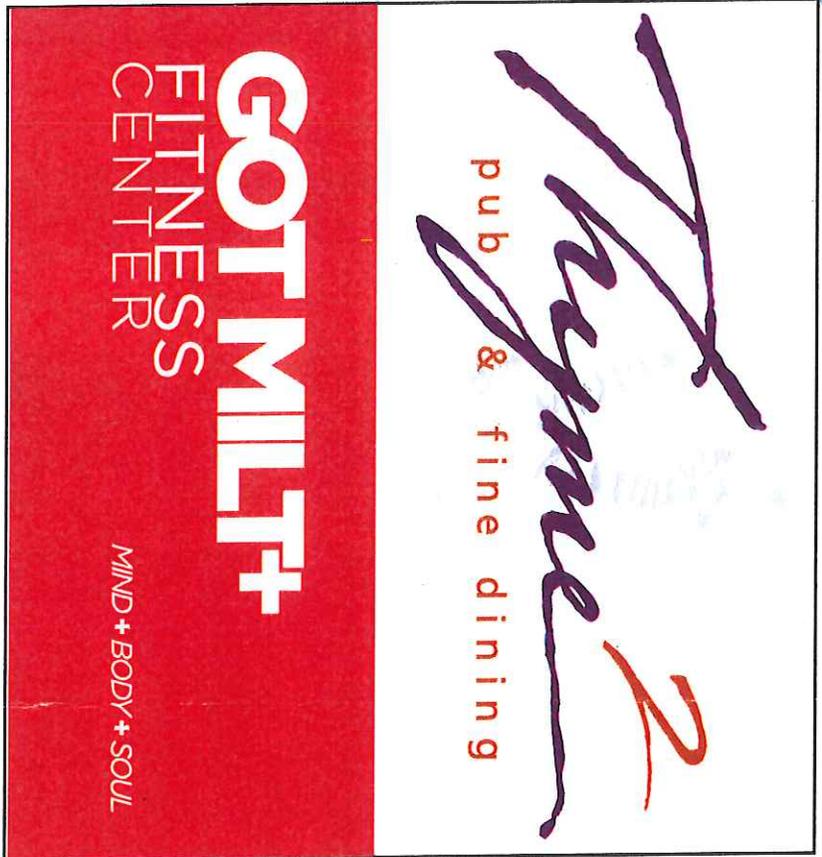
7. ***The variance will be consistent with the general spirit and intent of this Ordinance.***

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.

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 code sections 1147.10(c) and 1147.15(B).

49"

*John Kolar*  
*6/30/16*  
*48"*  
*?*  
*o/c*



Provided Artwork

**RECEIVED**  
 JUL 05 2016

BY:.....

<b>Work Order #</b> 9463-16		<b>SCREEN PRINT</b>		<b>PRINT COLORS</b>		<b>SIGN COLORS</b>		<b>VERSION</b>	
CLIENT: Got Milk		<input type="checkbox"/> EMBROIDERY		PMS 262 c		WHITE		5_1	
CONTACT: Mitt Marshall		<input type="checkbox"/> HEAT TRANSFER		PMS 1657 c		<input type="checkbox"/>			
PROJECT: Sign		<input type="checkbox"/> PROMOTIONAL		PMS Black		<input type="checkbox"/>			
DATE: 6/27/16		<input type="checkbox"/>		PMS Orange		<input type="checkbox"/>			
FILE NAME: 9463-16_Got_Milk_sign_Proof		<input type="checkbox"/>				<input type="checkbox"/>			

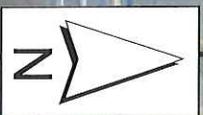
S ELMWOOD AVE

Got Milt building

Subject Site

S COURT ST

W SMITH RD



H16-11 & Z16-16  
Got Milt  
Conditional sign &  
Off-site sign variance  
August 11, 2016

Proposed sign location

1 inch = 60 feet

