

BOARD OF ZONING APPEALS

JULY 11, 2016

The meeting was called to order at 5:31 p.m. by Chairman Craig Pickerel. Board members present were John Brown, Jason Decker, Niki Decker and Craig Pickerel (4). Greg Bade was absent (1). Also present were Karlene Henderson, Law Director, and Mark Easterling, Zoning Inspector.

Approval of Minutes

Mr. Brown moved to approve the minutes of the June 13, 2016 meeting as submitted. Mr. Decker seconded and they were approved 3-0. Ayes: Brown, Decker, Decker (3). Abstain: Pickerel (1).

APPLICATION, 26-16 – Steve Wise is requesting one zoning exception to permit front yard setback relief. The properties are identified as parcel numbers Q61-000-901206005001 and Q61-000-901206004001 (located along Water Street), and are zoned “C-1” Neighborhood Commercial. The requested variances would permit the applicant to construct a structure within the required setbacks from the front yard property lines.

NOTE: *Chapter 1230.01 Intensity and Dimensional Standards:*

C-1 Zoning:

Front Yard = 30’

Rear Yard = 25’

Side Yard Min = 0’

Side Yard Total = 0’

1. The applicant is requesting a zoning exception to reduce the required front yard setback. The variance would permit the front yard setback to be reduced to fifteen (15) feet, rather than the required thirty (30) feet.

Recommendation:

1. The Zoning Inspector recommends approval of the exception based on the uniqueness on the property, as the dimensions of the lot leave minimal building space.

Mr. Easterling reviewed Application 26-16. Steve Wise, 14841 Stonehaven, Perrysburg, and Kate MacPherson, 305 W. Second Street, were present on behalf of the applicant. Ms. MacPherson stated that this is a unique property and this variance is tied into other requests. She said the overriding influence is that these are special zoning districts and the building does not need to come out to the setback, they could pull it back to accommodate some parking and they are proposing some parking in the setback.

Mr. Decker moved to approve Application 26-16. Mr. Pickerel seconded and it was unanimously approved.

APPLICATION, 27-16 – Steve Wise is requesting a zoning variance to provide relief for minimum parking requirements. The properties are identified as parcel numbers Q61-000-901205004000 and Q61-000-901205003000 (located along Water Street), and are zoned “P” Parks. The requested variances would allow zero (0) parking spaces (100% parking relief).

NOTE: Chapter 1250.02(r) General Parking Requirements: The number of off-street parking spaces required for the uses located in and permitted in C- 1, C-3, C-4 and INS districts may be reduced up to thirty-three percent (33%) of the total required, provided that the following conditions are met:

- (1) The number of off-street parking spaces required for the use or uses exceed fifteen (15).
- (2) The applicant shall submit an acceptable site plan showing that an adequate reserve of land is set aside for additional parking spaces, so that the total depicted on the plan is adequate to meet the requirements under 1250.03 of this Chapter. The plan shall indicate the reserve area so that all dimensional requirements as to spaces, aisles and other applicable requirements of this Chapter can be met. The reserve area shall not be used for water retention, for required greenbelts or as the location for replacement trees or other deciduous or evergreen trees required by this Chapter. The landscape plan submitted for the site shall include a plan for the reserve area.
- (3) The City has determined that the applicant has submitted substantial evidence showing that the parking needs of the specific occupant will be less than would be required by this Chapter.
- (4) The property owner shall execute an agreement prepared by the City Law Director requiring the construction of the additional spaces within one hundred and eighty (180) days of notification that the City has determined a need exists for such spaces. The agreement shall run with the land, be binding upon successors and assigns and shall be recorded with the County Recorder.
- (5) A permit for change of occupancy shall not be issued until the City has reevaluated the need for parking by the new occupant relative to the number of spaces required by this Chapter.

NOTE: Chapter 1250.03(b)(g) Private clubs or lodge halls: One (1) for each seventy-five (75) square feet of usable floor area.

NOTE: Chapter 1215.02(81) Floor Area, Usable: For the purposes of computing off-street parking requirements, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area that is used or intended to be used principally for the storage or processing of merchandise, for hallways or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal area of the several floors of the building, measured from the exterior faces of the exterior walls.

1. The applicant is requesting a zoning variance to reduce the required amount of parking on the northern properties which would reduce the required parking from 14 spaces to 0 spaces.

Recommendation:

1. The Zoning Inspector recommends denial of the variance. The square footage submitted was a miscalculation and it has been determined that the total square footage of the proposed building, according to the dimensions provided, is about 2000 SF. This would make the total number of spaces needed 20, not the listed 14. Also, the applicant is requesting that parking be reduced by one hundred (100) percent (20 spaces), while the maximum set forth in Ch. 1250.02(r) is thirty-three (33%) percent (7 spaces).

Mr. Easterling reviewed Application 27-16. Linde Webb, attorney for the applicant, stated that per chapter 1250.08 and 1275.02(5) the Board has the power to vary the parking when it is unnecessary or imposes hardship. She said there is no place for parking because there is a very steep slope and for eighty years they have used offsite parking. There was discussion regarding the exact number of parking spaces the applicant is requesting to be waived since no floor plan was submitted. Mr. Brown stated that they are still requesting 100% relief regardless of the number. Ms. MacPherson said that they could build a concrete parking deck but to have cars hovering over the waterfront in the Historic District would detract from the charm of the area. She added that ecologically once you go down below Water Street you are in the 100 year flood plain and they would have to have columns. Mr. Brown asked about occupancy of the building and Ms. MacPherson calculated that the maximum occupancy per Code would probably be 60-70 people. Mr. Brown asked where those people would park. Ms. MacPherson said that half of them would come with someone else and some would walk so there would be maybe fifteen cars. Jerry Abair said that they have always parked along Water Street in the gravel area and it was not an issue for the last 80 years. Mr. Easterling stated that is not public parking. Rick Thielen stated that although the Code does not allow parking on gravel, there are other areas in the city that have gravel parking areas. He added that there is additional parking at the boat docks, on Louisiana Avenue, at Hood Park and behind the buildings on Front Street. Dan Judson, 147 W. Front Street, said that he is a property owner next to the Boat Club and he thinks to require parking there would be ridiculous. Mr. Thielen added that there were probably 800 people at Rock the Docks and there was no problem with parking. Jim Hagen, Avenue Road, said that it is important for the Board to look at this from a couple different perspectives: they are supposed to act on what is in front of them, parking on gravel is prohibited, and what about future commercial applicants who will say that the Boat Club didn't have to put parking in so why should they. Mr. Brown asked about the anticipated construction time for both buildings. Mr. Abair said that a lot of members are contractors and they have been approved by two banks and also have private financing secured. They plan to tie both sides into the bedrock and then do the waterside building first because it is more critical to get eyes closer to the water. Mr. Pickerel clarified that the vote is for 100% parking relief and Mr. Easterling said that it is. Mr. Thielen said it is a tall order to ask for 100% relief but this property is zoned Park and he does not know of any other privately owned park property in the City, so if a

commercially zoned property owner came in and asked for 100% relief you'd probably say no.

Mr. Decker moved to approve Application 27-16. Seconded by Ms. Decker. Ayes: Brown, Decker, Decker (3). Nays: Pickerel (1).

APPLICATION, 28-16 – Steve Wise is requesting a zoning variance to provide relief for minimum parking requirements. The properties are identified as parcel numbers Q61-000-901206005001 and Q61-000-901206004001 (located along Water Street), and are zoned “C-1” Neighborhood Commercial. The requested variances would allow six (6) parking spaces (70% parking relief) on the southern properties.

NOTE: *Chapter 1250.02(r) General Parking Requirements: The number of off-street parking spaces required for the uses located in and permitted in C- 1, C-3, C-4 and INS districts may be reduced up to thirty-three percent (33%) of the total required, provided that the following conditions are met:*

(1) *The number of off-street parking spaces required for the use or uses exceed fifteen (15).*

(2) *The applicant shall submit an acceptable site plan showing that an adequate reserve of land is set aside for additional parking spaces, so that the total depicted on the plan is adequate to meet the requirements under 1250.03 of this Chapter. The plan shall indicate the reserve area so that all dimensional requirements as to spaces, aisles and other applicable requirements of this Chapter can be met. The reserve area shall not be used for water retention, for required greenbelts or as the location for replacement trees or other deciduous or evergreen trees required by this Chapter. The landscape plan submitted for the site shall include a plan for the reserve area.*

(3) *The City has determined that the applicant has submitted substantial evidence showing that the parking needs of the specific occupant will be less than would be required by this Chapter.*

(4) *The property owner shall execute an agreement prepared by the City Law Director requiring the construction of the additional spaces within one hundred and eighty (180) days of notification that the City has determined a need exists for such spaces. The agreement shall run with the land, be binding upon successors and assigns and shall be recorded with the County Recorder.*

(5) *A permit for change of occupancy shall not be issued until the City has reevaluated the need for parking by the new occupant relative to the number of spaces required by this Chapter.*

NOTE: *Chapter 1250.03(b)(g) Private clubs or lodge halls: One (1) for each seventy-five (75) square feet of usable floor area.*

NOTE: *Chapter 1215.02(81) Floor Area, Usable: For the purposes of computing off-street parking requirements, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area that is used or intended to be used principally for the storage or*

processing of merchandise, for hallways or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal area of the several floors of the building, measured from the exterior faces of the exterior walls.

NOTE: Chapter 1250.06(b)[1] Private Stall Dimensions: [1] The standard-size parking stall shall be at least ten (10) feet wide and twenty (20) feet long unless otherwise noted above.

1. The applicant is requesting a zoning variance to reduce the required amount of parking on the southern properties which would reduce the required parking from 20 spaces to 6 spaces.

Recommendation:

1. The Zoning Inspector recommends denial of the variance based on the zoning code outlined in Ch. 1250.02(r). The applicant is requesting that parking be reduced by seventy (70%) percent (14 spaces), while the maximum set forth in Ch. 1250.02(r) is thirty-three (33%) percent (7 spaces). Also, the exception for front yard setback would not allow for the construction of parking spaces that meet the minimum dimension required as outlined in Ch. 1250.06(b)[1]. If passed, the applicant would need to meet and provide documentation to the Planning and Zoning office that displays the remainder of the requirements outlined in Ch. 1250.02(r)(1-5).

Mr. Easterling reviewed Application 28-16. Ms. Webb stated that they were originally asking for 100% relief, but the Board is in a sticky wicket so the Boat Club asked the architect to add some parking. Ms. MacPherson said that the building would be 25' deep instead of 30', and they have not done a preliminary floor plan, but 50% will be usable space and 50% will be storage space. There was discussion regarding what exactly was being requested since the number of parking spaces has not been determined because there is no floor plan. Ms. MacPherson said that if the floor plan has 50% usable square footage, they would only need fourteen parking spaces so it would be a 59% reduction. Mr. Pickerel said that he understands this site is unique, but just because you own property it doesn't necessarily mean it is buildable. Mr. Brown said that he is struggling with the percentage. Jaimie Dye, MacPherson Architects, asked what percentage he would be comfortable with. Mr. Wise said that this building will not have the occupancy that the other side will have. Ms. Webb said that if they want eight parking spaces the building will have to be shifted. Mr. Abair said that there are some big trees in the area and they are trying to minimize the number of trees removed because the roots stabilize the hill.

Mr. Pickerel moved to deny Application 28-16 for 70% parking reduction. Mr. Brown seconded and the motion was approved 3-1. Ayes: Brown, Jason Decker, Craig Pickerel (3). Nays: Niki Decker (1).

Mr. Brown moved to revote on the denial of Application 28-16 and amend it to approve a 50% reduction in parking spaces subject to the floor plan. Mr. Decker seconded and the motion was unanimously approved.

There being no further business, the meeting adjourned at 7:07 p.m.

Respectfully submitted,

Mary Jo Sutton