

**MEETING DATE: 10-8-20**

# **BOARD OF ZONING APPEALS**

**Z20-15**

**236 N. State Rd.**



**CITY of MEDINA**  
**Planning Commission**  
**October 8, 2020 Meeting**

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**Case No:** Z20-15

**Address:** 236 N. State Road

**Applicant:** David Teper

**Subject:** A request for a use variance from Section 1141.02 of the Planning and Zoning Code to permit a restaurant use in the I-1, Industrial where such use is not permitted.

**Zoning:** I-1, Industrial

**Submitted by:** Jonathan Mendel, Community Development Director 

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**Site Location:**

The existing site is located on the east side of the 200 block of N. State Road.

**Project Introduction:**

The subject property is an existing retail drive-thru use that was granted a Conditional Zoning Certificate and Site Plan approval in 2015 by the Planning Commission.

The proposed use is a small scale restaurant use to permit eating prepared meals at this location on site. The property is zoned I-1, Industrial, but the proposed Restaurant use is not a permitted use in the I-1 district. In order to occupy this property, the applicant requests a use variance.

Please find attached to this report:

1. Applicant's narrative argument and site plan received September 17, 2020
2. Aerial photograph

**Considerations:**

Section 1107.08(b) of the City and Planning Code describes the responsibilities of the Board of Zoning Appeals as such: Where there are 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.

The request is subject to determination of unnecessary hardship as a use variance is requested. 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.

Factors applicable to use variances (“unnecessary hardship”). The applicant shall show by a preponderance of the evidence that the variance is justified, as determined by the Board. The Board shall weigh the following factors to determine whether an area variance should be granted:

- 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;*

This site is comparatively small and likely most suitable to typical retail and/or restaurant uses versus typical industrial uses.

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

This property has been zoned I-1 for decades and was not the applicant’s doing.

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

This property has been a small scale retail use and building for 5 years and, coupled with the proposed use, will continue to be a much less intensive land use than the existing heavy industrial land uses in the immediate vicinity.

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

The proposed use is a small scale restaurant use expansion of an existing small scale retail use. This is unlikely to have any substantive effect on the existing heavy industrial neighborhood.

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

The proposed use should be consistent with the spirit and intent, since it will be a land that is smaller and much less intensive than the surrounding industrial land uses.

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

The use variance request will permit the strengthening of a locally owned small business that currently serves many workers and residents in the immediate vicinity.

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

There are economically viable uses possible for this property in the I-1 district.

The BZA must weigh the above seven factors for the requested variance and determine if a practical difficulty exists that would merit a use variance from Section 1141.02

If the Board approves this use variance request, staff recommends a condition be placed on the approval stating that it will only be valid to the current property and business owner (David Teper).

# 236 N. State Rd



# Grab N Go Enterprises Medina

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David R Teper  
236 N State Rd  
Medina, Ohio 44256  
330-461-4042

9/17/2020

## Re: Variance Request

To whom it may concern:

I, David Teper, representing Grab N Go Beverage, am seeking a Land Use Variance and the approval of a proposed expansion at the front of my property. The variance would allow our business to function as a "restaurant", providing the ability of food and drink consumption. The expansion would be landscape and hardscape based, that would allow our customers to sit, safely and distanced, in a comfortable outdoor setting. I am proposing this area to be constructed very similarly to the Corkscrew Saloon, and the new brewery, Planted Flag, featuring a large seating area with several tables, chairs and umbrellas. The area will be surrounded and contained by a split rail fencing system. We would offer pre-packaged foods, fresh sandwiches, meals from Partake Kitchen, and fresh beverages from our store. There would also be a landscape renovation, making the area aesthetically pleasing, safe, and inviting (see design).

The granting of this variance will not adversely affect the rights of adjacent owners or affect public health, safety, or general welfare of the neighborhood, as the proposed use is not dangerous, unsafe or a nuisance.

The variance will be consistent with the general spirit and intent of the ordinance and will allow for a legitimate expansion of our business in a clean and professional manner, providing a needed service to the community.

In summation, I am requesting a Land Use Variance, to allow the expansion of my business in to the front of our property, with an enclosed seating area for customers to eat and drink our products.

Best Regards,

  
David R Teper  
Grab N Go Enterprises





GRAB-N-GO  
BEVERAGE

PARTAKE KITCHEN

EX. PATIO

EX. WALL

EX LOCUST TREE

RAISED L/S

PROP  
SEATING  
AREA

PROP  
SEATING  
AREA

TABLE/UMBRELLA

WALKWAY TO SEATING AREA

RIVERSTONE  
L/S AREA

SPLITRAIL  
FENCING

DRIVE WAY

DRIVE WAY

PUBLIC WALK

