

BOARD OF ZONING APPEALS
Meeting Minutes
Wednesday, February 17, 2021

Call to Order

Those members present: Roger Ames, Michael Schnipper, Dan Haizman, Chris Allison, and Kate Rousmaniere.

Those members excused: None.

Staff members present: Sam Perry, Zachary Moore, and Benjamin Mazer.

Staff members excused: None.

Approval of January 20, 2021 Minutes of the Regular Meeting

Ms. Rousmaniere made motion to approve the minutes as written. Mr. Haizman seconded the motion. All were in favor.

Adjudication Hearings

BZA-2021-01, 300 S. Locust Street, variance to Section 1151.05(a)(3) allowed number of signage per site, Atlantic Sign Company, Appellant

Mr. Ames made motion to enter into public hearing BZA-2021-01. Mr. Haizman seconded the motion. All were in favor

Mr. Zachary Moore, Planner, was sworn in by Mr. Schnipper. Mr. Moore reviewed his staff report. Mr. Moore stated that the Appellant, Ms. Brooke Alini, was also present. Mr. Moore shared there were various commercial uses at the site and that four permanent signs were currently installed on the Kroger façade. Mr. Moore explained that the request was for an additional wall sign for the Little Clinic, which would increase the total number of permanent wall signs to five. Mr. Moore referred to Section 1151.05(a)(3) which states that it allows for a maximum of two wall or freestanding signs per site in the GB District. Mr. Moore reviewed past BZA approvals. Mr. Moore reviewed the location map, and noted that the new sign would total 48 square feet and was illuminated. Mr. Moore reviewed positive department comments received.

Mr. Moore reviewed decision criteria:

A Whether the property in question would yield a reasonable return without the variance. Mr. Moore stated that staff supported and referred to other multi tenants at the site.

B. Whether the variance was substantial. Mr. Moore stated that staff disagreed with the applicant's claim that the variance was substantial. Staff supports granting the variance as it would coincide naturally with the building's architecture.

C. Whether the essential character of the neighborhood would be substantially altered; staff supports granting. Illuminated, channel letter signage is commonplace in the S. Locust commercial business corridor.

D. Whether the variance would adversely affect government services, Staff supports that it would not.

E. Whether the property owner purchased the property with knowledge of the restriction. This criterion is not applicable.

F Whether the owner's predicament can be feasibly obviated through some other method. Staff felt their criterion supports the variance. The applicant could choose to remove one of the existing wall signs to stay within the current limit of 4 signs, but it would mean losing out on identifying another use within the structure.

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Staff supports granting. Signs standards are written to provide a reasonable amount of signage.

H. Any other factors. Staff supports even though the current predicament is hopefully a temporary one the ongoing public health crisis does deserve some merit.

Mr. Ames stated that even though Kroger was not multi-tenant it was a multi-use site. Mr. Schnipper agreed. Mr. Haizman confirmed that all existing signage would remain.

Ms. Brooke Alini, Atlantic Sign Company, was sworn in by Mr. Schnipper. Ms. Alini stated she had nothing additional to add from what Mr. Moore presented, but would take questions. Ms. Alini stated that the current Little Clinic banner was a good representation of what the permanent sign would look like. Ms. Rousmaniere inquired, if the sign was permanent, was the clinic permanent. Ms. Alini responded yes.

Mr. Schnipper inquired if the sign was the standard size for Little Clinic. Ms. Alini responded yes.

Mr. Ames made motion to reconvene to regular meeting. Mr. Haizman seconded the motion. All were in favor. Mr. Perry stated there were no attendees wishing to speak.

Mr. Ames made motion to approve BZA-2021-01, based upon the variance was not substantial, would not interfere with government services, and would not affect the essential character of the neighborhood. Ms. Rousmaniere seconded the motion.

AYE: Ames, Allison, Haizman, Rousmaniere, Schnipper (5)

NAY: None (0)

ABS: None (0)

BZA-2021-02, 407 N. Campus Avenue, variance to Section 1143.07(c) maximum lot coverage, Section 1149.03(i), required parking spaces, Scott Webb, Appellant

Mr. Ames made motion to enter into public hearing BZA-2021-02. Mr. Haizman seconded the motion. All were in favor.

Mr. Zachary Moore, Planner was sworn in by Mr. Schnipper. Mr. Moore reviewed his staff report to demolish an existing deteriorated structure and replace with a new three-family structure. Two variances were requested: 1143.07(c) maximum lot coverage and variance to section 1149.03(i) number of required parking spaces, from 8 to 4. Mr. Moore discussed the parking spaces and stated that effective February 18, 2021 the required number of parking spaces, due to a change in the Zoning Code, would lessen to six. Mr. Moore reviewed the submitted site plans, stating that the owner wished to acquire a 4' wide strip of land from the adjoining neighbor to increase the total lot area to meet the minimum 8,000 square feet required to establish a new three-family. Mr. Ames inquired about the existing lot after purchase to south of it would still be in conformity? Mr. Moore responded that he didn't believe it should be a problem, but didn't know it for a fact.

Mr. Moore reviewed the Decision Standards.

1. Whether the property in question would yield a reasonable return without the variance. Mr. Moore stated there was mixed evidence. Mr. Moore explained that once the use is demolished the right to rebuild a new three family is lost due to the current minimum lot size requirement. However, in reference to parking and lot coverage, zoning restrictions must be observed. But the owner is within their rights to demolish the existing three unit building and construct a two unit building tht could likely provide an adequate amount of parking without resulting in a lot coverage over the present limit.
2. Whether the variance is substantial. Staff supports granting the variance. Mr. Moore explained the percentages of lot coverage and parking reductions and increases.

3. Whether the essential character of the neighborhood would be substantially altered. Staff supports granting the variance and agreed with the applicant's assessment.
4. Whether the variance would adversely affect government service delivery. Staff supports granting the variance. Mr. Moore referred to staff review input.
5. Whether the property owner purchased the property with knowledge of the zoning restrictions. Staff felt this criterion did not support the variance since the owner was aware of the zoning restrictions and has moved forward in purchasing additional land from an adjoining neighbor.
6. Whether the property owner's predicament could be obviated through some other method. Staff supports granting the variance. The applicant is aware they may be able to build a 3-story structure reducing the building footprint, however staff feels the variance is the most feasible option to produce a brand new structure more similar in bulk and scale to the existing structure as well as nearby structures in the vicinity.
7. Whether the spirit and intent would be observed and substantial justice done by granting the variance. Staff supports as the applicant plans to provide an acceptable number of parking to help defray on street parking, and eliminate a non-compliant gravel surface.

No comments were heard from the public, but staff did read aloud a comment letter received from a nearby owner expressing opposition to the request. Staff also advised the BZA they may condition the approval of the variances on the successful split and consolidation of the 4-foot wide strip of land. Mr. Haizman inquired how long the present owners had owned the property. Mr. Moore stated he couldn't speak for that. Mr. Schnipper inquired about the minimum lot size for a two family duplex and if the lot was adequate? Mr. Moore responded yes.

The Board inquired as to whether a two-family use was allowed by-right (which it was), the effect on the property to the south, the relationship to the previous up-zoning of the Mile Square, and the number of bedrooms inside the structure currently.

Mr. Scott Webb, Appellant, was sworn in. Mr. Webb stated that the entire area was zoned R-3MS. Mr. Webb referred to the Planning Commission having revised the minimum lot size regulations in the R-3MS to 8,000 sf for a 3-family. Nearly every lot in this area is 7,500 sf. The owners have a contract to purchase the additional 500 sf to meet the 8,000 sf minimum lot area. Mr. Webb described the condition of the structure currently and noted that the new structure would be better for the neighborhood all around. Mr. Webb also noted that there would be a reduction in the lot coverage with the proposed structure.

Ms. Rousmaniere inquired why not a 3 story structure? Mr. Webb responded they designed a compact efficient design and couldn't install an elevator. There were no other questions.

Mr. Haizman made motion to reconvene to regular meeting. Ms. Rousmaniere seconded the motion. All were in favor.

Ms. Rousmaniere inquired why not a duplex versus a 3-plex? Discussion followed. Mr. Haizman inquired about the number of occupants. Mr. Webb stated he was not sure, but occupancy was approved for 12.

Mr. Allison stated it was a valid statement that the City wants more density in the area. Discussion followed.

Ms. Rousmaniere agreed that this being so close to campus and a new structure, it follows the spirit of up-zoning. Mr. Allison stated he liked the idea of improving the area. Mr. Perry stated that the compelling fact is the condition of the existing building and that the reason for the text amendment was increasing the

density near campus. There is a need for reinvestment in this area and that was what Planning Commission was hoping for. Ms. Rousmaniere inquired if anyone was concerned about parking? Mr. Allison agreed with Ms. Rousmaniere that on street parking in the area was not a problem. Mr. Schnipper stated that parking does get a little tight on Homestead as Terry Dudley's neighboring property owner comment suggested, but we are going in the right direction with this.

Ms. Rousmaniere made motion to approve BZA-2021-02, variances 1143.07(c) and 1149.03(i), based upon that the variances would not affect the essential character of the neighborhood, or government services, and on condition of a successful acquisition of an additional 4 feet as noted in the application. Mr. Ames seconded the motion.

AYE: Mr. Ames, Mr. Allison, Mr. Haizman, Ms. Rousmaniere, Mr. Schnipper (5)

NAY: None (0)

ABS: None (0)

New Business

There was none.

Old Business

There was none.

Adjournment

Mr. Haizman made motion to adjourn the meeting. Ms. Rousmaniere seconded the motion. All were in favor. The meeting was adjourned at 7:40 p.m.