

Board of Zoning Appeals

Minutes

July 12, 2016

Members present: John Golzy (Chairperson), Betty Hollow, Kay Tousley, Aaron Thomas (alternate).

City officials present: Rick Sirois (Zoning Administrator), Paul Eschenbacher (secretary).

The meeting was called to order at 7:00 pm in Council Chambers, third floor of City Hall. The Chairperson introduced a video about the policies and procedures of the Board of Zoning Appeals. The Chairperson noted that, with the absence of three Board members, Mr. Thomas would be a full voting member of the Board for this meeting. The Chairperson then swore in, under oath, those intending to give testimony.

Case #16-08V 8000 Dairy Lane Zone B-3 T. Michael Corathers/Dairy Barn Arts Center, appellants

Appellant is requesting a variance from ACC 23.10, Table B, Off-Street Parking Requirements, to have 61 parking spaces, where 94 parking spaces are the minimum requirement.

The Chairperson asked the Zoning Administrator under what category of use did he calculate the number of parking spaces required. The Zoning Administrator said that he used “assembly hall” as the category, which requires one space per 100 square feet of area, as well as factoring in the gift shop and offices.

The Chairperson called on the appellant to testify.

T. Michael Corathers addressed the Board. Mr. Corathers presented plans of the project to the Board members. Mr. Corathers said that the goal is to reduce needed parking, as they want to preserve greenspace. He stated that, in order to get a variance from a fire suppression system from the State of Ohio, the Dairy Barn had to agree to reduce allowed capacity of the building by 71%. Mr. Corathers indicated that the Dairy Barn wants to avoid having a large blacktop parking lot in the front field. He also added that they are working with the State Historical Preservation Society on maintaining the building.

The secretary noted that the site currently has 43 parking spaces, so even if the variance is granted, there will be an increase in parking spaces.

Jane Forrest Redfern (Executive Director, Dairy Barn Arts Center) addressed the Board. Ms. Forrest Redfern noted that the Arts Center is a 501C3 non-profit organization, funded by donations, and gave a brief history of the Dairy Barn.

The Chairperson asked if the Dairy Barn might be sold to a private entity in the next few

years, who will also have this variance. Ms. Forrest Redfern said that she thinks the community would not allow it.

Ms. Hollow asked if there will be a reduction in gallery space. Ms. Forrest Redfern said that there would not be a reduction in space, only in allowed capacity (to 250 people). Ms. Hollow said that if 250 people are allowed, there should be 250 parking spaces. Ms. Forrest Redfern answered that many people carpool, and there are seldom events that draw that many people at once.

Ms. Forrest Redfern said that at some future point Dairy Lane may get a larger water line, which the State said will cause a review of the fire suppression system variance.

Mr. Thomas asked about holding events in the upstairs part of the building. Ms. Forrest Redfern said that when they do hold those events, they do not rent the lower portion of the building at the same time. Mr. Thomas asked about how much of the parking will use brick as paving surface. Mr. Corathers said that they will use the brick from where the addition will be built to fill in wherever needed. He stated that they want to use as much of that brick as possible before starting to install grass paver pieces. Mr. Thomas asked about moving the handicapped parking spaces and accessibility. Mr. Corathers and Ms. Forrest Redfern said that the new handicapped spaces will be accessible, and concrete will be used for this access route.

The Chairperson noted that there was no other people at the meeting to speak in favor of, make general comment about, or speak against the variance. The Chairperson closed the floor for discussion.

On a motion by Ms. Tousley, seconded by Ms. Hollow, the Board moved to grant a variance, in Case 16-08V, to the property at 8000 Dairy Lane from ACC 23.10, Table B, Off-Street Parking Requirements, to have 61 parking spaces, where 94 parking spaces are the minimum requirement.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** It is a unique property. There is limited space behind the building to add parking. The occupancy has been reduced, thus needing less parking.
- 2.) **HARDSHIP AND DIFFICULTY:** No variance creates an undue hardship. The site is unique in serving the community.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** There are no other similar properties or uses in the area.
- 4.) **MINIMUM VARIANCE:** Yes, as the occupancy has been reduced.
- 5.) **ABSENCE OF DETRIMENT:** Yes.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Yes—Golzy, Hollow, Thomas, Tousley. No-no votes. Motion approved 4-0; variance granted.

OTHER BUSINESS:

--*Disposition of minutes from June 14, 2016 meeting.* On a motion by Ms. Hollow, the Board moved to accept the minutes as presented 3-0.

The Board moved to adjourn the meeting. The meeting was adjourned at 7:40pm.

John Golzy, Chairperson

Paul Eschenbacher, secretary