

Board of Zoning Appeals

Minutes of Special Meeting

June 1, 2021

Members present: John Golzy (Chairperson), Lisa Carson, John Gutekanst, Joe Krause, and Kay Tousley, Aaron Thomas (alternate) and Robert Delach (alternate).

City officials present: David Riggs (Zoning Administrator), Kerri Yake (BZA Secretary), and The Government Channel

The special meeting was called to order at 7:01 online as an Internet Conference. The Chairperson then read a statement about the policies and procedures of the Board. He then swore in, under oath, those intending to give testimony. Chairman Golzy explained the May 11, 2021 meeting link was not functional and did not comply with the Ohio revised code section 121.22. The special meeting will be a new hearing and interested parties notified and notices sent.

The Chairperson called on Zoning Administrator to testify.

Mr. Riggs explained a variance was requested from ACC 23.10.01 for multiple variances regarding the proposed use.

Mr. Golzy asked for any questions for the Code Office.

Chairman asked Government Channel if there were any members of the public in attendance.

Government Channel – Ryan mentioned there were 8 members of the public in attendance.

**Case #21-04V 280 E. State Street Zone: B-1 Trent DeBruin / appellant
 Kurt Montle / owner**

Appellant is requesting a variance from ACC 23.10.01 to allow a front setback of eight (8) feet where twenty-five (25) feet is required, rear setback of five (5) feet where thirty (30) feet is required, right side setback of four (4) inches where eight (8) feet is required, Structure Coverage of forty (40) percent where thirty (30) percent maximum allowed, total lot coverage of ninety-one (91) percent where sixty (60) percent is required, and a variance from ACC 23.04.01 to allow eight (8) units where one (1) unit is permitted. Proposed work would provide three (3) residential units and one (1) business space on the First Floor. The Second Floor would provide five (5) residential units.

Mr. Gutekanst asked how many of the units would be ADA compliant.

Mr. DeBruin answered that 3 units would be ADA compliant.

Mr. Golzy wondered if eight (8) units meant eight (8) people.

Mr. DeBruin answered the units would be two (2) bedroom units with a potential of sixteen (16) renters.

Mr. Montle explained the project was meant to add value to the community by developing a currently vacant building while maintaining the same building footprint with an addition to the rear of the second floor. Mr. Montle mentioned other properties with the same

proposed mixed use in the surrounding area. Mr. Montle explained the existing building use was too large to be viable space. The appellant reached out to surrounding property owners to discuss any of their concerns.

Mr. DeBruin shared a map which showed rentals located in the B-1 Zone. Appellant shared the floorplan of the proposed building footprint. Mr. DeBruin mentioned thirty (30) vacant commercial city spaces.

Mr. Golzy pointed out three (3) general comments. 1) Each case is heard on own merit and independent of each other. 2) The Board does not consider financial gain or loss of property owners. 3) The Board is bound to use the 6 criteria that applies only to the mentioned property, vicinity, and zone to base their decision.

Chairman called on the appellant to discuss that criteria.

Mr. Montle discussed the challenges of the size, square footage of the space that is an obvious challenge and the usability space is limited.

Mr. Golzy asked what the last use of the property was and could another business use the space in the same manner.

Mr. Montle explained that drastic changes would need to be made to the property for a viable commercial use. He mentioned the current site topography and building layout is a true challenge.

Chairman called upon the board members for any questions.

Mr. Gutekanst asked if there were any windows located in the back of the current building.

Mr. Montle mentioned some windows and two emergency doors to the rear of the alley and a shed / garage that is currently used for storage.

Ms. Tousley asked if traffic in the alley would increase with the project.

Mr. Montle answered no, due to the natural progression would be from State Street.

Ms. Carson wondered if the board discussion regarding the difficulty of filling commercial spaces, lack of housing, lower cost housing, and ADA compliant housing were more of a general nature and if these were relevant to the problems attached to the property.

Mr. Montle mentioned topography issues that cannot be changed and that he would like to add value to the community. The appellant is asking for a use that conforms to neighbors in the same business zone.

Chairman explained that anytime a property is renovated or a change of use, the Board of Zoning would need to look at the changes and make sure the six (6) criteria have been met.

Chairman called on the public that would like to speak for the variance.

Mr. Golzy, Ms. Carson, and Mr. Krause read nine (9) letters for the variance.

Mr. Golzy asked if there was anyone that would like to speak in general nature.

Ms. Carson read a general comment in the chat.

Mr. Golzy mentioned two (2) or three (3) letters of concern that were received.

Chairman asked if there was anyone that wanted to speak in opposition of the variance.

Mr. Krause and Ms. Carson read two (2) letters of opposition.

Mr. Golzy called upon the owner or appellant to respond to any of the letters read.

Chairman closed discussion from the floor and called for a motion.

On a motion by John Gutekanst, seconded by Kay Tousley , the Board moved to grant the property at 280 E. State Street a variance from ACC 23.10.01 to allow a front setback of eight (8) feet where twenty-five (25) feet is required, rear setback of five (5) feet where thirty (30) feet is required, right side setback of four (4) inches where eight (8) feet is required, Structure Coverage of forty (40) percent where thirty (30) percent maximum

allowed, total lot coverage of ninety-one (91) percent where sixty (60) percent is required, and a variance from ACC 23.04.01 to allow eight (8) units where one (1) unit is permitted. Proposed work would provide three (3) residential ADA compliant units and one (1) business space on the First Floor. The Second Floor would provide five (5) residential units.

Findings: 1:47:08

- 1.) **Exceptional Circumstances:** In terms of setback and coverage variances requested that yes there are exceptional circumstances. Site topography and layout limit the usability of the site.
- 2.) **HARDSHIP AND DIFFICULTY:** When looking at the setback and coverage variances, the property owner cannot make any substantive enhancements to the building without violating code requirements unless the board grants the variances.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Yes other properties with the same mixed use, are relevant to this case
- 4.) **MINIMUM VARIANCE:**
- 5.) **ABSENCE OF DETRIMENT:** Yes, met the concerns of neighboring property.
- 6.) **NOT OF A GENERAL NATURE:** No.

The Chairperson called for a vote: No – Carson, Yes - Gutekanst, Yes – Krause, Yes - Tousley, and No – Golzy. Motion approved 3-2; variance granted.

OTHER BUSINESS:

The meeting was adjourned at 7:24.

John Golzy, Chairperson

Date

Kerri Yake, Secretary

Date