



BOARDS & COMMISSIONS APPLICATION

132 North Elmwood Avenue
330-722-9038
www.medinaoh.org

Application Number 223-08

GENERAL	Date of Application <u>4.20.2023</u> Property Location <u>144 N. Court St. Medina, OH 44256</u> Description of Project <u>Adding a temporary seasonal patio on the parking lot on the north side of the building</u>
CONTACT INFORMATION	Applicant Name <u>Robert Ukeac</u> Address <u>235 W. Liberty St.</u> City <u>Medina</u> State <u>OH</u> Zip <u>44256</u> Phone <u>(616) 392-1596</u> Email <u>Bob@wreckingCrewBrewworks.com</u> Property Owner Name <u>Spencer Smith</u> Address <u>328 Harvard St.</u> City <u>Medina</u> State <u>OH</u> Zip <u>44256</u> Phone <u>(330) 421-9501</u> Email <u>jms95211c@gmail.com</u>
APPLICATION TYPE	Planning Commission Site Plan <input type="checkbox"/> Conditional Zoning Certificate <input checked="" type="checkbox"/> Code or Map Amendment <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Conditional Sign (EMC/Shopping Ctr) <input type="checkbox"/> Cert. of Appr. (TCOV) <input type="checkbox"/> Other <input type="checkbox"/> Historic Preservation Board Certificate of Appropriateness <input type="checkbox"/> Conditional Sign <input type="checkbox"/> Board of Zoning Appeals Variance <input checked="" type="checkbox"/> Appeal <input type="checkbox"/>
APPLICANT SIGNATURE	By signing this application, I hereby certify that: 1) The information contained in this application is true and accurate to the best of my knowledge; 2) I am authorized to make this application as the property owner of record or I have been authorized to make this application by the property owner of record; 3) I assume sole responsibility for correspondence regarding this application; and 4) I am aware that all application requirements must be submitted prior to the formal acceptance of my application. Signature <u></u> Date <u>4.20.2023</u>
OFFICIAL USE	Zoning District <u>C-2</u> Fee (See Fee Sheet) \$ <u>500</u> Meeting Date <u>5/11/23</u> Check Box when Fee Paid <input checked="" type="checkbox"/>

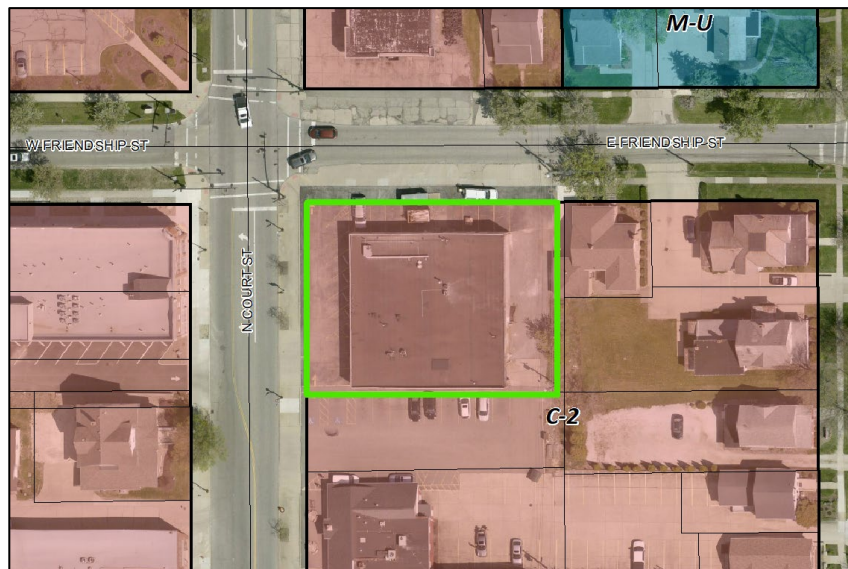
Z23-08
Wrecking Crew Brew Works Outdoor Dining

Property Owner: Spencer Smith
Applicant: Robert Vokac
Location: 144 North Court Street
Zoning: C-2 (Central Business)
Request: Area Variance to Section 1153.04(a)(39)(A.) to allow outdoor dining adjacent to a bar without food service

LOCATION AND SURROUNDING USES

The subject site is composed of 0.38 acres on the southeast corner of North Court Street and Friendship Street. Adjacent properties are zoned C-2 and include the following uses:

- North – Parking Garage
- East – Single and Two-Family Residential
- South – Restaurant
- West – Mixed-Use Building



BACKGROUND & PROPOSED APPLICATION

Wrecking Crew Brew Works was established in the northwest corner of the multi-tenant building in 2020. The taproom serves alcohol and does not have permanent food service, though food trucks are occasionally at the site. The existing multi-tenant building includes two other tenants, Fabric Obsessions and Awesome Sauce Vapor, and has 17 existing parking spaces. The site is within the Downtown Parking District, which is exempt from minimum parking requirements.

The applicant is requesting to designate an 18.5 ft. x 25 ft. area on the north side of the building for an outdoor dining area, which will occupy two existing parking spaces. The patio area will be enclosed by planter boxes connected by rope and incorporates black furniture and festoon lighting. The roped area may be required to extend from the business's entrance to the patio.

The applicant has further indicated that the outdoor dining area will be open from spring to fall and generally follow the business's hours of operation, which are 4 pm - 10 pm (Monday – Thursday), 1 pm – 11 pm (Friday), Noon – 11 pm (Saturday), and Noon – 9 pm (Sunday). The applicant has indicated that times may vary, however, the outdoor dining area will not be open later than midnight on weekdays and 1 am on weekends.

SECTION 1153.04(a) – CONDITIONAL USE REGULATIONS

- (39) Outdoor dining facilities. Outside areas adjacent to restaurants for the consumption of food or beverages shall be subject to the following provisions:
- A. Alcoholic beverages may be served in outdoor dining facilities only from 11:00 a.m. to midnight weekdays and until 1:00 a.m. weekends and must be in conjunction with the service of food and meals.
 - B. Outdoor dining facilities shall be buffered with opaque landscaping and/or fencing to provide a visual and acoustic barrier to surrounding residential uses.
 - C. No outdoor dining facility shall be permitted within the minimum building setbacks.
 - D. No outdoor entertainment or activities, whether by radio, band, musician, organized games, loudspeaker, or microphone shall be permitted.

Though food trucks are intermittently present at the site, the proposed outdoor dining area does not incorporate consistent food service. Therefore, a variance is necessary to the above Section 1153.04(a)(39)(A.). The applicant has indicated that there are plans to add a kitchen in the future.

STANDARDS FOR VARIANCES AND APPEALS (SECTION 1107.08(i))

Factors applicable to area or size-type variances ("practical difficulty"). 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 a practical difficulty exists and an area or size-type variance should be granted:

- A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- B. Whether the variance is substantial;
- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restrictions;
- F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

The applicant has indicated the following regarding the Standards for Variances and Appeals:

- The inclusion of an outdoor dining area will be a more beneficial use for the business and would be a substantial opportunity to add additional seating capacity.
- The essential character of the neighborhood would not be substantially altered and the outdoor dining area would be utilized by many customers from the neighborhood.
- Food service is not available at this time but is possible in the future.
- Wrecking Crew Brew Works has not had issues with neighbors in the past and will address any issues that arise in the future.

Dear Mr. Dutton,

I would like to raise a few concerns I have regarding the outdoor seating for the business - The Wrecking Crew. I have a few concerns as to potential problems.

There is a home directly behind this establishment, where the seating would be. The seating area is also set on property that is slanted downward toward that and other properties. This would allow for trash and other articles to roll or travel down into that homes driveway. While there is a very small retaining wall there to prevent this, things do make it over the wall and into that driveway and sidewalk. Which brings up a different related possibility.

Depending on how inebriated his patrons become - I would hate to see one of them stumble and fall down. This leading them to end up in that driveway, leaving that property owner facing a potential lawsuit.

There is also 2 homes in the same area that house mentally challenged people. I would hate to see them disturbed to the point of affecting their coping abilities and having them act out unnecessarily.

Will the outdoor seating / drinking area be monitored - or have an employee watching the area to prevent accidents or patrons becoming to inebriated? Drunk and loud customers could also disturb the peace. Let alone them walking home and stumbling, loudly as they pass the neighborhood homes.

I would appreciate it if you would address these concerns at the meeting as I will not be able to attend. I write this letter anonymously as I do not want any backlash from anyone.

Thank you, a neighborhood resident



Wrecking Crew Brew Works Seasonal Patio Project
144. N. Court St.

Wrecking Crew Brew Works is proposing to build a seasonal (Spring – Fall) patio on the North side of the unit located at 144 N. Court St. The patio will be the size of 2 parking spaces (approximately 18 ft) in Width and (approximately 30 ft). The patio will be demarcated by wooden planter boxes with outdoor rope connecting them as a barrier for patio space use. The planter boxes will also have 4x4's in the center at a height of 8-9ft in height with outdoor string lights spanning between to provide light to the patio during the evening. The patio will have 5-6 circular tables that fit 4 people with umbrellas and chairs surrounding them. The Patio would only be in use during Wrecking Crew Brew Works business hours, those being mon-thurs: 4-10pm, friday: 4-11pm, saturday: noon – 11pm and sunday: noon – 9pm. These times may change as the business expands but will never exceed the allowable midnight on weeknights and 1am on weekends. As this is a temporary patio, no changes will be made to parking lot or building where the patio will be located. The patio will be for patrons of Wrecking Crew Brew Works to enjoy as an outdoor space in the appropriate seasons. The patio will be disassembled after fall to be reassembled in the spring.

Variance for 1153.04 (a) 39

- A. The property used for the proposed outdoor dining patio is currently 2 parking spots on the north side of 144 N. Court st. Adding in outdoor dining would be a much more beneficial use for the current business than the 2 parking spaces as there is plenty of public parking around the city of Medina.
- B. The Variance would be substantial for Wrecking Crew Brew Works as it would allow us an additional dining area as the indoor dining space we currently have has a maximum of 50 occupants. The patio would give us an additional 20-24 seats. As for the code for outdoor dining, the only major issues for the variance are; food and meals to accompany alcoholic beverages, a barrier to any residential properties and outdoor entertainment.
- C. Given this variance, I believe the surrounding neighborhood would be improved as there is not an outdoor dining area on the northern end of the square. The neighborhood seems to enjoy Wrecking Crew Brew Works very much currently as we have a lot of customers who walk from surrounding residential neighborhoods to visit the brewery. Adding an outdoor dining area would only make it more enjoyable for the applicable seasons.
- D. This variance would not interrupt any delivery of governmental services as it will only be in a small parking area.
- E. As Wrecking Crew Brew Works is a tenant of the property owner, we do have knowledge of the zoning restrictions but believe the variance can be an asset to the business and the community.
- F. The Variance can be obviated with the addition of a kitchen which Wrecking Crew Brew Works does plan on adding at a later date. The barrier to residential would only be obtained with some kind of wall to the east of the patio which I do not believe would go well with the aesthetic of the historic district. The residence to the east would also be mainly blocked by vehicles in the parking spaces which would almost eliminate the need for a physical barrier. As far as outdoor entertainment, we have a very small indoor dining area so any kind of entertainment is impractical. If we were to utilize any outdoor entertainment, it would be minimal and fall within the noise ordinances of the city.
- G. The Zoning requirement seems to be meant to quell any over indulging in alcoholic beverages and any intrusion, whether visible or noise related for residential properties. Wrecking Crew Brew Works has not had any issues in it's 3 years of business with drunkenly behavior or over-serving or any problems with surrounding residences. The spirit and intent of the requirement of an outdoor dining area would be observed with the same level of integrity and responsibility Wrecking Crew Brew Works has always maintained. If any issue were to come up with surrounding residences, we would use all possible means to correct the issue and maintain a positive relationship with the community.

Map



Generated with the GeoMOOSE Printing Utilities

East Friendship St.

Proposed
Patio area

18.5

25'

N. Court St.

144 N Court St

Wrecking Crew Brew Works

140

Fabric Obsession
Quilt shop



East Friendship St.

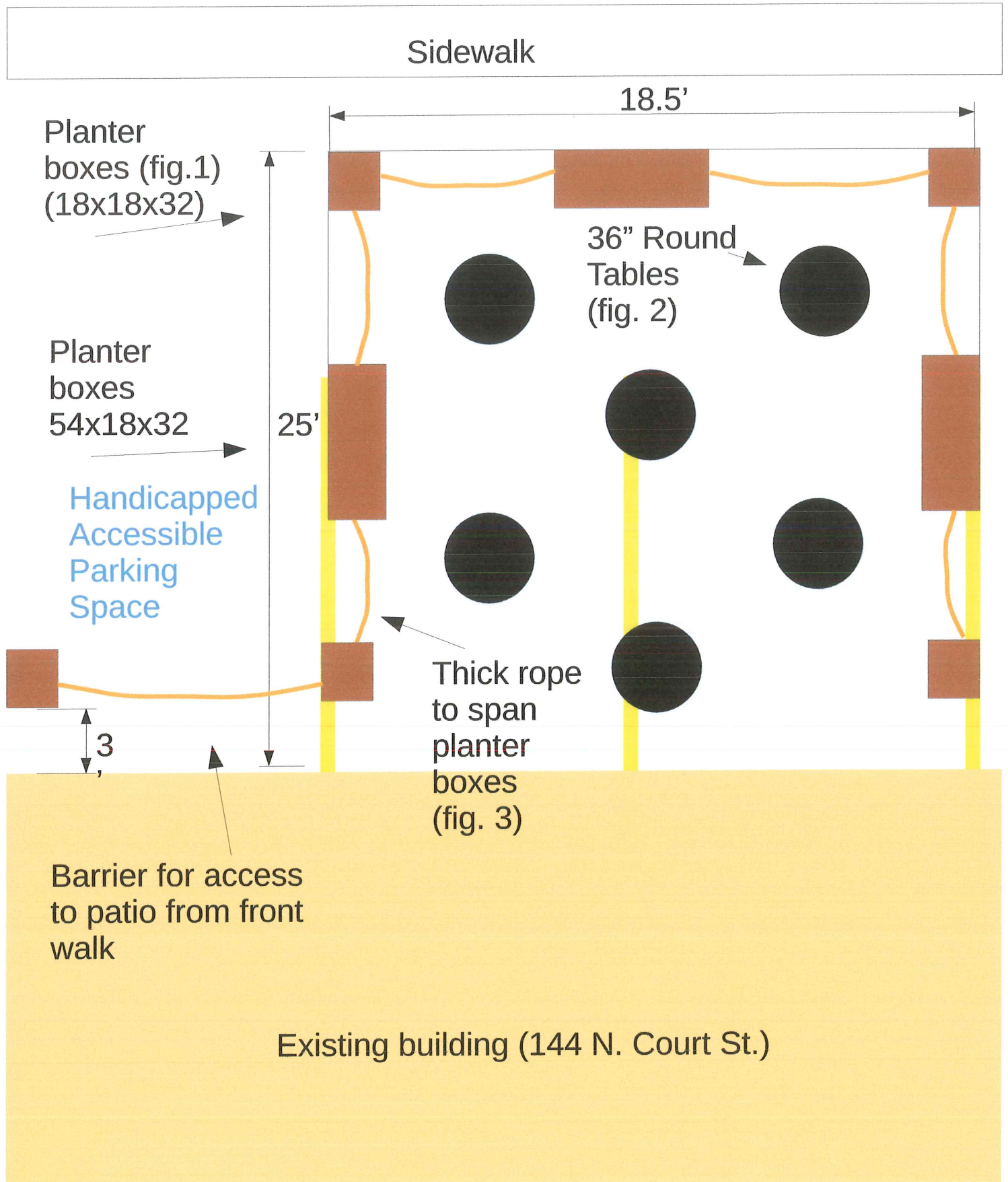




fig. 1



fig. 2





fig. 3