

**MEDINA TOWNSHIP  
BOARD OF ZONING APPEALS  
HEARING  
JULY 18, 2012**

Vice Chair West called the hearing to order at 7:30 p.m. All Board members were introduced and Chair Morel explained the hearing procedure to all those present. Permanent Board members Morel and Ruppelli was absent. Alternate members Dufala and Williams sat in for a full Board.

**Judge Kimbler's PHN Motors vs. Medina Township Board of Zoning Appeals**

Vice Chair West read the judgement entry by Judge Kimber in the case of PHN Motors, LLC d/b/a Bill Doraty KIA v. Medina Township BZA.

Vice Chair West read Judge Kimbler's order which states that "This finding however does not conclude the matter. The Court notes that there may be other reasons than Section 603(e) why the Zoning Inspector did not issue the temporary permit. Therefore this Court remands this matter back to the Board of Zoning Appeals which should order the Zoning Inspector to consider whether there is any other section of the Medina Township Zoning Resolution which would or could prohibit the granting of the temporary permit. If such section exists, she can then deny the permit and PHN can bring an appeal to the Board, and if dissatisfied with the Board's ruling may appeal to the Medina County Court of Common Pleas."

Mr. Stopa made a motion regarding Judge Kimbler's decision regarding PHN Motors, LLC d/b/a Bill Doraty KIA v. Medina Township BZA Case #11CIV1503 to remand this matter back the Zoning Inspector to review whether there are other sections which would prohibit PHN's request for a temporary inflatable sign. It was seconded by Mr. Dufala.

ROLL CALL-Stopa-yes, Dufala-yes, Becker-yes, Williams-yes, West-yes.

**Quaker Steak & Lube-4094 Pearl Rd.**

Vice Chair West reviewed the application. The applicant is Quaker Steak & Lube. The property requiring the variance-4094 Pearl Rd. Present Zoning-BI. Previous variance requests-none.

Variance Requested- Section 65 I.(1) Wall Signs. Variance request for additional wall signs on (1) north, (2) east, (3) west, (4) south and (5) "eat" arrow. Total of 5 additional signs requested.

Dimensions of Signs:

North Elevation: 8'-9" x 5'4"=45.33 sq. ft.

South Elevation: 13'-0" x 6'-7 1/2 "=85.85 sq. ft.

East Elevation: 12'3" x 1'-1 1/4 "=13.52 sq. ft.

West Elevation: 8'-5" x 3'-7 3/8 "=27.88 sq. ft.

Northeast Corner: (2) 5'-7 3/8" x 3'-4 1/8 "=37.54 sq. ft.

The reason for the variance request read as follows:

Quaker Steak and Lube-as a concept-is themed on a gas station/automotive restaurant and gathering place. In a new community, building a new and untested prototype-it is extremely Important we establish an identity that will promote what we do best - food and fun.

Our ability to be a successful part of the community will be determined by providing all of the elements of the brand-a great food/family fun and excitement/community support and a building that is recognized as a restaurant and NOT an oil change shop.

A. Restrictive Signage would result;

Community/question confusion as to the nature of our business. QSL is a relatively small and somewhat unknown concept and it is vital that we put that message on the building to identify who and what we are-a great restaurant. There are several very good and legitimate automotive repair and oil change companies on Pearl Rd. We do not want to disrupt or disturb their customer base or cause any misconception that we are a restaurant and not auto service location. Without proper signage-business and customers are confused, misdirected and causing anxious and often uncomfortable relationships.

B. Exceptional Circumstances

The nature of the design and layout of the current building and thus the success of this location and prototype require that the entry door be placed on the North side of the building which is NOT the street front. Having the additional signage is essential to identifying the building as you drive Pearl Rd.-searching for the restaurant or the looking or the Oil Change Shops. And again I note that without proper signage business and customers are confused, misdirected and causing anxious frustrating and and often uncomfortable relationships to develop between all parties.

C. Granting the variance

1. Our long term success as a business, as a restaurant and as part of the Medina Community will be greatly affected by our ability to express who we are and what we represent. Each sign in this request is typical of our specific trade dress and each sign is essential to our identity and our ability to maintain our long term goals at this location.
2. There are no impactful reasons that can be identified as detrimental to the property/or improvements-rather this would be a great addition and enhancement to a very visible and potentially viable location in Medina.

The applicant, Mr. Dave Miller VP of Development for Quaker Steak & Lube (QSL) was sworn in. He stated that they are in the process of purchasing the property formerly occupied by Steak & Shake. Mr. Miller stated this location will be the smallest store they have. The smaller store will allow them to go into more communities. This location will be a prototype for future Quaker Steak & Lube location. Mr. Miller added they want to include all of our normal signage. We don't want people to think we are an oil change operation. We want them to understand what we do.

Chair West asked, "So you created colors and image that confuse you with an oil company, but you want more signs so that the confusion goes away?"

Mr. Miller responded they have been in business a number of years, but some people still do not recognize them. The items on the signs are registered trademarks and we want people to know who we are.

Ms. Strogan, Chair of the Zoning Commission was sworn in. She stated last evening the Commission approved a wall sign for Quaker Steak & Lube not to exceed 45.33 sq. ft. on east elevation of the building (Pearl Rd.) and two directional signs. The first directional sign would be at the end of the island in the parking lot for the pick-up window and consists of 2.16 sq. ft. and the second directional sign would be on the awning at the pick-up window. This sign would consist of 2.42 sq. ft.

Mr. Dufala stated that he was ok with the large sign on the side of the building, but did not see the reason for the signs on the other side or on the Home Depot side since they would not even be visible from the street. He added that lot has been vacant for 5 yrs. It would be nice to see the building reutilized. It would be an asset. Regarding the signage, it would be an additional 45.33 sq. ft. on the north and 13.52 sq. ft. for Best Wings USA and the 37.54 sq. ft. east sign.

Vice Chair West stated he thought the north side sign was needed. The arrow is consistent with their business, but I am not convinced about the Best Wings USA sign based on other signage proposed and what was permitted. The two signs, I agree are not appropriate. So I would only approve the north side signage and the arrow signage.

Mr. Becker stated that what they are asking for is a huge amount. I can see the north side sign and the arrow.

Mr. Miller stated that the Best Wings USA sign is really critical. We would be willing to reduce the size of that sign, but we think it is really important for us to have that sign.

The Board swore in Dave Pontia of Pontia Architecture. He stated that it depends on how you calculate the frontage. The actual frontage of the building is on Pearl Rd. It has 48 linear feet. Where the building turns there is the pick up area on the side and the entry vestibule. That measurement is actually closer to 60 linear feet.

Mr. Stopa stated that he agreed with the Chair the sign on the north, the best wings sign, and the "eat" arrow.

The Board then reviewed the Duncan Factors.

1. Will the property yield a reasonable return or whether there is a beneficial use without the variance? The Board stated yes, but the argument was made by the applicant that additional signage is required to yield a reasonable return.
2. Is the variance substantial? The Board stated the variance is huge.

3. Whether the essential character of the neighborhood would be substantially altered or adjoining property owners suffer a substantial detriment if the variance is granted? The Board determined probably not.
4. Will the granting of the variance adversely affect the delivery of governmental services? The Board stated no.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions? The Board stated yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated that they have suggested changes that would help.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution and will substantial justice be done by granting the variance? The Board stated not if the entire request were granted, but yes for the north side signage and arrow.

Mr. Williams stated the Board should also consider that QSL is going to use this as a model and training facility for other stores and that would be a plus for Medina Township.

Mr. Becker stated that if the venture is not successful, he would like to see all of the signage removed within 5 working days.

Chair West questioned whether 5-days was reasonably enforceable and suggested a longer time to have signage removed.

Mr. Becker then stated that he would like a stipulation so that the variance would not transfer over to the next entity on the site so that they get the same huge sign variance.

Mr. Dufala made a motion to grant Quaker Stake and Lube at 4094 Pearl Road a variance for one additional north side wall sign at 45.33 sq. ft., one additional east side sign facing Pearl Road not to exceed 13.52 sq. ft., and a northeast corner arrow sign not to exceed 37.54 sq. ft. The total sign variance approved is 96.39 sq. ft. This variance is only for Quaker Stake and Lube and is not applicable to any other business on the site. If Quaker Stake and Lube goes out of business, the signs must be removed within 60 days. The west elevation cabinet sign "Quaker Steak & Lube Best Wings USA" (27.88 sq. ft.) and "The Lube" sign on the south elevation (85.85 sq. ft.) are denied. It was seconded by Mr. Becker.

ROLL CALL-Dufala-yes, Stopa-yes, Williams-yes, Becker-yes, West-yes.

### Minutes

The June 20, 2012 meeting minutes of the BZA hearing were approved as amended.

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Secretary Ferencz handed out copies of minutes from the Zoning Commission's June 26, 2012 workshop meeting.

Having no further business before the Board, the meeting of the Board of Zoning Appeals was officially adjourned at 8:28 p.m.

Respectfully Submitted,

Kim Ferencz  
Zoning Secretary



William West, Acting Chair