



**MEETING MINUTES
BOARD OF ZONING APPEALS
WEDNESDAY, April 21, 2021
6:30 P.M.**

**Virtual Meeting held via Zoom and broadcast to YouTube
in accordance with House Bill 404**

I. 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 and Benjamin Mazer
Staff members excused: Zachary Moore

II. Approval of February 17, 2021 Minutes of the Regular Meeting

Mr. Ames made motion to approve the February 17, 2021 minutes as written. Mr. Haizman seconded the motion. All were in favor.

III. Old Business

BZA-2020-04, 36 E. High Street, Variance to Chapter 1143.10(c)(2) to allow 0' setback for a new skydeck, **Mark Weisman, Appellant** – Extension approval for BZA decision

Mr. Haizman made motion to enter into Old Business BZA-2020-04 approval of a BZA decision extension. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. Perry, Community Development Director, was sworn in by Mr. Schnipper. Mr. Perry described the original approved request of July 15, 2020 for the construction of a skydeck. Due to Covid circumstances and Miami's in person sessions, time expired. The applicants are asking for an extension since work had not yet begun. Mr. Perry stated that there have been no major changes in scope of work, nor changes in code; however, there was a slight change in the footprint with the addition of a small bar on the skydeck. Mr. Weisman and Mr. Riggs, owner and contractor were present. Ms. Rousmaniere inquired if the original plan was to complete work in December and January. Mr. Perry responded yes, and that the project was planned as a pandemic response to create more space distancing. Mr. Mark Weisman, owner, Brick Street, was sworn in by Mr. Schnipper. Mr. Weisman elaborated on Mr. Perry's response. Mr. Bob Riggs, Construction Manager, Conger Construction Group was sworn in by Mr. Schnipper. Mr. Riggs stated they got the permit right on the 60 day timeframe, and by that time there was no time left of Miami's break so decided to complete during the summer break.

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

Ms. Rousmaniere inquired about the original reasoning for the skydeck being Covid to create more social distancing space and if that whole logic was now a little shakier? Ms. Rousmaniere inquired if BZA could go back and review the original variance request. Mr. Schnipper responded that this was a hearing to approve an extension, not to approve the variance request. Mr. Allison reminded everyone that he and Ms. Rousmaniere originally voted against the variance and intended to vote against the extension. Discussion followed. Ms. Rousmaniere inquired if the vote was against the extension, would they have to reapply for the variance? Discussion followed.

Mr. Ames made motion to approve the request for a variance extension based upon there were extenuating issues getting the building process started within 6 months. Mr. Haizman seconded the motion.

AYE: Mr. Haizman, Mr. Ames, Mr. Schnipper (3)

NAY: Mr. Allison, Ms. Rousmaniere (2)

ABS: None (0)

IV. New Business

Update on Review Procedures Prior to Accepting Variance Applications

Mr. Perry led the discussion on new review procedures prior to the acceptance of variance applications. Mr. Perry explained that this actually goes back several years. When a variance was submitted sometimes a review took place before a submittal and sometimes did not. Staff plans moving forward for a clean process and will be doing reviews before processing a variance application. Mr. Perry continued that there are some questions regarding how the code is written, but have discussed with the Law Director and are moving forward.

V. Adjudication Hearings

BZA-2021-03, 224 E Vine Street, Variance to Sections 1143.07(c) rear yard depth, lot coverage and 1143.07(d)(13)(A) curb cut, David Kellems, Appellant

Mr. Schnipper announced that Mr. Kellems was a customer of his and that the relationship was not substantial and the annual revenue was very small. Mr. Schnipper asked the BZA if there was a problem with him continuing in the hearing. Mr. Ames and Mr. Haizman both agreed that Mr. Schnipper could proceed as part of the hearing.

Ms. Rousmaniere made motion to enter into public hearing BZA-2021-03. Mr. Haizman seconded the motion. All were in favor.

Mr. Perry, Community Development Director, was sworn in by Mr. Schnipper. Mr. Perry provided a review of the request for variances for minimum rear yard depth, maximum lot coverage and allowing for a new curb cut on a public street. Mr. Kellems, the property owner, is requesting to add an additional unit onto an existing building. Mr. Perry displayed a map fronting on Vine Street. Mr. Perry described the various surrounding property zoning districts. Mr. Perry stated that the addition would be located on the back side of the existing structure. Mr. Perry displayed a view showing the proximity of the existing building to the newer building and that it would be a 2 story addition. Setbacks proposed for the front, rear, and side were reviewed. Mr. Perry continued that the lot coverage proposed was 45.7', from 45' code; accessibility for curb cuts are discouraged. No curb cuts are allowed if an alley is present. Off street parking access is from the street, not the alley. Mr. Perry reported that the rear setback was right on the property line for the existing building and that the existing porch addition would be removed. Mr. Perry reviewed a previous lot consolidation that had not been recorded and referred to a previous BZA case. Mr. Perry noted that the lot coverage request was minor. Mr. Perry noted that no comments were received from Police in regards to taking away one of the parking spaces. Mr. Perry reviewed the decision criteria.

- A. Can generate a reasonable return without the variance; however, zoning was changed within the last few years implying that there is potential for additional units.
- B. Whether the variance was substantial. There are 3 variances.
- C. Essential character of the neighborhood affected by the variances? Mr. Perry referred to curb cuts on E. Vine Street already exists; therefore an additional curb cut would not be contrary to what already exists.
- D. Variances will affect government services? Mr. Perry reported that no negative comments were received.
- E. The property owner's knowledge of restrictions? Mr. Perry referred to the zoning district change that took place during the property owner's ownership.
- F. Mr. Perry reported that the predicament could be obviated by some other method, as this property is quite wide so there are other options but the building would be oddly shaped in order to meet minimum rear yard setback distance. Mr. Perry explained how parking could be reworked and the existing structure could be demolished and redesigned.
- G. Spirit and intent would be observed. Mr. Perry reported it was supported because of the upzoning and spacing between the buildings.

Mr. Allison inquired about the exterior materials for the building, if it would be considerably different from the existing building or were they going to match the existing building? Mr. Perry reported this was a reasonable condition. Mr. Allison referred to the location of the curb cut and driveway, or being too close to the building creating a hazard for the Fire Department. Mr. Allison inquired about the power line and or if it was just a service line. Mr. Allison inquired if there would be any sewer issues?

Ms. Rousmaniere referred to there having been two design plans and what is the difference. Mr. Perry responded that the original plan was closer to the rear yard. Mr. Haizman inquired if there was any way to get another parking spot. Mr. Perry stated that Mr. Kellems would answer.

Mr. Dave Kellems, Owner, was sworn in by Mr. Schnipper. Mr. Kellems stated that he was open for any questions the BZA may have. In reference to the power line it is 4' off the house. There are no windows anywhere near; the code is 3'. Mr. Kellems described where the sewer line would run which would be across another property which he owns. If he could get more lot coverage he would. There are two spots on the alley; however, there are no services in the alley (meaning no snow plowing, salt, and garbage pickup is a problem) unfortunately, so cannot increase parking, but can doublestack.

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

Ms. Rousmaniere stated that curb cuts bother her the most because it is so clear in the zoning code. However, the only way to have parking there is to have a curb cut. Mr. Allison noted that it creates a problem with the front yard as well. Discussion followed. Mr. Perry noted that the driveway was included in the front yard calculations. Ms. Rousmaniere inquired about parking in the front yard. Discussion continued. It was agreed that there was not enough room.

Mr. Mazer spoke regarding Mr. Schnipper's earlier comment to be part of the discussion and his relationship with Mr. Kellems. Mr. Mazer noted there were two pieces to this: Mr. Mazer asked Mr. Schnipper that he did not have a significant relationship with the applicant and inquired if Mr. Schnipper would experience any financial impact with the outcome of this property. Mr. Schnipper responded no. Mr. Mazer agreed that Mr. Schnipper would not have to recuse himself unless he choses otherwise.

Ms. Rousmaniere asked for clarification the property was upzoned and agreed the goal was to increase density near the University and that this was ideal.

Mr. Ames agreed this seemed to be a perfect lot location; it won't affect the neighborhood, but will improve it.

Ms. Rousmaniere made motion to approve with regard to the request for variance BZA-2021-03, being variances to Sections 1143.07(c) for minimum rear yard depth and maximum lot coverage and 1143.07(d)(13)(A) for an additional curb cut, based upon the property will yield a reasonable return, variance will improve property is not substantial, essential character would not be altered, will not affect government services, and that the predicament cannot be obviated through any other methods. Mr. Ames seconded the motion.

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

NAY: None (0)

ABS: None (0)

VI. Other Business

Mr. Schnipper began a discussion regarding Ohio House Bill 404 and it expiring July 1, 2021; therefore, allowing for in person meetings. Mr. Schnipper stated this would affect the July 21, 2021 BZA meeting. Mr. Mazer responded that he has not heard anything and expected House Bill 404 to expire in July. Mr. Perry shared that discussion is taking place regarding providing separation at the dais with Plexiglas and masking. There will not be any hybrid meetings, and all boards and commission will decide one way or the other (live or zoom) how to conduct meetings. Mr. Schnipper stated that he was okay with meeting live; however, if others have a problem, to let Mr. Perry know.

Mr. Schnipper announced Lynn Taylor's retirement and thanked her for her service.

VII. Adjournment

Mr. Ames made motion to adjourn the meeting. Mr. Haizman seconded the motion. All were in favor. The meeting was adjourned at 7:28p.m.



MEETING MINUTES
BOARD OF ZONING APPEALS
WEDNESDAY, July 21, 2021
6:30 P.M.

I. Call to Order

Those members present: Roger Ames, Michael Schnipper, Calvin Conrad, and Kate Rousmaniere
Those members excused: Chris Allison
Staff members present: Sam Perry and Ben Mazer
Staff members excused: Zachary Moore

Mr. Conrad was sworn in prior to the meeting by Assistant Law Director, Ben Mazer.

II. Approval of April 21, 2021 Minutes of the Regular Meeting

Mr. Ames made motion to approve the April 21, 2021 minutes as written. Ms. Rousmaniere seconded the motion. All were in favor.

III. Old Business

Extension Request - BZA-2021-02, 407 N Campus, Variances to Section 1143.07(c) maximum lot coverage and Section 1149.03(i), required parking spaces, **First Class LLC**

Mr. Perry, Community Development Director, was sworn in by Mr. Schnipper. Mr. Perry described that the case was originally brought forth by Architect, Scott Webb, and the original request was granted in February 2021. Mr. Perry recalled the two request that were granted **(1)** parking variance and **(2)** lot coverage variance. For the parking space, the requirement was 8 parking spaces, and 4 were granted. For the lot coverage, the requirement was not to exceed 45% of the lot area, and 55.2 % was granted. Mr. Perry added that a 4-foot wide strip of land was purchased from the neighbor to the south, which was not done at the time of the request, but now it is part of the lot. Mr. Perry explained that the project has not commenced yet, therefore the applicant requested an additional six month extension which would expire in February 2022. (The original variance approval is valid till August 2021)

Mr. Perry mentioned the two requirements that the applicant needs to fulfill in order to maintain the validity of the variances: **(1)** to obtain the Building Permit and **(2)** to commence construction.

Questions/statements from the Board members

Mr. Ames agreed with Mr. Perry on making sure that nothing changed in the project, and the staff conditions were still included. Mr. Perry's answer was yes although no plans were resubmitted.

Mr. Conrad was concerned that there were only four parking places. Mr. Conrad wanted to know how many residents would occupy the building. Mr. Perry stated that the proposal was approved through the variances for a 3-family structure house for 12 unrelated residents.

Mr. Schnipper stated that the extension request was being considered this time and not a re-adjudication of the case or facts.

Ms. Rousmaniere inquired why someone would ask for an extension. Mr. Perry said there was nothing written in the code for this. Mr. Perry stated there were additional work needed to be done that required more time.

Mr. Conrad wanted to know the duration of the extension being granted.

Mrs. Dudley, the applicant, was sworn in by Mr. Schnipper. Mrs. Dudley explained that it has been taking a considerable amount of time to prepare the records, the deeds to get everything recorded since the time of the original proposal.

Mr. Schnipper wanted Mrs. Dudley to clarify what took some time. Mr. Schnipper also wanted to know whether the applicant started the process of acquiring the extra land soon after the variances were granted in February 2021. Mrs. Dudley replied with yes.

The Board members did not have any questions to Mrs. Dudley.

Mr. Ames made a motion to grant the extension. Ms. Rousmaniere seconded the motion. Roll call was taken.

AYE: Ms. Rousmaniere, Mr. Conrad, Mr. Ames, Mr. Schnipper (4)

NAY: None (0)

ABS: None (0)

IV. New Business

There were none.

V. Adjournment

Mr. Conrad made motion to adjourn the meeting. Mr. Ames seconded the motion. All were in favor. The meeting was adjourned at 6:43 p.m.