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CITY OF MEDINA
BOARD OF ZONING APPEALS

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Transcript of Proceedings held on Thursday,
the 11th day of March, 2021 before the City
of Medina Board of Zoning Appeals, commencing
at approximately 7:00 p.m., as taken by
Makenzie J. Sabo, RPR, Notary Public within and
for the State of Ohio, and held in Medina City
Hall, 132 North Elmwood Avenue, Medina, Ohio
44256.

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I N D E X

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1 APPEARANCES:

2 Bert Humpal, Chairman,
3 Mark Williams, Member,
4 Brandilyn Fry, Member,
5 Paul Roszak, Member,
6 Rob Henwood, Member,
7 Christopher O'Connell, Alternate.

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10 City of Medina Planning and Community,
11 Development Department,
12 Jonathan Mendel, Community Development Director.

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15 Z21-02:

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17 Tracey Diehl, Expedite the Diehl,
18 appearing via Zoom.

19

20 Z21-03:

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22 Nancy Nozik, Architect, Brandstetter Carroll, Inc.
23 Scott Miller, Medina County Administrator.

24

25 Z21-04:

Vince Franceschelli, Sevan Multi-Site Solutions.

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NOTE: Alternate Christopher O'Connell was only present
for Case Z21-03.

1 PROCEEDINGS

2 - - -

3 CHAIRMAN: Let's call to
4 order Medina City Board of Zoning Appeals,
5 March 11th.

6 First off, we have minutes from two minutes
7 to approve; January 4th, which was our
8 organizational meeting, and then November 12th.

9 Are there additions, corrections, or
10 motions?

11 MR. WILLIAMS: Mr. Chairman, I'd
12 make a motion to accept the minutes as
13 presented for both.

14 CHAIRMAN: Thank you. A
15 second?

16 MS. FRY: (Indicating.)

17 CHAIRMAN: Brandi seconded
18 it.

19 MR. MENDEL: Okay.

20 CHAIRMAN: Call the roll,
21 Jonathan.

22 MR. MENDEL: Fry?

23 MS. FRY: Yes.

24 MR. MENDEL: Henwood?

25 MR. HENWOOD: Yes.

1 MR. MENDEL: Williams?
2 MR. WILLIAMS: Yes.
3 MR. MENDEL: Humpal?
4 CHAIRMAN: Yes.
5 MR. MENDEL: Roszak?
6 MR. ROSZAK: Yes.
7 MR. MENDEL: Minutes approved.
8 CHAIRMAN: Thank you.

9 And, secondly, before we get to our first
10 case, we ask everyone that wishes to give
11 testimony this evening be sworn in by the court
12 reporter.

13 Let's do that first. Please stand and,
14 Reporter, please administer the oath.

15 (Whereupon, Jonathan Mendel and all
16 persons in attendance were then placed under
17 oath by the Notary.)

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Z21-02

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CHAIRMAN: We begin with
Z21-02 at 1007 North Court.
Jonathan.

MR. MENDEL: Thank you.

And just a remember, everybody, to get
friendly with your microphone - it's not going
to hurt you - so that way the court reporter --
we're not recording it like we usually do, but
the court reporter is taking the minutes, and
then we will have a transcript from there, so
if everybody can speak into the microphone
loudly so everybody can hear everybody else.
Thank you.

As you said, this is Case Z21-02 at
1007 North Court Street. It's Tracey Diehl
representing Chick-fil-A. The request is for
sign variances from Section 1147.14(d) of the
planning and zoning code to permit four 58.75
square foot wall signs and only one 83.75
square foot primary wall sign when one 17.25
square foot secondary wall sign are permitted.

This property is zoned C-3, General
Commercial. This property is located at the

1 southwest corner of North Court Street and West
2 Reagan Parkway.

3 Just as everybody knows, this was reviewed
4 and approved for a site plan conditional zoning
5 by the Planning Commission back in December for
6 the new development.

7 So, as I said, there's a request basically
8 for four equal-sized wall signs on the building
9 when only effectively two are permitted by
10 Section 1147.14(d) of the zoning code.

11 So as a practical difficulty review,
12 there's specific requirements, particularly for
13 signs, and I will walk through those starting
14 on Page 2 of the staff report.

15 Construction of conforming wall signs will
16 not obstruct vision of motorists -- or I'm
17 sorry, construction of conforming signs would
18 obstruct the vision of motorists or otherwise
19 endanger public health.

20 Conforming signage would not obstruct the
21 vision of motorists.

22 Number 2, a conforming sign would be
23 blocked from the sight of passing motorists due
24 to existing building, trees, or other
25 obstructions.

1 Conforming wall signs would not be blocked
2 from sight of passing motorists.

3 Number 3, construction of a conforming sign
4 would require the removal or severe alteration
5 to significant features on the site, such as
6 removal of trees, alteration of the natural
7 topography, obstruction of natural drainage
8 ways, or alteration or demolition of
9 significant historical features.

10 Conforming signs would not require severe
11 alteration to significant site features.

12 Number 4, a sign that exceeds the allowable
13 height or area standards of this ordinance
14 would be more appropriate in scale because of
15 the large size or frontage of the premises or
16 building.

17 The proposed nonconforming wall signs may
18 not be more appropriate in scale than any
19 conforming signs, because the site is
20 relatively small and in full and clear view of
21 all traffic directions.

22 Number 5, the exception shall not adversely
23 impact the character or appearance of the
24 building, lot, or the neighborhood.

25 Many of the single-use commercial sites in

1 the immediate vicinity have compliant wall
2 signs.

3 Number 6, the variance sought is the
4 minimum necessary to allow reasonable use,
5 visibility, and readability of the sign.

6 The variance sought is not the minimum
7 necessary to provide visual clarity and
8 readability of the signs as the subject site
9 has clear and full visibility of all traffic
10 directions.

11 And Number 7, the variance will be
12 consistent with the general spirit and intent
13 of this ordinance.

14 As I've said before, the sign regulations
15 are established to promote clarity in sign
16 communication; balance sign communication;
17 promote harmonious relationship between sign
18 type, sign locations, and land uses; and to
19 protect the health, safety, and welfare from
20 indiscriminate placement.

21 So those are the seven factors of what the
22 Board of Zoning Appeals would weigh when
23 determining if a practical difficulty exists to
24 merit the proposed variance from Section
25 1147.14(d) of the zoning code.

1 Thank you.

2 CHAIRMAN: Thank you.

3 Tracey, do you care to add to the
4 presentation in any way?

5 MS. DIEHL: Yes, I would.

6 Good evening.

7 The proposed property currently has a
8 building on it that will be removed and
9 Chick-fil-A will develop a building that's at
10 the lower southwest corner of the property.

11 In your packets that staff prepared for
12 you, there's an aerial view of the property
13 that shows this outlining of the property. The
14 building would be positioned in a unique
15 location that isn't necessarily the same as all
16 other businesses in the surrounding area, in
17 the essence that this particular building would
18 have patrons that are coming from the south as
19 well as patrons that are coming from the west
20 that may not necessarily be able to see the
21 sign on the north or the east of the building.
22 Chick-fil-A has proposed a sign for the west
23 elevation and the south elevation, and the
24 signs that they proposed in size are merely
25 just for aesthetic consistency and legibility

1 so that the letters can be read from a
2 distance. The sizes that they're proposing are
3 sign sizes that are consistent with other
4 locations that they have throughout the country
5 that are designed like this in an outlet to a
6 shopping center.

7 The property has multiple points of entry
8 where not all businesses share that multiple
9 points of entry. The property is above road
10 grade.

11 Where the monument sign would be placed on
12 the northeast corner, that is not going to be
13 visible to persons that are entering from the
14 southwest. So persons that are entering into
15 the shopping center from the southwest, or from
16 the west where the Target entrance is, are not
17 going to be able to see the sign that is on the
18 front of the building or the sign that's on the
19 east side of the building. So the variance is
20 for additional signage on the east side of the
21 building just for consistency so that the signs
22 are aesthetically uniform; and then for the
23 sign on the south and the west side of the
24 building so that motorists have clear access
25 and visibility to this location when they're

1 coming from here.

2 The important thing to recognize about
3 Chick-fil-A is that not every community has a
4 Chick-fil-A, and people will come from a great
5 distance to go here. So this is not that
6 you're going to just have people from your city
7 visiting this location, you are going to
8 experience transient motorists that are going
9 to be coming from out of town to go to this
10 Chick-fil-A location. And I think that that's
11 very important to remember because that sets
12 Chick-fil-A apart from the other businesses,
13 say McDonald's or Wendy's or Taco Bell, which
14 those locations tend to be in almost every
15 city. Most cities have a McDonald's, Wendy's,
16 or Taco Bell.

17 Chick-fil-A is a little unique in their
18 customer base, and their customer base is
19 impulse-driven, so it's very important to be
20 able to capture that person that's coming out
21 of Target for the viability of the business,
22 but it's important for the city, for motorists,
23 to be able to safely identify it when they're
24 not familiar with the area.

25 I am happy to answer any questions that

1 you might have.

2 I would like to suggest that the
3 allowance is approximately eighty square
4 feet -- eighty-three square feet for the
5 north elevation, and if it would be allowable
6 to transfer the portion of that allowance
7 that remains, because we propose a smaller
8 sign to the alternate elevation, that
9 would be something that we would like to
10 consider as well, rather than putting the
11 eighty-something -- the eighty-three square
12 foot sign on the north elevation to any access
13 that we're not using and moving it to another
14 elevation.

15 I'm happy to answer any questions that the
16 board might have.

17 CHAIRMAN: Thank you.

18 We'll open to board discussion. Comments,
19 questions from board members?

20 MS. FRY: Jonathan, it
21 appears that the sign area that is taken for
22 this is actually a rectangular area around the
23 sign and isn't actually the area that the
24 letters comprise, because it appears that it's
25 a typical Chick-fil-A sign that's just the red

1 letters. Is that --

2 MR. MENDEL: Yes, there is a
3 fair amount of the -- when you calculate the
4 sign area, it has a box around it, so there's
5 basically negative space that's being counted
6 into the sign area because of the nature of the
7 C on "Chick-fil-A" is much larger than the rest
8 of the script.

9 MS. DIEHL: And if it would
10 please the board, it's 37.71 square feet when
11 you square just the letters without the
12 negative space.

13 MS. FRY: Thank you.

14 MR. WILLIAMS: Tracey, thank you
15 for being with us tonight.

16 MS. DIEHL: Thank you.

17 MR. WILLIAMS: A couple
18 questions.

19 I would assume that on the property there
20 will also be wayfinding signs, drive-through,
21 and such?

22 MS. DIEHL: Chick-fil-A does
23 not typically use directional-type signage on
24 their property. They only use stop signs and
25 signs that keep pedestrians safe when they're

1 walking from their car.

2 MR. WILLIAMS: Okay. Thank you.

3 CHAIRMAN: Other than

4 perhaps the menu signs that are not --

5 MS. DIEHL: That is correct,

6 just the menu sign.

7 CHAIRMAN: Thoughts?

8 Questions?

9 MR. WILLIAMS: This seems to me
10 to be very similar to other large-brand
11 questions we've had before in a similar area,
12 and my feelings remain the same as they did at
13 the time of the last one that I can recall. I
14 can appreciate Chick-fil-A's position in their
15 branding. You gave good sound reasoning, and I
16 can certainly see a reason for two of the signs
17 of a balanced size just for aesthetic purposes.

18 Nothing against Chick-fil-A - my wife is
19 going to be probably the happiest person in
20 Medina when you get opened. We're probably
21 going to end up eating a lot of your chicken -
22 but I don't know that I can justify four signs
23 when we have a sign requirement and there's
24 really no specific need. Your brand is going
25 to succeed with two signs or four signs.

1 So that would be my feeling, two equally --
2 equal-sized signs as the proposed size I can
3 certainly justify.

4 CHAIRMAN: I had the same
5 sense as I reviewed the case. In fact, I
6 suppose the ones I may have questioned the most
7 are those that are very near the
8 already-evident menu board. That's going to be
9 visible from at least two sides, from the west
10 side and the south side of the building. I
11 think those were -- let me look at my notes.
12 Those were designated as signs C and E that I
13 thought may not be as useful because of the
14 menu boards being in place, and I suspect the
15 menu boards are generally visible from the
16 Target parking lot access.

17 MR. MENDEL: If you could just
18 stay on top of your microphone.

19 CHAIRMAN: Yes. I'm sorry.

20 MR. MENDEL: Thank you.

21 MR. HENWOOD: I would like to
22 echo similar sentiment that's already been
23 expressed, that I have a hard time and I'm a
24 little uncomfortable with considering variances
25 for things that are outright prohibited, that

1 we permit two signs, and I don't see any
2 indication that the Applicant has, you know,
3 tried to compromise at all and come up with,
4 you know, some other alternatives.

5 MS. DIEHL: Alternatively,
6 would it please the board if we withdrew the
7 signs on the west and the south elevation and
8 amended our proposal for a sign on the north
9 elevation and the east elevation that are equal
10 in size at the proposed size that's been
11 submitted?

12 MR. ROSZAK: I'd be good with
13 that.

14 MR. WILLIAMS: Absolutely.

15 MR. HENWOOD: Yes.

16 MR. DIEHL: And we would be
17 happy with that as well.

18 CHAIRMAN: Would you repeat
19 that for me? We're talking about eliminating C
20 and E?

21 MS. DIEHL: Yes. And
22 allowing the variance for the east elevation,
23 the elevation that faces Court Street.

24 CHAIRMAN: Yes. If we're
25 comfortable enough, would someone care to craft

1 a motion?

2 MR. HENWOOD: All right. I'll
3 give it a shot.

4 I move that the Board of Zoning Appeals
5 approve the variance for the second sign based
6 on the fact that the exception will not
7 adversely impact the character and appearance
8 of the building lot or neighborhood and that
9 the variance will be consistent with the
10 general spirit and intent of this ordinance.

11 MR. WILLIAMS: Second.

12 CHAIRMAN: Jonathan, you may
13 call.

14 Yes, go ahead.

15 MR. MENDEL: So it would be
16 for two wall signs of 58.75 square feet on the
17 north and east facade of the building?

18 MR. HENWOOD: Correct.

19 MR. MENDEL: Thank you. Okay.

20 Who seconded?

21 MR. WILLIAMS: (Indicating.)

22 MR. MENDEL: Williams.

23 All right. Roszak?

24 MR. ROSZAK: Yes.

25 MR. MENDEL: Humpal?

1 CHAIRMAN: Yes.

2 MR. MENDEL: Henwood?

3 MR. HENWOOD: Yes.

4 MR. MENDEL: Fry?

5 MS. FRY: Yes.

6 MR. MENDEL: Williams?

7 MR. WILLIAMS: Yes.

8 MR. MENDEL: Motion approved,

9 five-zero.

10 MS. DIEHL: Thank you,

11 members of the board. Thank you, Jonathan, for

12 working with me to appear virtually.

13 MR. MENDEL: Absolutely.

14 MS. DIEHL: Have a good

15 evening.

16 CHAIRMAN: You as well.

17 Thank you.

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Z21-04

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CHAIRMAN: Z21-04.

I don't recall, Jonathan, if our next Applicant was sworn in by the court reporter.

MR. MENDEL: He was. He was back in the corner.

CHAIRMAN: Okay. I'm sorry. Thank you.

MR. MENDEL: All right. Thank you.

As you said, this is Case Z21-04. The address is 790 North Court Street. The Applicant is Jiffy Lube International, Incorporated. The subject is a variance request for signage, specifically variance from Section 1147.14(d) of the Planning and Zoning Code to permit four wall signs when only two are permitted, and a variance from Section 1147.14(d) of the code to permit an 8.2 foot tall, forty-eight square foot ground sign when only a six-foot tall, forty square foot ground sign is permitted.

This property is zoned C-3, General Commercial. It's located at the southwest

1 corner of North Court Street and Harding
2 Street. The Applicant proposes four wall signs
3 for this redeveloped site.

4 So Section 1147.14(d) only permits two wall
5 signs, primary and secondary, and the Applicant
6 desires two more. Individually, any two of the
7 proposed wall signs would be compliant primary
8 and/or secondary wall signs, so the variance
9 request is simply for additional wall signs --
10 for two additional wall signs.

11 Additionally, the Applicant is requesting a
12 variance for an oversized ground sign. The
13 ground sign that they're proposing is 8.2 feet
14 tall and forty-eight square feet with a maximum
15 allowed at six feet and forty square feet.

16 This project did go to the Planning
17 Commission earlier this evening for site plan
18 review and for conditional sign approval, as
19 the ground sign does have an Electronic Message
20 Center portion to it. The site plan and the
21 conditional sign approval were granted by the
22 Planning Commission. In that discussion, the
23 Electronic Message Center sign portion of the
24 ground sign could be approved by Planning
25 Commission regardless of the direction the

1 Planning Commission took because it wouldn't
2 necessarily negate the existence of the
3 Electronic Message Center sign. So they
4 approved a specific amount of area of the
5 ground sign to do that.

6 This is another practical difficulty review
7 for signage, and I will run through those
8 review criteria right now starting on Page 2 of
9 the staff report.

10 Number 1, construction of a conforming sign
11 would not obstruct -- would obstruct the vision
12 of motorists or otherwise endanger public
13 health.

14 Construction of conforming signage --
15 conforming wall and ground signage will not
16 obstruct vision of motorists.

17 A conforming wall sign would be blocked
18 from the sight of passing motorists due to
19 existing building, trees, or other
20 obstructions.

21 The conforming ground signage may be
22 blocked by the sight of northbound North Court
23 Street motorists due to the existing building
24 immediately to the south at 760 North Court
25 Street.

1 On this aerial photograph, that would be
2 this white space, this building that's here
3 just to the south of the subject site.

4 Number 3, construction of conforming signs
5 would require a removal or a severe alteration
6 of significant site features, obstruction of
7 natural drainage, or alteration and demolition
8 of significant historical features.

9 Conforming sign -- wall or ground signage
10 would not require severe alteration to
11 significant site features.

12 Number 4, a sign that exceeds the allowable
13 height or area standards in this ordinance
14 would be more appropriate in scale because of
15 the large size or frontage of the premises or
16 building.

17 The proposed nonconforming wall and ground
18 signage may not be more appropriate in scale
19 than conforming signage, because the site is
20 relatively small and in full and clear view to
21 eastbound, westbound, and southbound traffic at
22 this intersection of North Court Street and
23 Harding/Highland Drive.

24 Number 5, the exception shall not adversely
25 impact the character or appearance of the

1 building, lot, or the neighborhood.

2 The signs at many of the single use
3 commercial sites in the immediate vicinity have
4 compliant wall and ground signage.

5 Number 6, the variance sought is the
6 minimum necessary to allow reasonable use,
7 visibility, and readability of the sign.

8 The variance sought may not be the minimum
9 necessary to provide visual clarity and
10 readability of the sign as the subject site has
11 clear and full visibility to east, west, and
12 southbound traffic at this location.

13 The variance will be consistent with the
14 general spirit or intent of the ordinance.

15 As I said many times before, and even just
16 earlier this evening, sign regulations are
17 established in the code to promote clarity of
18 the sign communications; balance sign
19 communications; promote a harmonious
20 relationship between sign types, sign
21 locations, and the land uses; and to protect
22 the public safety, welfare, and health from
23 indiscriminate placement.

24 So those seven criteria are what the board
25 would evaluate to determine in a practical

1 difficulty review in terms of the variances
2 being requested from Section 1147.14(d) of the
3 zoning code.

4 Thank you.

5 CHAIRMAN: Does the
6 Applicant care to make any comment? First,
7 please introduce yourself, name and address.

8 MR. FRANCESCHELLI: Hi, my name is
9 Vince Franceschelli from 40 Oak View Crossing,
10 Canfield, Ohio.

11 CHAIRMAN: Thank you.

12 MR. FRANCESCHELLI: Do we have the
13 aerial with the site plan on it as well?

14 Thank you.

15 So we can see here where the Pylon sign is
16 being located, and so the thought behind trying
17 to get a little bit more height, which would
18 also result in some square footage, is simply
19 what we said before; with the building located
20 to the south of the property, in order for the
21 northbound traffic to be able to see what
22 actually is on that property before they're
23 past the entrance to the site and so they're
24 able to see actually what is in the building.
25 So that is something that we looked at as, you

1 know, hindering the visibility of the signage.
2 We can't exactly put something on the building
3 on that side either because it wouldn't be
4 visible.

5 And then the aerial with the rendering on
6 it. There we go.

7 So the two signs -- the two identical signs
8 that are Jiffy Lube Multicare signs on both
9 sides of the building there, those are what we
10 would normally propose, and that's the second
11 one. I know those are considered two signs
12 there. The Pennzoil button and then also the
13 other Jiffy Lube, we typically place those over
14 the bay doors. It's not just a branding but
15 also for aesthetics so that, you know, people
16 are able to see which way the traffic goes
17 through.

18 And that is the bay doors for where your
19 car would be going in or out of. So we would
20 typically -- you know, two signs that would be
21 allowed would be the Jiffy Lube Multicare on
22 both sides, both corners of the building, but
23 those are the other two that we're asking for
24 that would go on that dual-color sign there
25 that, again, not only is just for visibility of

1 what's in the building but also for the
2 aesthetics of the front of that building.

3 Typically, we would have this building
4 turned so that that's the front of the site on
5 the main street. Because of the layout of the
6 site, the building is kind of turned sideways,
7 so the front of the building is really just
8 showing that one little Jiffy Lube, which will
9 be able to get from westbound traffic and
10 southbound traffic.

11 Really, we're trying to just show a little
12 more visibility on this side of the building,
13 again, just for -- for also the visibility and
14 the aesthetics of the front of that. It would
15 be the front of the building if it were turned,
16 but in this case, you can see also the Pylon
17 that has the digital readerboard underneath.
18 That is an additional two feet in height, which
19 is where we go from six to eight. But, again,
20 we're hoping for that because of the northbound
21 traffic that wouldn't really be able to see the
22 building because of the building that's just
23 south of the property.

24 CHAIRMAN: Thank you.

25 Board, questions? Comments?

1 (No response.)

2 CHAIRMAN: Jonathan, a quick
3 question. Sometimes on readerboard signs, at
4 least in certain neighborhoods, we put evening
5 time limits. Was there any discussion of the
6 Planning Commission on that point?

7 MR. MENDEL: No. We typically
8 don't do that with commercial ones on
9 commercial corridors. Every part of this
10 corner of this intersection is commercially
11 zoned and developed. Usually we do that when
12 there's -- like St. Matthews Lutheran Church on
13 North Broadway did one or the Veteran's Hall
14 further on North Broadway, it's in
15 predominantly residential, so that's where
16 we put those night restrictions; the
17 Planning Commission will sometimes impose those
18 hours of restrictions. But in commercial
19 areas, you can leave your regular sign on all
20 night long if you wish. So we don't impose
21 time limits when it's a fully commercially
22 zoned and developed corridor.

23 MR. WILLIAMS: Jonathan, to
24 follow up on that, I don't remember if it's in
25 the City Code or if it's something we've

1 typically done at Planning Commission to put
2 any time limits on how often that message can
3 change.

4 MR. MENDEL: The zoning code
5 applies to that regardless, and I think it's
6 every thirty seconds it has to -- no more than
7 thirty seconds in change of text or features or
8 anything.

9 CHAIRMAN: Non-flashing in
10 effect.

11 MR. MENDEL: Effectively, it's
12 a non-flashing code, but that's in the code, so
13 it applies regardless. They don't need to make
14 any condition of approval for that regulation.

15 CHAIRMAN: Okay. Board,
16 other questions? Comments?
17 Go ahead.

18 MR. WILLIAMS: Due to the
19 Applicant's point, I see your point about the
20 traffic. I think the monument sign I have no
21 issue with whatsoever. I have a hard time just
22 because it's a sign regulation and I haven't
23 heard of any hardship per se. Branding I get,
24 aesthetics I get, but I haven't heard the
25 hardship for a third or a fourth sign, I guess

1 if you look at those two. The monument sign I
2 have no issue with.

3 CHAIRMAN: Thank you. I
4 have a similar issue, similar to what we talked
5 about on our last sign case, and that was the
6 multiple signs on one wall. And in this case,
7 the north wall, if there are three signs or
8 four as part of the definition, I guess I have
9 some difficulty with that.

10 MR. MENDEL: When we do sign
11 permit review for administrative, sometimes
12 when there's multiple things being said, like
13 the Pennzoil sign, if it was fundamentally
14 physically adjacent to one of the Jiffy Lube
15 care, the corporate branding signs, we could
16 say it's one sign as long as the boxed-in area
17 complies with the minimum requirements. But in
18 this case, the Pennzoil medallion is
19 significantly far away from the Jiffy Lube
20 that's on that portion of the facade, of the
21 north facade, so it was considered a separate
22 sign in that instance.

23 CHAIRMAN: I can almost see
24 it as a corner piece on either the north or the
25 west side, front corner signs, as an add-on if

1 it were necessary to advertise the oil brand.

2 MR. FRANCESCHELLI: You mean up on
3 the corner portion of the building?

4 CHAIRMAN: Yes.

5 MR. FRANCESCHELLI: Yes, I think that
6 would definitely be possible. I believe it's a
7 seven square foot button.

8 MR. MENDEL: Yeah. So, you
9 know, depending on which -- so the code allows
10 for the owner to decide which is a primary and
11 which is a secondary wall sign, so on long
12 linear rectangular buildings, people usually
13 say, "Well, I'm going to make the long side of
14 the building the secondary wall sign because
15 now that it's one to four --" but since the
16 building is four-times longer, it all kind of
17 moderates.

18 MR. FRANCESCHELLI: Right.

19 MR. MENDEL: So the Jiffy Lube
20 Multicare sign is only like thirty-one square
21 feet, so those two are thirty-one. The east --
22 the west facade of the building is forty-two
23 feet wide and it's a one-to-one, and that was a
24 primary, so that could be up to forty-two
25 square feet. So thirty-one plus the seven, if

1 that Pennzoil medallion was put physically
2 adjacent to one of the Jiffy Lube Multicares in
3 the corners, then still gets the purpose of why
4 that's there, which I assume is some type of
5 corporate partnership.

6 MR. FRANCESCHELLI: Right.

7 MR. MENDEL: Mutually
8 beneficial advertising.

9 But the additional Jiffy Lube Multicare
10 over the base on the north facade of the wall
11 then would be another whole thing unto itself,
12 so --

13 CHAIRMAN: That's kind of my
14 thought, that only the two corner sides perhaps
15 are necessary.

16 MR. MENDEL: And that doesn't
17 mean that the red detail in the facade couldn't
18 be there to just kind of continue to allude to
19 the color branding for Jiffy Lube. It's just
20 the sign text itself wouldn't be able to be
21 permitted.

22 CHAIRMAN: Other thoughts,
23 board?

24 MS. FRY: I agree with the
25 two corner sides. I think aesthetically that

1 works and I don't think it's overwhelming.

2 I also agree with you that the third sign
3 that's part of the red linear banner over the
4 bays is a little much and it's a little -- you
5 know, it's a duplicate sign.

6 CHAIRMAN: Yes.

7 MS. FRY: I do have issue
8 with the monument sign and the height. I don't
9 think it's necessarily cohesive with the
10 neighborhood and the other signs that are
11 located nearby. I know we looked at the site
12 nearly adjacent to Comstock's and that sign,
13 but the sign was also much skinnier and I had a
14 lot less issues with it just due to the
15 proportions. This one just feels very massive,
16 very wall-like, and I know it's set back at an
17 appropriate distance to not block your view
18 from that intersection, but I think that there
19 will be some issues with it at eight feet. At
20 six feet, you can still see the tops of cars.

21 CHAIRMAN: Yes, understand.

22 MR. ROSZAK: I agree,
23 Brandilyn, with the two wall signs on the
24 corners. I also take exception to the
25 eight-foot monument sign.

1 And question for Jonathan. The
2 readerboard, when did that become a function of
3 the Planning Commission to approve that?
4 Wasn't that previously something that went
5 before the Board of Zoning Appeals?

6 MR. MENDEL: Normal regular
7 procedure, since I've been with the City, has
8 been Electronic Message Center signs were
9 always a purview -- a conditional sign approval
10 purview of the Planning Commission. We've had
11 some come to the Board of Zoning Appeals
12 because they were in specific areas where they
13 were strictly prohibited, like the Transitional
14 Corridor Overlay District in particular. So
15 those would come to the Board of Zoning Appeals
16 because it's a variance as a prohibition, but
17 when it's allowed as a conditional sign, it's
18 always, in my experience, been the purview of
19 the Planning Commission.

20 CHAIRMAN: Other thoughts?

21 MR. HENWOOD: I concur with the
22 discussion about the two signs on the west and
23 the north facade, and I also think that the --
24 the one over the bay doors is probably a little
25 bit much. I'd be comfortable with moving the

1 Pennzoil medallion - also, I think that makes
2 sense - onto the other facades.

3 CHAIRMAN: And any thought
4 on the monument sign?

5 MR. HENWOOD: It's a little
6 high for my comfort level. I would prefer
7 something a little bit lower, see if the
8 Applicant would be willing to consider
9 something a little bit lower.

10 CHAIRMAN: Okay. Code is
11 six feet, I think, dimension, and the proposal
12 was for eight, so it may be you're thinking
13 about code size.

14 MR. HENWOOD: I'd prefer to see
15 it meet code, but I'd be willing to hear the
16 Applicant's proposal for some kind of
17 compromise.

18 MR. FRANCESCHELLI: Well, I mean,
19 we're talking about two feet here. I think
20 that this is the -- what they would want to see
21 as the brand, eight-foot-two, to allow for that
22 reader box, which is the standard size for
23 that. So I think if eight-foot-two, you know,
24 isn't acceptable, then we would probably do
25 something to reconfigure it and get it back

1 down, because really an extra six inches or so
2 probably wouldn't do too much for us.

3 MR. MENDEL: So procedurally
4 if the board -- I think, you know, it sounds
5 like wall signs and ground signs can probably
6 be broken into two motions.

7 CHAIRMAN: It could be, yes.

8 MR. MENDEL: So if the board
9 wished to vote on the ground sign, that vote
10 could happen, and then it is approved or
11 denied. And then if it is denied, the
12 Applicant can probably adjust to a compliant
13 sign and it's immaterial at that point. And
14 then the wall signs are -- you know, if you
15 want to discuss that more with the Applicant in
16 terms of the number of Jiffy Lube Multicare
17 branding signs.

18 CHAIRMAN: Let's go to the
19 wall signs first. That seems like that might
20 be a little easier with where we're at. I
21 think I sense that we're ready for a motion on
22 the wall signs, if someone would care to do
23 that.

24 MR. WILLIAMS: I'll take a stab
25 at it.

1 I move that we approve two wall signs, one
2 on the north side, one on the west facade,
3 identical, with the Applicant's choice of
4 putting the badge or button as a part of one of
5 those signs, for the reasons that the variance
6 sought will be consistent with the general
7 spirit and intent of this ordinance and that it
8 shall not adversely affect the neighborhood
9 building or lot.

10 CHAIRMAN: Jonathan had a
11 question.

12 MR. MENDEL: So this is two
13 wall signs, the Jiffy Lube Multicare on the
14 north facade? Two wall signs?

15 MR. WILLIAMS: One wall sign on
16 the north and one wall sign on the west.

17 MR. MENDEL: Okay. So if the
18 Pennzoil button/medallion is moved to be more
19 physically adjacent to one of the two wall
20 signs on the corner, so if you didn't have the
21 Jiffy Lube care sign on the -- I mean, those
22 two signs of themselves are permitted by right,
23 so if it's more a question of making the
24 request as proposed and then it fails, then
25 it's a denial. So you're not making a motion

1 to have two compliant wall signs, because you
2 don't need to make that motion.

3 MR. WILLIAMS: I was adding in
4 the Pennzoil button with that.

5 MR. MENDEL: Well, if the
6 button was moved over, that could be done
7 administratively under the code allowance.

8 MR. WILLIAMS: Oh, gotcha.

9 MR. MENDEL: So if there's
10 being a motion made, it probably needs to be an
11 affirmative motion, like a motion to approve as
12 proposed, and then if it fails, it fails, and
13 then it's a denial.

14 MR. WILLIAMS: Thank you. I
15 misunderstood that. I meant my motion -- to
16 make a motion to approve as it's proposed.

17 CHAIRMAN: I'm confused.

18 MR. WILLIAMS: If I understood
19 what Jonathan just said, if the Valvoline
20 button goes to be a part of one of the two
21 identical signs, then the only sticking point
22 is the sign over the bay doors.

23 Did I state that correctly, Jonathan?

24 MR. MENDEL: Yes. So the
25 Board of Zoning Appeals is not asking if the

1 Jiffy Lube can have the two wall signs closest
2 to the northeast corner of the building. Those
3 are -- would be permitted by right even if
4 there was the Pennzoil medallion next to one of
5 those. So you're not -- you don't make a
6 motion to approve that because that's not your
7 purview, because it's administratively
8 approvable.

9 So your question would be if there's a
10 question about the wall signs, to separately --
11 in this case it would just be as proposed, and
12 then if it fails, it fails, and that's the
13 denial; if it passes three or four or five to
14 zero, then it passes, and then the Applicant
15 knows kind of what path they go from there.

16 CHAIRMAN: In other words, a
17 no-vote would cancel or delete the second wall
18 sign on the north.

19 MR. WILLIAMS: Correct.

20 MR. MENDEL: Yeah. Because
21 the alternatives are compliant -- are a
22 compliant sign package -- wall sign package.
23 So sometimes we do recommend motions to deny a
24 request, but it's six of one, half a dozen of
25 the other.

1 CHAIRMAN: That makes more
2 sense to me.

3 MR. WILLIAMS: Okay. I will yet
4 again amend my motion to deny the additional
5 wall sign that is not compliant.

6 CHAIRMAN: And a second?

7 MR. ROSZAK: Second.

8 CHAIRMAN: Roll call,
9 Jonathan.

10 MR. MENDEL: Who seconded it?

11 MR. ROSZAK: I did.

12 CHAIRMAN: Paul.

13 MR. WILLIAMS: Do I need to
14 restate the reasoning for that, Jonathan?

15 MR. MENDEL: Yeah, we should.
16 Actually, if you could just restate the whole
17 thing as one continuous statement for the court
18 reporter, because what we went through is kind
19 of convoluted.

20 MR. WILLIAMS: You're asking a
21 lot of me tonight.

22 My motion is to deny the variance request
23 for the additional wall sign that is not
24 permitted by code for the reason that it is not
25 the minimum necessary to allow reasonable use,

1 visibility, or readability, and the exception
2 would adversely impact the appearance of the
3 neighborhood.

4 MR. MENDEL: Thank you. I
5 just had to take a bunch of notes.

6 All right. Roszak?

7 MR. ROSZAK: Yes.

8 MR. MENDEL: Humpal?

9 CHAIRMAN: Yes.

10 MR. MENDEL: Henwood?

11 MR. HENWOOD: Yes.

12 MR. MENDEL: Fry?

13 MS. FRY: Yes.

14 MR. MENDEL: Williams?

15 MR. WILLIAMS: Yes.

16 MR. MENDEL: All right.

17 Motion to deny wall signs as proposed approved
18 five-zero.

19 All right. Thank you.

20 MR. FRANCESCHELLI: Thank you.

21 MR. WILLIAMS: I'd make a motion
22 to accept the monument sign as presented.

23 CHAIRMAN: Is there a
24 second?

25 MS. FRY: I'll second.

1 CHAIRMAN: Moved and
2 seconded to approve the monument sign as
3 requested.

4 MR. MENDEL: We need a reason
5 in terms of the seven criteria, please. Thank
6 you.

7 MR. WILLIAMS: The variance
8 sought would be the minimum necessary to allow
9 reasonable use, visibility, or readability of
10 the sign or space.

11 MR. MENDEL: Okay. Roszak?

12 MR. ROSZAK: No.

13 MR. MENDEL: Humpal?

14 CHAIRMAN: Yes.

15 MR. MENDEL: Henwood?

16 MR. HENWOOD: No.

17 MR. MENDEL: Fry?

18 MS. FRY: No.

19 MR. MENDEL: Williams?

20 MS. WILLIAMS: Yes.

21 MR. MENDEL: Motion to approve
22 ground sign fails three-to-two.

23 And that is an effective denial. Thank
24 you.

25 CHAIRMAN: Yes. That will

1 allow the Applicant, though, to come back with
2 a code-compliant six foot, if you wish.

3 And I don't know if he has to bring
4 anything back to you, Jonathan, or not.

5 MR. MENDEL: Well, he can
6 coordinate with their team and then contact us
7 separately about that process.

8 So thank you.

9 CHAIRMAN: Very good.

10 MR. FRANCESCHELLI: Thank you very
11 much.

12 CHAIRMAN: Thank you. Good
13 luck.

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Z21-03

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CHAIRMAN: Z21-03 at
99 Public Square.

MR. MENDEL: Yes. Thank you.

As you said, this is Case Z21-03; address,
99 Public Square. For all intents and
purposes, it is Brandstetter Carroll
representing the Medina County Commissioners,
and it is a variance request from
Section 1141.05 of the Planning and Zoning Code
with a principal building to be -- for a new
principal building to be 53.7 feet tall instead
of the maximum allowed forty-five feet. This
property is zoned P-F, Public Facilities, and
then --

MR. HENWOOD: Jonathan, thank
you for the time. I am going to take this
opportunity to recuse myself as I am a County
employee.

MR. MENDEL: Thank you.
Chair?

CHAIRMAN: Yes.

MR. MENDEL: Alternate Number
2, Chris O'Connell is here to be able to serve

1 so that the Applicant can have a full due
2 process of a full five-board-member meeting.

3 CHAIRMAN: Very good. Come
4 join us. He was earlier duly sworn in for his
5 new appointment as an alternate to the board.

6 Welcome.

7 MR. O'CONNELL: Thank you.

8 MR. MENDEL: As Chairman
9 Humpal said, he is a new member of the Board of
10 Zoning Appeals, so we have a full contingent of
11 four board members and two alternates.

12 So thank you for serving, Chris, and
13 welcome.

14 MR. O'CONNELL: Thank you very
15 much.

16 CHAIRMAN: Go ahead,
17 Jonathan.

18 MR. MENDEL: Yes. So as I was
19 saying, the property is zoned P-F. It is
20 located on the east side of Public Square and
21 encompasses effectively an entire block.

22 The proposed design is a neoclassical
23 revival, classical Greek Revival design, which
24 is an architectural design similar to the 1969
25 courthouse addition.

1 So the proposed building addition is 53.7
2 feet tall, as I said. It's a four-story
3 building. It's about eighty-six thousand five
4 hundred square feet. This building height of
5 53.7 feet does exceed the maximum allowed
6 forty-five feet of the underlying zoning
7 district, the P-F district. The proposed
8 addition is to the rear (east) of the existing
9 courthouse complex buildings and both existing
10 buildings that face the Public Square.

11 As I said to the other committees this
12 evening, this also went in front of the
13 Historic Preservation Board for a certificate
14 of appropriateness and the Planning Commission
15 for site plan approval.

16 So going through the practical difficulties
17 discussion, as a bulk standard, it is a
18 practical difficulty review for building
19 height, and there are seven specific review
20 standards for this type of practical difficulty
21 review, so I will start going through those on
22 Page 2 of the staff report.

23 Whether the property in question will yield
24 a reasonable return or whether there can be any
25 beneficial use of the property without the

1 variance.

2 There may not be optimal beneficial use of
3 the property without the variance. Given the
4 nature of the constrained site, a four-story
5 building could be considered necessary to
6 provide the functional space needed with any
7 interior horizontal and vertical requirements
8 of the courthouse operation while maintaining
9 adequate open space on the site.

10 Whether the variance is substantial.

11 The proposed 53.7-foot building height is
12 19.3 percent more than the maximum allowed
13 forty-five feet. Within the context of the
14 project site, this may not be substantial
15 because the existing buildings' massing on the
16 site masks the difference, especially when
17 viewed from Public Square, so on your --
18 on the screen you can see this is standing
19 at Public Square, on the east side of
20 Public Square facing the '69 addition, and
21 you can -- there's just a little bit of a
22 cornice line for the proposed addition over
23 top of the '69 addition. So whether that is
24 substantial.

25 It also gets to the next one, which is

1 Number C -- "Number C," which is C, whether the
2 essential character of the neighborhood would
3 be substantially altered or whether adjoining
4 properties would suffer substantial detriment
5 as a result of a variance.

6 The existing character of the neighborhood
7 would not be altered as the east side of
8 downtown has many large public facilities in
9 the city, so the courthouse, library, County
10 Administration, et cetera, which are large
11 buildings both vertically and horizontally.
12 Additionally, the proposed building height is
13 designed to minimize its visual dominance of
14 the existing courthouse complex's buildings.

15 All right. Next, whether the variance
16 would adversely affect the delivery of
17 government services.

18 In this case, you know, it would actually
19 permit -- the variance would permit the
20 interior space needed for provision of modern
21 government court, services, operations, and
22 functions.

23 Whether the property owner purchased the
24 property with knowledge of the variance zoning
25 request.

1 This isn't really terribly applicable, as
2 the County has owned most or all of the subject
3 site for more than fifty years.

4 Whether the property owner's predicament
5 feasibly could be obviated through some method
6 other than the variance.

7 The predicament may not be obviated,
8 because the constrained nature of the subject
9 site coupled with the modern requirements for
10 construction of a modern courthouse facility
11 result in the proposed design.

12 Whether the spirit and intent behind the
13 zoning variance would be observed and
14 substantial justice done.

15 The intent of the regulation is to keep
16 future development in scale with the increment
17 and building rhythm of an immediate vicinity.
18 The proposed project would be consistent with
19 the character of the downtown, the scale,
20 increment, and rhythm of the downtown built
21 environment.

22 So those are the seven factors to weigh
23 when reviewing the merits of the variance
24 request from Section 1141.05.

25 Thank you.

1 CHAIRMAN: Thank you.

2 I'd ask the Applicant first, please
3 introduce yourselves and your address, and then
4 any added comments you wish to make.

5 MS. NOZIK: My name is
6 Nancy Nozik. I am with Brandstetter Carroll
7 Architects. I live at 5544 Lansbury Lane in
8 Lyndhurst, Ohio.

9 MR. MILLER: I'm Scott Miller.
10 I'm the County Administrator, and I live at
11 7425 Westfield Road.

12 CHAIRMAN: Thank you both.
13 Any comments that you care to add?

14 MS. NOZIK: Just a few things
15 I would like to clarify in how we ended up with
16 the building, the size, and the shape and the
17 height that it is.

18 We've been working with the County for over
19 two years now to develop what are the space
20 requirements inside the proposed County
21 courthouse, and it is a fairly complicated
22 program with very specific adjacencies to
23 spaces within the building for the various
24 court functions that occur, as well as
25 providing a safe and secure facility for the

1 public and the judicial staff and the
2 in-custody persons who visit the courthouse.
3 That is what led us to a four-story building.
4 And in my narrative, I kind of describe what
5 happens on each story.

6 We are connecting to the Old Courthouse,
7 which is the 1841 structure. So the first
8 floor and the second floor -- the third floor,
9 actually, connect over to that existing
10 building, so we are matching the finished floor
11 heights that are in that existing building that
12 kind of drives the heights of those first
13 couple floors.

14 The floors on top of that, we have a
15 fourteen-foot floor-to-floor height, which
16 allows us -- those are where the primary
17 courtrooms are. When you have a large
18 courtroom space, as we have in this space, you
19 want to have a higher ceiling, so the
20 proportion of the volume of that space is
21 appropriate. So to account for the building
22 structure and the mechanical systems, a
23 fourteen-foot floor-to-floor is really kind of
24 the minimum that we would have for this type of
25 a building. You add all those up, we are eight

1 foot seven inches higher than the zoning code.

2 We have made every effort. The first floor
3 of this building is lower than the existing
4 site. If you've been to the site, the entrance
5 to the 1969 building from that parking lot,
6 everything slopes down to that entrance. We
7 are actually bringing the entire building --
8 first floor of the building down to that level,
9 which keeps the building -- overall building
10 down as low as we can.

11 I would also add that in relation to the
12 adjacent buildings, we're very -- taking care
13 to make sure that the 1841 building -
14 the Old Courthouse - is still prominent on this
15 block, and that we also have the 1969
16 courthouse as a prominent feature along the
17 Public Square side.

18 So go -- well, that's fine.

19 Just a couple numbers. The height of the
20 actual parapet -- so the parapet is one foot
21 higher. The height of the parapet of our new
22 building is four-foot six inches lower than the
23 mansard roof of the Old Courthouse, and it is
24 actually over forty-four feet lower than the
25 tower. So those are really the two prominent

1 features there.

2 It is, however, eleven foot eight inches
3 higher than the 1969 courthouse, but as
4 Jonathan showed in the rendering from the
5 Square, from the human perspective at the
6 Square, you really will not perceive it as you
7 do there in that straight-on elevation view.

8 So those are -- the other thing we have
9 done is we've kind of tried to break up the
10 massing of the building where we connect to the
11 Old Courthouse, that bottom right-hand
12 elevation there. It is lower -- the roofline
13 is lower so that it kind of breaks up the
14 volumes there. It still allows the
15 Old Courthouse on the corner to have prominence
16 on the site from our new building that is
17 behind it.

18 CHAIRMAN: Thank you.

19 MS. NOZIK: Do you have
20 anything you want to add, Scott?

21 MR. MILLER: Uh-uh.

22 CHAIRMAN: We'll take a
23 moment and ask for comments from the public,
24 but I will ask that any comments are limited to
25 the specifics of the variance request.

1 MR. JOCKE: Thank you. I'm
2 Ralph Jocke. I live at 523 East Friendship
3 Street. That's two blocks east and one block
4 over from this construction. I own a business
5 that's less than a block away from the
6 construction that's planned.

7 First, one of the issues, as mentioned
8 here, was the necessity for it. Well, I
9 would like to point out that the current
10 courts that are there on the site are
11 performing the functions that are required of
12 a courthouse adequately with the current
13 facilities.

14 The other point to be made is that this
15 building that you're looking at would not have
16 to be four stories if they would simply use the
17 '69 courthouse. The '69 courthouse is
18 available, it's working now as a courthouse.
19 It's good space if they would put their court
20 functions --

21 CHAIRMAN: I don't think
22 that's up to us to determine as a board. I
23 believe that's up to the County and the
24 administration.

25 MR. JOCKE: Well, I would

1 point out that one of the considerations was
2 necessity, and that was specifically listed if
3 there's a necessity, and so I'm pointing out
4 what they're doing is building a building
5 that's one story higher than it needs to be
6 because they're not using the '69 courthouse.
7 So that has to do with necessity, so I would
8 say it's specific to the criteria that was
9 mentioned.

10 The other point that I'd like to make for
11 you is that they're talking fifty-three feet
12 high. That does not include the utilities on
13 the top of the building, so the actual height
14 of what is there is quite a bit higher, at
15 least six feet.

16 CHAIRMAN: They're not
17 visible apparently from the pictures on the
18 screen.

19 MR. JOCKE: That's my next
20 point. What happened is that view they're
21 showing you is from the sidewalk on the west
22 side of the Public Square. So what happens is,
23 from that view looking up, you can't see it,
24 but when you get to the gazebo or you're in the
25 gazebo, yes, you can see it. It is very

1 clearly visible overlying the courthouse. That
2 view is the middle view up on the screen there,
3 so they presented a view that is deceptive to
4 the board. So it's not one of those things
5 that's not visible from the Square, it is
6 very clearly visible from the Square as shown
7 there.

8 The last point, and you know what's coming,
9 and that is, as representatives of the people,
10 the people of this city voted two-to-one
11 against this project in November.

12 CHAIRMAN: That is not for
13 our consideration.

14 MR. JOCKE: Well, you're
15 supposed to represent the people, and I'd ask
16 you to do so.

17 Thank you very much.

18 CHAIRMAN: Thank you.
19 Board, comments? Questions?

20 MR. WILLIAMS: This is only
21 peripherally germane to your specific request
22 for the 53.7 -- or fifty-three-feet-and-some.
23 What is the anticipated occupancy of the
24 courthouse?

25 MS. NOZIK: You're talking

1 number of people?

2 MR. WILLIAMS: Number of bodies,
3 yes.

4 MS. NOZIK: I don't have that
5 number off the top of my head.

6 MR. WILLIAMS: Do you have an
7 approximate? I mean, is it a hundred? Three
8 hundred? I don't know.

9 MR. MILLER: It's probably --
10 I mean, the courts, the general division has
11 nine total, I believe, nine, ten.

12 MS. NOZIK: Staff.

13 MR. MILLER: It's going to
14 be -- yeah, staff. It's probably right around
15 between fifty and sixty, I would say.

16 MS. NOZIK: For staff.

17 MR. MILLER: For staff.

18 MS. NOZIK: It would be
19 significantly more when the public is there.

20 MR. MILLER: Yeah.

21 MS. NOZIK: It depends on if
22 all of the courts are in operation at one time
23 or not.

24 MR. WILLIAMS: Okay. Thank you.
25 That did answer my question.

1 MR. MILLER: And I want to
2 make one comment to that "necessity." We
3 actually have magistrates that hold court in
4 the hallway because they don't have courtrooms.
5 I just want to make that clear.

6 CHAIRMAN: Thank you. Other
7 comments? Questions?

8 MS. FRY: I just want to
9 reiterate to the board that, in looking at the
10 floor-to-floor elevations, these are quite
11 appropriate for this sort of facility. They'll
12 be lucky to get ten-foot ceilings in this
13 building by the time you get structure and
14 mechanical lights, all the things necessary for
15 a building like this.

16 So I don't see an issue with this variance
17 request. I think they have done a very good
18 job of keeping it to the minimum needed. I
19 might have concern if one of the floors was
20 twenty feet and, you know, questioned the need
21 for that, but I think this is a very
22 responsible floor-to-floor height for the
23 building.

24 CHAIRMAN: Thank you. Other
25 thoughts?

1 MR. O'CONNELL: I do have one
2 question. Looking at the west context
3 elevation, showing the height of the proposed
4 expansion of the courthouse, is there a parapet
5 wall that would be surrounding the top of that
6 to hide any HVAC equipment, et cetera, that
7 would be placed on the rooftops so that you can
8 not see that from the elevation whichever way
9 you look at the site?

10 MS. NOZIK: The parapet wall
11 surrounding the building is only one-foot. The
12 mechanical units are placed in the center of
13 the building from both directions so that we
14 are minimizing any view that you may have of
15 those.

16 We have not done a view from the gazebo in
17 the Square. Part of the challenge there is,
18 there are many, many trees, too, that are also
19 going to be obscuring your view there. So I
20 cannot honestly tell you what it would look
21 like from the gazebo in the center of the
22 Square, but we feel that most people walking
23 around will not be able to see the building or
24 the mechanical units there beyond it from grade
25 level.

1 MR. O'CONNELL: Thank you.

2 CHAIRMAN: Other questions,
3 board?

4 MR. ROSZAK: I don't have any
5 issues with this. I think that it is
6 well-designed and fits well into the context of
7 the Square and the existing buildings.

8 CHAIRMAN: And I don't
9 either at this stage.

10 Are we -- go ahead.

11 MR. WILLIAMS: I would just
12 like to echo that and thank your firm for
13 what I consider to be a heck of a design
14 given the footprint you were working with
15 for this.

16 MS. NOZIK: Thank you.

17 CHAIRMAN: I think we're at
18 the point of asking for a motion, if someone
19 would care to do that.

20 MR. ROSZAK: I make a motion
21 to approve the variance in that the essential
22 character of the neighborhood will not be
23 substantially altered and the adjoining
24 properties will not suffer substantial
25 detriment as a result of the variance.

1 MR. WILLIAMS: Second.

2 MR. MENDEL: Who second?

3 MR. WILLIAMS: (Indicating.)

4 MR. MENDEL: All right. Thank

5 you.

6 Roszak?

7 MR. ROSZAK: Yes.

8 MR. MENDEL: Humpal?

9 CHAIRMAN: Yes.

10 MR. MENDEL: O'Connell?

11 MR. O'CONNELL: Yes.

12 MR. MENDEL: Fry?

13 MS. FRY: Yes.

14 MR. MENDEL: Williams?

15 MR. WILLIAMS: Yes.

16 MR. MENDEL: Motion approved,

17 five-zero. Thank you.

18 CHAIRMAN: Thank you.

19 Jonathan --

20 MS. NOZIK: Thank you very

21 much.

22 CHAIRMAN: -- any special

23 announcements or updates?

24 MR. MENDEL: Like I said, the

25 comprehensive plan, that should be starting

1 soon. We had interviews with the two
2 finalists, two consultant finalists, two
3 different proposals, and we chose one, and that
4 will be kind of getting through the approval
5 process through the council to set up the
6 budget and set up the contract approval
7 shortly. So that should start, let's say,
8 late April, early May. So that would be a
9 process that will involve the entire
10 community.

11 Additionally, the Liberty View project here
12 south of the parking garage will likely be
13 coming to the Board of Zoning Appeals and
14 Planning Commission and Historic Preservation
15 Board for development review.

16 CHAIRMAN: And I do know
17 that I will have to recuse myself from that
18 since I'm on the board of CAC, so their vice
19 chairman will conduct the meeting.

20 MR. MENDEL: Okay. That's
21 April 8th.

22 MR. WILLIAMS: I'll let you
23 know.

24 CHAIRMAN: And there's a
25 chairman review under -- beginning work also, I

1 think, isn't there?

2 MR. MENDEL: Yeah. They
3 started last week, last Thursday, so that's
4 always fun, so -- I'm not involved in that.

5 CHAIRMAN: Okay. If there's
6 no further business, we are adjourned.

7 Thank you, board.

8 (Proceedings concluded.)

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STATE OF OHIO)
) ss:
COUNTY OF MEDINA.)

CERTIFICATE

I, Makenzie J. Sabo, RPR, Notary Public within and for the State of Ohio, duly commissioned and qualified, hereby certify that before the giving of their testimony, all persons were first duly sworn to testify to the truth, the whole truth, and nothing but the truth in this case aforesaid and that the testimony was taken by me by means of stenotype in the presence of said persons.

I further certify that this is a full and complete transcription of the above-entitled cause.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Medina, Ohio this 22nd day of March, 2021.

Makenzie J. Sabo

Makenzie J. Sabo, RPR
and Notary Public within and for
the State of Ohio.
My commission expires 09/19/23.

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