

## **Newbury Township Board of Zoning Appeals**

### **Minutes 2/5/2019**

#### **Leah Frederick (Madricks Tavern) Conditional use CU 19-003**

The Newbury Township Board of Zoning Appeals public hearing was called order by Mr. Lou Tomsic, Chairman, at 7:30 p.m., on February 5<sup>th</sup>, 2019 with board members, Mary Lee Brezina, Karen Endres, Chris Yaecker All in attendance who wished to speak at this hearing were duly sworn and asked when testifying to the state their name and confirm being sworn in. Mr. Tomsic said the BZA procedures would be followed and that the hearing was being recorded. He verified that notices were advertised and mailed.

Mr. Tomsic advised Mrs. Frederick that there are normally 5 board members present, however, with only 4 board members present he needs 3 out of 4 votes. Mrs. Fredrick confirmed that 4 members were acceptable.

Mr. Tomsic stated this is a Hearing for Leah Frederick who requests a conditional zoning permit to open a Tavern with Homestyle cooking at 10760 Kinsman Road. (Teague Brothers Shopping Center) in the B1 Commercial District. All Interested parties have been notified and advertising was taken care of, and all present have been signed in. He asked Ms. Frederick to explain what she will be doing.

Mrs. Frederick stated she is requesting a conditional use permit for a Tavern with Hometstyle cooking in Teague Plaza in the area that it is the former pharmacy location and Pumpkin Roll.

Mike Joyce Pulls up on Access Geauga GIS the property location.

Mr. Tomsic states that it is a formality that everything is a conditional use as a tavern in the B1 zoning district.

Mr. Joyce states they list 3 conditions. The most stringent is that there is no school, church or anything like that within 1500 sq. feet of their building. He went from the actual property line to give the maximum and extended out over 2/10 (4/10 of a mile. Zoning Inspector corrected after meeting) of a mile in all directions. Did not find any churches, taverns, schools or anything else. His opinion is that they meet all the conditions.

Mr. Tomsic stated that signs are a different issue.

Mr. Joyce states that signs would require a different zoning certificate. However if they choose to use the signs that are already there, we consider that maintenance of the signs, not a new sign. But if they take down the old sign and put up a new sign, they would need a zoning certificate. That is standard operating procedure.

Mr. Yeager asked if they could put a sign on the building.

Mr. Joyce stated if they have them already there, and they just change the cover, then it would be fine. Although he believes that they wanted to put up actual letters that would be a different type of sign. So

we would need a sign permit for that. But we do not need the BZA to give permission for the sign, just for the conditional use.

Mrs. Brezina asked where you obtained the liquor license. Did you purchase one that was already there?

Mrs. Frederick stated that they purchased one that was already there. It was in escrow.

Mrs. Endres asked if the State has already granted the license.

Ms. Frederick replied "yes". They have already done the pre-inspection.

Mr. Yaecker asked about the license being in limbo.

Ms. Frederick stated that it was from the former Sutters, then Paradise, however they did not pay on their liquor license, so it went into escrow.

Mr. Fredrick stated that they had Mr. Sutter said that the former occupants ran up the taxes.

Mrs. Fredrick stated that there are only so many liquor license issued in a township, and they now have the last one.

Mr. Tomsic asked about hours of operation.

Ms. Frederick stated that they are still in a kind of flux on that. As to what the opening time would be, but to begin with probably noon. And then once they are established, then they will be having a breakfast option.

Mr. Tomsic asked about closing hours.

Ms. Frederick stated that during the week, is going to be 10:00 pm. On weekends later.

Discussion about how long you can serve alcohol and restrictions.

Mr. Joyce stated that by State Law we could not regulate that.

Mr. Tomsic asked about lighting the parking lot.

Ms. Frederick stated that the Teague's were handling that.

Mrs. Endres inquired about outside food service. Are they going to try and create some kind of outdoor patio, or will it be completely inside the building.

Ms. Frederick stated it would be inside the building, during the summer there might be a little strip on the sidewalk. Does not infringe on walking around the building. No alcohol service outside.

Mr. Yaecker inquired about the backdoor to the building.

Ms. Frederick stated they are building a hallway back there to have trash service out back. Not open to the public, strictly maintenance and employees only.

Mrs. Endres inquired about if there were any close residential to it.

Mr. Joyce pulled up map. No residential close.

Mr. Tomsic inquired about the fire inspection.

Mr. Frederick stated that they had already come.

Mr. Tomsic inquired about occupancy.

Ms. Frederick stated it will be between 75 and 125. Nothing set in stone until after final inspection from the Fire Department.

Mrs. Endres inquired about additional construction and expected opening date.

Ms. Frederick they only had to put up a partition wall and the opening date will be at the end of April.

Mr. Tomsic stated that it is in an existing plaza, has multiple business before, He sees no reason for landscaping or shielding or anything like that. They have met all restriction put upon them.

Ms. Endres stated that with outdoor food service, to make sure the trash is cleaned up.

Mr. Yaecker inquired about expanding out the front door.

Ms. Frederick stated there is no room out front for expansion.

Ms. Endres asked the audience for comments. Katheryn Balzar replied that she feels this is a good idea.

Mr. Tomsic stated that there was a 3 year lease.

Mrs. Frederick stated that was correct, and that after 3 years they can renegotiate it.

Mrs. Endres stated about the outdoor food services, and that it had to be maintained clean and litter free.

Mrs. Brezina moved to approve the Conditional Use for 5 years with the condition that the property be maintained clean and litter free and that all conditions regulating conditional uses are observed.

Mr. Yaecker seconded the motion.

Voting as follows:

Karen Endres	Yes
Chris Yaecker	Yes
Mary Lee Brezina	Yes
Lewis Tomsic	Yes

The Conditional Use for a Tavern with Home style cooking was approved with the condition that the outdoor area be maintained clean and litter free. Mr. Tomsic moved to approve the conditional use for a period of 5 year.

Mr. Tomsic read to the Appellant and Audience, "Within 30 days after service for the minutes granting your request, if someone wishes to challenge this decision through the court, he or she may. The required permit can be issued once all requirement regarding this application are satisfied, although if you plan construction it is recommended you wait 30 days before proceeding. The challenge could reverse or negate our decision. At the time you receive your permit you must also comply with all other requirement of Newbury Township zoning"

Mr. Tomsic told the applicant the board will meet in February 19th at 7:30 to approve minutes.

Lou Tomsic adjourned the BZA hearing at 8:30 p.m.

Signatures of the Newbury Board of Zoning Appeals:

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Lewis Tomsic, Jr. Chairman

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Chris Yaecker

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Karen Endres

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Mary Lee Brezina

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Sue Wagner, Secretary BZA

