



CITY of MEDINA
Board of Zoning Appeals
Regular Meeting Minutes
June 8, 2023

Meeting Date: June 8, 2023

Meeting Time: 7:00 PM

Present: Brandilyn Fry, 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 May 11, 2023 as submitted.

The motion was seconded by Mr. Henwood.

Vote:

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

The Court Reporter swore in all attendees.

Applications

1. Z23-09 Denise and Ritch Koeth 1065 Raymond Way VAR

Mr. Dutton stated that the applicant was requesting an Area Variance to Section 1121.05 to allow an addition within the rear yard setback. He noted that the home currently had a 16 ft. x 16 ft. rear deck located 34 ft. 2 in. from the rear property line. Mr. Dutton stated the applicant was proposing to construct a pitched roof over the existing deck, which would be attached to the home. He added that the roofed deck would not have solid walls and would be enclosed by screening. He noted that the packet had included comments from adjacent property owners stating that they did not object to the proposal.

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

- The project would add value to the neighborhood.
- The variance was not substantial as the footprint of the deck will not change.
- The essential character of the neighborhood would not be altered and adjoining property owners supported the project.

- The spirit and intent behind the zoning requirement would be observed as the project would allow reasonable enjoyment of the property without impacts on neighbors.

Present for the case was Denise Koeth of 1065 Raymond Way. Ms. Koeth stated that the existing footprint of the deck would not change and that they were just adding a roof and screening. She noted that the property owners behind and on either side of the property had no objections to the proposal.

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

Mr. Roszak made a motion to approve the variance, stating that the variance was not substantial, the character of the neighborhood would not be substantially altered, and adjoining properties would not suffer substantial detriment.

Mr. Henwood seconded the motion.

Vote:

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

2. Z23-10 Crisman Jones 1105 North Court Street VAR

Mr. Dutton stated that the applicant was requesting an Area Variance to Section 1109.04(c)(16) regarding design guidelines for large retail establishments and a Sign Variance to Section 1147.14 to allow nonpermitted projecting signs, Section 1147.14(c) to allow a Shopping Center sign within required setbacks, and Section 1147.14(d) to allow more and larger building signs than permitted. He noted the existing site was previously home to the Medina Super Kmart and had been vacant for an extended period of time. Mr. Dutton stated that the applicant was proposing to demolish the existing 158,827 sq. ft. building on the site and construct a 160,621 sq. ft. Meijer. He added the proposed Meijer included a drive through pharmacy and outdoor sales area on the south side of the building and a customer pickup area and loading docks on the north side of the building. He noted that the site layout remained similar to the existing site with the building located on the west side of the site, parking in the central portion, and access to the north, south, and east.

Mr. Dutton stated the first area variance involved Section 1109.04(c), which was a design guideline that required parking lots to be divided into smaller lots, which was not the case with this proposal. However, he noted that the existing parking lot included very little landscaping and the proposed parking lot exceeded the required internal parking lot landscaping. Mr. Dutton added that landscaping also provided traffic control by dispersing vehicles entering the site from North Court Street and separating the site from the adjacent shopping center.

Mr. Dutton stated that the second variance was to Section 1109.04(c) (A. & B.), which required that the front façade must have a recession or projection every 100 ft. and 60% of the face must be a feature area. He noted that the front façade of the proposed building had a length of approximately 145 ft. without a wall projection and incorporated approximately 30% of feature areas. He added that, though the facade did not meet the specific numerical requirements, it incorporated numerous concrete wall designs, color variations, and had prominent entrance features. He noted that landscaping had also been incorporated adjacent to the building to soften the appearance of larger wall sections.

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

- The variance was necessary for the property to yield a reasonable return as it was suited for a large-scale retail building.
- The variance was not substantial, as the footprint of the building would largely remain the same.
- The proposed building would not alter or change the character of the neighborhood.
- The spirit and intent of the zoning requirement would be observed by providing an attractive redevelopment of the site.

Present for the case was Brian Smallwood with Woolpert Inc., 4454 Idea Center Boulevard in Dayton, Ohio, and Crisman Jones with Meijer, 2929 Walker Ave NW in Grand Rapids, Michigan. Mr. Smallwood stated that there was an area of about 145 feet on the front of the building that was without an accent. He added that he felt that it was a good looking building. Mr. Smallwood also stated that he believed the changes in elevation on the proposed building were features. He noted that the proposed building looked similar to other recent builds.

Mr. Jones stated that the main Meijer wall sign in the center of the building was the only branding on the front of the store. He added that the building was set back 1,000 feet from North Court Street, so they would appreciate support for the variance.

Mr. Humpal opened the public hearing.

The City of Medina Mayor, Dennis Hanwell, stated that City administration and City Council had been working for over a decade to do something with the site. He added that the surrounding tenants, community, Council, and residents in the City's Ward meetings had all been requesting that something be done with the Kmart building. He noted that there had been trouble trying to get the leasing agent to cooperate with leads the City sent them. Mayor Hanwell respectfully asked the Board to approve the application.

The City of Medina Economic Development Director, Kimberly Marshall, stated that, since 2017, the City and the State of Ohio had invested \$20 million in the road widening project on the North Court Corridor. She noted that over \$21 million in new investment and redevelopment had been made to buildings along North Court Street since then. Ms. Marshall added that Kmart closing had affected the other tenants of the plaza. She added that Meijer would be

bringing at least 300 new jobs to the community, and that it was a win for Medina. Ms. Marshall respectfully asked the Board to consider approving the application.

Mr. Jones stated that he had an opportunity to speak with the plaza owners over the years and that they needed an anchor store in the plaza. He noted that Meijer had been working on this project with Benderson for at least 10 years.

Mr. Williams inquired if the landscaping surrounding the proposed parking lot met the requirements for Section 1109.04(c), noting that it was more of a delineation than currently existed. Mr. Dutton stated he believed the intent of Section 1109.04(c) was to physically break the parking lot up into sections.

Mr. Roszak asked if the monument sign was staying in its current location. Mr. Smallwood stated that it was.

Ms. Fry stated that she felt that, visually, the building was broken up, even if it was a mostly flat façade. She added that she felt that the facade was well composed.

Mr. Williams made a motion to approve Area Variance to Section 1109.04(c)(16), stating that the essential character of the neighborhood would not be substantially altered and that the spirit and intent of the Zoning Code would be met.

Mr. Roszak seconded the motion.

Vote:

Humpal	<u>Y</u>	Rozzak	<u>Y</u>
Williams	<u>Y</u>	Fry	<u>Y</u>
Henwood	<u>Y</u>		
Approved	<u>5-0</u>		

Mr. Dutton stated that there were a couple of different sections to consider regarding the Sign Variances. He noted that the applicant had proposed a 16 sq. ft. projecting sign with a pickup logo on the north side of the building and a 16 sq. ft. "Rx" sign on the south side of the building. Mr. Dutton stated that the projecting signs identified locations for vehicular product pick area and the drive through pharmacy. Mr. Dutton stated that Section 1147.14 did not allow projecting signs on a building in the C-3 district.

Mr. Dutton stated that the "Home", "Fresh", and "Welcome" signs were considered window signs and met code requirements.

Mr. Dutton stated that Section 1147.14(d) allowed one permanent building sign (wall, awning, or canopy) on the primary frontage of the building at a size of 1 sq. ft. per 1 linear foot of building frontage. He stated that the building was therefore permitted one building sign at up to 469 sq. ft. in area on the east face of the building. Mr. Dutton noted that the applicant had proposed seven building signs with a total size of 1,046 sq. ft.

Mr. Dutton continued that Section 1147.14(c) allowed for a single large freestanding Shopping Center sign in commercial developments. He noted that the sign required a Conditional Sign Permit, which was reviewed by the Planning Commission. Mr. Dutton stated that for the size of the subject shopping center, a sign is permitted to be 30 ft. tall, 500 sq. ft. in area, and setback 50 ft. from property lines and the right-of-way. He noted that the proposed sign was compliant with height and size requirements at 30 ft. tall and 374 sq. ft. in area, however, the sign was set back 5 ft. from the right-of-way and 24 ft. from the south property line in a similar location as the existing sign. Mr. Dutton noted that the right-of-way at the signalized intersection was expanded by 20 ft. in 2016 to accommodate the North Court Street reconstruction project.

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

- Projecting signs are appropriate in scale due to the large size and frontage of the building, assist vehicular traffic and wayfinding, and are visually attractive.
- A conforming building sign would not be visible to motorists and aesthetically enhances the development.
- A conforming shopping center sign would be blocked from the view of motorist and the construction of a conforming sign would require the removal of trees.

Mr. Smallwood stated that most of the signs they were considering wayfinding signs and only had one branding sign. Mr. Smallwood stated that the monument sign was similar in size to the existing monument sign. He added that the monument sign was not very visible from the street until you were right at it. He noted that they had wanted to match the current tenant panels, as they felt those tenants had a right to a sign as well.

Mr. Crisman stated that the proposed wall and projecting signs were there to help customers know where to go. He added that he felt the current shopping center sign was dated and that the new one was more modern and more aesthetically pleasing.

Mayor Hanwell stated that during the road widening project, North Court Street went from three lanes to five lanes with a center island and a multi-modal path. He continued that the widening required the acquisition of right of way on both sides of the road. He added that the monument sign was no closer to the street than it had originally been when it was installed.

Ms. Fry stated that she was not sure about the projecting signs. Mr. Jones offered to replace the front pharmacy with an "Rx" sign if they would allow the projecting pharmacy sign to remain. There was a discussion as to the placement and visibility of the signs.

Mr. Williams made a motion to approve the sign variance, as requested, stating that signage that exceeds the allowable height and area standards was more appropriate for the scale of the building, and the exception would not adversely affect the character or appearance of the neighborhood.

Mr. Roszak seconded the motion.

Vote:

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

3. Z23-11 Frank Gagliardi 467 Lafayette Road VAR

Mr. Dutton stated that the applicant was requesting an Area Variance to Section 1113.05(l)(2)(A.) to allow an accessory structure within rear yard setbacks and to be larger than permitted. Mr. Dutton stated the gazebo was 400 sq. ft. (20 ft. x 20 ft.) in area, was located 3 ft. from the north property line, and incorporated a pitched roof and open walls. He added that construction was begun on the structure prior to obtaining the necessary permits.

Mr. Dutton stated that there were two existing accessory structures on the site, a 975 sq. ft. detached garage and a 96 sq. ft. shed. He noted the applicant had indicated the shed would be removed from the site. Mr. Dutton stated that requirements for detached accessory buildings on the property must be 5 ft. from side and rear property lines and the total size of all accessory buildings on the site was 1,032 sq. ft.

Mr. Dutton stated that the gazebo was located 3 ft. from the north property line, which was within the required 5 ft. setback. Mr. Dutton stated that the existing 975 sq. ft. structure and proposed 400 sq. ft. structure exceed the maximum size at 1,375 sq. ft. Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- The variance is not substantial as the gazebo is only 2 ft. within the required setback.
- The applicant was not aware of the zoning regulations.
- There are no residences near the gazebo.

Present for the case was Frank Gagliardi, 476 Lafayette Road. Mr. Gagliardi stated that ignorance was not an excuse for not getting the proper permits. He added that he had put in the cement pad to use as a stage for the band he had at a party he hosted once a year, and was now butting a gazebo there. Mr. Gagliardi stated that his neighbors had all received letters about the variance and that no one he had talked to had a problem with it. He added that, since the small shed was being taken down, he proposed to enclose the back of the gazebo for storage.

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

There was a discussion on the fence behind the gazebo. Mr. Humpal asked if electricity was being put into the gazebo. Mr. Gagliardi stated that he had no intention to run electric to the gazebo at this time. He added that if he decided to run electric to the gazebo in the future he will contact the City's Building Department.

Mr. Roszak made a motion to approve the variance with the following condition:

- The existing small shed on the property must be removed.

Mr. Roszak stated that the variance was not substantial, the essential character of the neighborhood would not be substantially altered, and adjoining properties would not suffer substantial detriment due to the variance.

Mr. Williams seconded the motion.

Vote:

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

4. Z23-12 Jamie Wells 716 North Court Street VAR

Mr. Dutton stated that the applicant was requesting an Area Variance to Section 1147.14(d) to allow a larger secondary building sign than permitted. He noted that the Board had recently reviewed an area variance for the project. Mr. Dutton stated that the applicant had received approval for a 50.7 sq. ft. wall sign on the west side (front) of the building. He noted that, in addition, a 40.5 sq. ft. wall sign was proposed on the north side of the building, facing the parking lot.

Mr. Dutton stated that Section 1147.14(d) allowed for 1 sq. ft. of sign for each 4 linear feet of secondary building frontage. He added that the north side of the building was considered the secondary frontage and was permitted 22.25 sq. ft. of wall sign area. Mr. Dutton stated that the applicant had indicated the following regarding the Standards for Variances and Appeals:

- Construction of a conforming sign would require the removal of trees.
- The variance sought was the minimum necessary and the sign was not directly facing North Court Street.
- The character of the neighborhood would be maintained.

Present for the case were Jara Barreto and Jamie Wells of OLIO Development Group, 1062 Ridge Street in Columbus. Ms. Barreto stated that 22 sq. ft. of signage would put the individual letters of the sign at approximately 6 in. in height, which she felt was small for an urgent care. She added that, in the proposed sign, the largest letters were 1ft. 1in, which better fit the proportions of the north elevation.

There was a discussion as to the sign on the west side of the building. It was established that the signs were not located on the same part of the building on both elevations. There was a further discussion as to the illumination of the sign at night.

Mr. Humpal opened the public hearing. There were no questions or comments from the public. Mr. Dutton stated that Phil Grassa from the American Legion, which was on an adjoining property, had been at the meeting earlier in the evening and had taken a look at the plans. Mr. Dutton added that Mr. Grassa had no objections to the application.

Mr. Roszak made a motion to approve the variance, stating that it was consistent with the general spirit and intent of the Zoning Code.

Ms. Fry seconded the motion.

Vote:

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

Adjournment

Having no further business, the meeting was adjourned.

Respectfully submitted,

Sarah Tome

Bert Humpal, Chairman