



**CITY of MEDINA**  
**Board of Zoning Appeals**  
**Regular Meeting Minutes**  
**September 14, 2023**

Meeting Date: September 14, 2023

Meeting Time: 7:00 PM

Present: Kyle Funk, Robert Henwood, Bert Humpal, Paul Roszak, Mark Williams, Andrew Dutton (Community Development Director), and Sarah Tome (Administrative Assistant).

**Approval of Minutes**

Mr. Williams made a motion to approve the minutes from August 10, 2023 as submitted.

The motion was seconded by Mr. Funk.

Vote:

Funk	<u>Y</u>	Henwood	<u>Y</u>
Humpal	<u>Y</u>	Williams	<u>Y</u>
Approved	<u>4-0</u>		

The Court Reporter swore in all attendees.

**Applications**

1. Z23-16 Joe Jenkins 740 West Liberty Street VAR

Mr. Dutton stated that the property was located on the southeast corner of State Road and West Liberty Street. He noted that the gas station and convenience store site had the following existing signs:

- Ground Sign – 40 sq. ft, 5 ft. 4 in. tall
- Canopy Signs (Wall) – Signs on the gas station canopy facing West Liberty Street, State Road, and east. Each sign was 16 sq. ft. The signs were approved by Variance Z11-23 allowing additional wall signs.
- Wall Signs on the Building – Signs facing West Liberty Street and State Road. Each sign was 28 sq. ft. and had a lower changeable copy section.

He added that the applicant was proposing the replacement of the wall signs on the building with 27 sq. ft. Truenorth wall signs in the same location. Mr. Dutton stated that the property was a corner lot and had two frontages. He noted that either frontage could be considered the primary frontage or secondary frontage. Mr. Dutton stated that the maximum sign area may be either of the following:

- West Liberty Street Primary Frontage – 86 sq. ft. facing West Liberty Street and 15 ft. facing State Road.
- State Road Primary Frontage – 58 sq. ft. facing State Road and 22 ft. facing West Liberty Street.

He added that, for either option, one of the proposed 27 sq. ft. wall signs would exceed the maximum area by either 5 sq. ft. or 12 sq. ft.

Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- The proposed signs were a reduction in size from the existing signs.
- There were obstructions present making conforming signs difficult to read from the road.
- The variance was consistent with the spirit and intent of the ordinance and the white aluminum backer portion resulted in the sign exceeding size requirements.

Mr. Humpal asked if, since the existing signs were approved by a prior variance, the new signs still required a variance. Mr. Dutton stated that the signs on the canopy had been approved by the previous variance. He added that it was assumed that the current wall signs were permitted when they were installed.

Present for the case was Joe Jenkins, owner of Jenkins Sign Company, 1400 Mahoning Avenue in Youngstown. Mr. Jenkins stated that his company had been installing signs similar to this for Truenorth at other store locations. He added that one of the big differences between these signs and the current signs was that the existing signs were front-lit, while the proposed signs were backlit. Mr. Jenkins noted that the proposed signs were also smaller than the existing.

Mr. Humpal opened the public hearing. There were no questions or comments from the public.

Mr. Williams stated that sign variances were challenging, as the Board wanted to maintain standards, but they also wanted to work with businesses. Mr. Williams added that he supported this variance as this site was at a busy intersection and he did not want customers to have trouble finding their way. Mr. Humpal, Mr. Henwood, and Mr. Funk all expressed support for the variance.

At this point, Mr. Roszak joined the Board.

Mr. Williams made a motion to approve the variance to Section 1147.14(d), stating that the variance would be consistent with the general spirit and intent of the Zoning Code and that the variance sought was the minimum necessary to allow reasonable visibility.

Mr. Funk seconded the motion.

Vote:

Henwood	<u>Y</u>	Roszak	<u>Y</u>	Funk	<u>Y</u>
Humpal	<u>Y</u>	Williams	<u>Y</u>		
Approved	<u>5-0</u>				

2.        Z23-17            Mike Brock                            220 North State Road                            VAR

Mr. Dutton stated that the property was located on the east side of North State Road. Mr. Dutton stated that the property was home to the Common Ground and incorporated the following users:

- CT Crates – A 16,800 sq. ft. industrial use
- MK Airsoft – A 32,000 sq. ft. commercial recreation use
- Common Ground – A 40,000 sq. ft. indoor market with over 50 vendors including retail and food service.

Mr. Dutton stated that the applicant was proposing to locate Pickleback’s, a 3,611 sq. ft. bar and restaurant, in an area on the north side of the building. He added that the establishment would include a 960 sq. ft. outdoor dining area on a proposed deck. Mr. Dutton stated that an existing gravel parking area was located on the north side of the building to accommodate parking for the use. He noted that “Restaurant”, “Bar or Tavern”, and “Outdoor Dining” uses were not permitted in the I-1 District and thus required a variance. Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- The variance was a result of a unique condition as the building was a former industrial property redeveloped as a mixed-use commercial development.
- The granting of the variance would not adversely affect adjacent property owners, which included the Foundry Social/High Voltage Karting.
- The use would not adversely affect public health, safety, or general welfare and would support the existing uses on the site.
- The building no longer had an economically viable industrial use.

Present for the case was Mike Brock, owner of 220 North State Road.

Mr. Humpal asked if there had been any other use variances for businesses within the building or in the neighborhood. Mr. Dutton stated that this was the first use within the building that required a variance. Mr. Humpal asked if there was a liquor license available for the site. Mr. Bock stated that they had already acquired one.

Mr. Brock noted that the building had been in very rough shape when he purchased it. He added that he wanted to establish an actual sit-down bar on the site. Mr. Brock stated that he would appreciate the continued support from the City and the Board to help Common Ground and the businesses located within it.

Mr. Humpal opened the public hearing. Dave Mueller of Rico Manufacturing, 691 West Liberty Street, stated that he was in support of the proposal and the Common Ground. He stated that the building, while it hadn't been condemned, probably should have been due to the state it had been in. Mr. Mueller stated that he thought this was the best use for the building.

Mr. Williams stated that he had visited the Common Ground and Mr. Brock had done amazing work. He added that he felt it fit in well with the area and wished him the best of luck with the bar and restaurant.

Mr. Humpal inquired if the variance should be restricted to the current owner. Mr. Williams stated that he could see two sides to this issue. He noted that including the condition would give the Board options in the future should there be an issue. He continued that such restrictions could make it hard for the business should they want to sell the restaurant in the future.

Mr. Roszak made a motion to approve the variance, stating that granting the variance did not create a hardship condition, nor would it adversely affect the rights of adjacent owners or adversely affect the public health, safety or general welfare.

Mr. Williams seconded the motion.

Vote:

Humpal	<u>Y</u>	Williams	<u>Y</u>	Henwood	<u>Y</u>
Rozsak	<u>Y</u>	Funk	<u>Y</u>		
Approved	<u>5-0</u>				

### **Adjournment**

Having no further business, the meeting was adjourned.

Respectfully submitted,

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Sarah Tome

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Bert Humpal, Chairman