



BATH TOWNSHIP

Summit County, Ohio

ZONING

3864 West Bath Road P.O. Box 1188 Bath, Ohio 44210-1188 330.666.4007 Fax:330.666.0305 www.bathtownship.org

- Zoning Variance Application -

For office use only:	ARC File No.:	<u>11-15</u>	BZA File No.:	<u>11-18</u>
Associated permits:				

Applicant Data

Name: Mike Grabarek

Company Name: Red Lobster - Site Enhancement Services

Address: 6001 Nimitz Parkway South Bend, IN 46628

Telephone No.: (800) 963-1727

Property Data

Zoning District: (circle one) R-1 R-2 R-3 R-4 B-1 B-2 B-3 B-4

Corner Lot: Yes No Note: Corner lots are required to meet the front setback on both streets.

Property Address: 3901 Medina Road Bath Township, OH 44333 Parcel No.: _____

Allotment Name: _____ Lot No.: _____

Owner(s): Burkhardt Development Group, Inc.

Owner Address: 484 South Miller Road Fairlawn, OH 44333

Telephone No.: (330) 836-9331

Variance(s) Requested

Below list the specific section from the Zoning Resolution from which the variance is being sought, a description of each variance being sought, and explain the practical difficulty justifying the application for each variance being sought.

501-4

1. Section: A.1 Description: Requesting to install 2 wall signs on the front of our building where only 1 sign is allowed by code.

Practical Difficulty: Due to the architecture of our building the car port/canopy blocks existing signage to motorists traveling East on Medina Road.

501-4

2. Section: A.2.a Description: Requesting to install a ²²~~25~~ SF cabinet on the existing monument where only 20 SF is allowed by code.

Practical Difficulty: Red Lobster has a new trademark and 20 SF does not allow adequate brand recognition for motorists.

501-4

3. Section: A.2.a Description: Requesting ability to display logo on directive signs where code does not allow commercial messages on them.

Practical Difficulty: Due to not having our trademark on the freestanding sign, we are requesting the ability to display the trademark on this sign.

501-4

4. Section: B.3 Description: Requesting to display permanent window vinyls where code allows "periodic" advertising signs inside windows.

Practical Difficulty: These are an architectural element used at new locations. These are only visible/readable to patrons currently on our property.

Regarding Practical Difficulty

The factors to be considered and weighed to determine whether a property owner has encountered practical difficulties to justify an area variance are (but are not limited to) the following:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
2. Whether the variance is substantial;
3. 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;
4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
5. Whether the property owner purchased the property with knowledge of the zoning restrictions;
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

Contiguous Property Owners List (name & tax mailing address)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____


Required Site Plan Data and Architectural/Construction Drawings

1. (Need 8 copies of site plan and plans along with a digital copy of site plan and plans) The site plan must show the following:

- A North arrow and scale
- Existing structures and dimensions
- Driveway and road access locations (existing and/or proposed)
- Proposed structure(s) and dimensions
- All setbacks
- Roads
- Lot dimensions
- Easements and details
- Septic system and well location (if applicable)
- Indicate the location of lakes, ponds, wetlands, ravines, or other unusual topography
- Riparian Corridor(s) must be clearly indicated on all lots containing applicable watercourses
- All slopes greater than 12% must be indicated on a two (2) foot contour interval map with the contours extending at least 100 feet beyond the lot lines

2. If applicable, eight (8) copies of the building/construction plans showing major details including height data must be submitted with the application.

Applicant Certification

Applicant Signature:  Date: 6/10/2011

Fee – due at time of application (make check payable to Bath Township Trustees)

- for residential applications – two hundred dollars (\$200.00)
- for commercial/business applications – three hundred dollars (\$300.00)
- for major subdivisions or use variances – five hundred dollars (\$500.00)

For Office Use Only

Appearance Review Commission File No.: ARC - -

Board of Zoning Appeals File No.: BZA - -

Hearing Date: _____ Public Notice Date: _____

Published In: _____ Abutting Property Owners Notification Date: _____

- Approved Approved with Conditions Denied

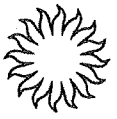
Comments: _____

Zoning Inspector Signature: _____ Date: _____

Parcels

Rec	Alt ID	Parid	Address	Owner 1	Owner 2
1	BA0003902019000	0500486	3901 MEDINA RD	BURKHARDT DEVELOPMENT GROUP INC	
2	BA0003902018000	0500471	3921 MEDINA RD	OICE LLC	<i>600 La Terraza Blvd, Esccondido, CA 92025</i>
3	BA0003902020001	0500524	3879 MEDINA RD	WEST MARKET PLAZA LAND LLC	<i>1350 W. Third St, Cleve. 44115</i>

[Zoom to these records](#)



BATH TOWNSHIP

Summit County, Ohio

July 5, 2011

Bath Township Board of Zoning Appeals Case No. BZA-11-18

Notice is hereby given that the Bath Township Board of Zoning Appeals will hold a public hearing at the Bath Township Administrative Offices, 3864 W. Bath Road, Bath, Ohio on July 19, 2011 at 7:00 p.m. for the appeals of **Case No. BZA-11-18**, Mike Grabarek for Red Lobster, 3901 Medina Road, requesting variance approvals from Article V, Section 501-4-A-1 for a second building sign and from Section 501-4-A-2-a for a larger monument sign. Property is located at 3901 Medina Road in the B-2 Business District.

This message is for the purpose of giving abutting property owners and other interested parties a notice of such hearing. However, this hearing is not limited to those persons receiving a copy of this notice. If you know of any property owners or affected neighbors who are interested and have not received a copy of this notice, please have them contact the undersigned.

Applicant or agent for said application must be present for this meeting.

Sincerely,

Martha M. Ferch
Deputy Zoning Inspector

cc: Board of Trustees – Bath Township
Board of Zoning Appeals (6)
Sharon Troike, Fiscal Officer
File
Applicant
Burkhardt Development Group, Inc., 484 S. Miller Rd, Fairlawn, OH 44333
OICE LLC, 600 LaTerraza Blvd., Escondido, CA 92025
West Market Plaza Land LLC, 1350 W. Third St., Cleveland, OH 44113



BATH TOWNSHIP

Summit County, Ohio

Bath Township
Board of Zoning Appeals
July 19, 2011 7:00 p.m.
Bath Township Administrative Offices
3864 West Bath Road

I. Call To Order

II. New Business

BZA-11-18

Mike Grabarek for
Red Lobster
3901 Medina Road

Requesting variance approvals from Article V, Section 501-4-A-1 for a second building sign and from Section 501-4-A-2-a for a larger monument sign – B-2.

BZA-11-19

Angel Robinson for
Red Lobster
3901 Medina Road

Requesting variance approval from Article V, Section 501-5-1 to allow a logo flag to be flown in conjunction with the United States flag. – B-2.

BZA-11-20

Hiram Coffey
1302 Hillandale Drive

Requesting variance approval from Article III, Section 301-4-P-1-c for a reduction in the side yard setback to construct an accessory structure. – R-2.

BZA-11-21

David Szuch
2524 Banning Road

Requesting variance approval from Article IV, Section 402-4-F for a side yard reduction to construct an addition. – R-2.

III. Old Business

BZA-11-01- Tabled January 18, 2011 to May 17, 2011

Susan Moore-Arkinetics, Inc. for
Circle K Gas Station
791 N. Cleveland-Massillon Road

Requesting variance(s) from Article IV, Section 406-4-B, C and D for reduction of the minimum front, side and rear yard setback and from Article IV, Section 411 for construction within the riparian setback for an addition. – B-1.

IV. Adjourn



BATH TOWNSHIP

Summit County, Ohio

July 6, 2011

Leader Publication
Classified Department
www.classads@akron.com
3075 Smith Road, Suite 204
Akron, OH 44333

Dear Jessica:

Please run the following legal advertisements for one day only on Thursday, July 7, 2011.

“Notice of Public Hearing”

Notice is hereby given that the Bath Township Board of Zoning Appeals will hold a public hearing at the Bath Township Administrative Offices, 3864 W. Bath Road, Bath, Ohio on Tuesday, July 19, 2011 at 7:00 p.m. for the appeals of: **(1) Case No. BZA-11-18**, Mike Grabarek for Red Lobster, 6001 Nimitz Parkway, South Bend, Indiana, requesting variances from Article V, Section 501-4-A-1 for a second building sign and from Section 501-4-A-2-a for a larger monument sign. Property is located at 3901 Medina Road in the B-2 Business District. **(2) Case No. BZA-11-19**, Angel Robinson, GH& A Architecture, 14110 Dallas Parkway, Dallas, Texas, requesting variance approval from Article V, Section 501-5-I to allow for a logo flag to be flown in conjunction with the United States flag. Property is located at 3901 Medina Road in the B-2 Business District. **(3) Case No. BZA-11-20**, Hiram Coffey, 1302 Hillandale Drive, requesting variance approval from Article III, Section 301-4-P-1-c for a reduction in the side yard setback to construct an accessory structure. Property is located at 1302 Hillandale Drive in the R-2 Residential District. **(4) Case No. BZA-11-21**, David Szucs, 2524 Banning Road, Akron, Ohio, requesting variance from Article IV, Section 402-4-F for a side yard reduction to construct an addition. Property is located at 2524 Banning Road in the R-2 Residential District.

Applications are on file at the Township Administrative Offices and available for viewing. All meetings are open to the public.

Wm J. Funk Jr.

William J. Funk Jr.
Zoning Inspector/Administrator

Send invoice and affidavit of publication to: Bath Township Trustees, c/o Sharon A. Troike, Fiscal Officer, P.O. Box 1188, Bath, OH 44210-1188



June 10, 2011

Bath Township
Martha Ferch
3864 West Bath Road
PO Box 1188
Bath, OH 44210-1188
330.666.4007

Martha,

Enclosed you will find a check in the amount of \$300 made payable to the "Bath Township" which will cover the filing fee for the Board of Zoning Appeals for the Red Lobster located on Medina Road. Please let me know if there is anything more you will need from me to ensure we're on the agenda's for July.

Thank you for your assistance and I look forward to hearing from you soon.

Regards,

A handwritten signature in black ink, appearing to read "Michael Grabarek", is written over a light blue horizontal line.

Michael Grabarek

Zoning Specialist | Site Enhancement Services | 6001 Nimitz Parkway, South Bend, IN 46628

Tel. 800.963.1727
Cell. 574.855.8571
Fax. 574.237.6166

www.siteenhancementservices.com