



BOARD OF ZONING APPEALS REGULAR MEETING MINUTES

July 19, 2022 at 6:30 PM in Council Chambers

The meeting was called to order by Mr. Jaskiewicz at 6:30pm.

ROLL CALL:

Members present – Tom Jaskiewicz (Chair), Jim Eudaily, Curtis Hundley, Diana McCoy

Members absent – Nate Metzger

Also present: Taylor Brill (Village Planner), Paul-Michael Lafayette (Solicitor)

APPROVAL OF MINUTES

Mr. Jaskiewicz asked, upon Ms. Brill's statement, for a continuance for approval of the meeting minutes for May 17, 2022 until a quorum of members present during the meeting were in attendance.

SWEARING IN OF SPEAKERS

Mr. Lafayette swore in Paige Schmeling, Project Architect with WSA Studio.

COMMUNICATION

Ms. Brill communicated to the board that the zoning code draft is being looked over again and that it will go before Council on August 10th. She also stated that the Village is going through a comprehensive rebranding process and that has gone well thus far. Lastly, Ms. Brill updated the Board about the Uptown Planning process which includes meeting with the consultant soon about preliminary concepts. Ms. Brill also introduced Mr. Dreier, the new Zoning Inspector, to the board.

PUBLIC COMMENT

None

OLD BUSINESS

None

NEW BUSINESS

VAR-22-3: 305 W MAIN ST (PARCEL 04-00287.000, 04-00567.000, & 04-00726.000): VARIANCE FROM SECTION 1165.04(f) DEVELOPMENT STANDARDS FOR PERMITTED USE, BUILDING SIZE; APPLICANT: WSA STUDIO

Mr. Jaskiewicz asked Ms. Brill if all the proper notices were sent out according to the correct timelines and to the appropriate people. Ms. Brill confirmed that they were. Mr. Jaskiewicz asked Ms. Brill to give a brief summary of the application.

Ms. Brill stated that the application is for a variance from the first-floor square foot requirement of a building within the B3 Central Business District as stated in 1165.04(f) of the zoning code. Ms. Brill explained that the zoning text allows for a maximum of 5,000 sf on the first-floor however the applicant's building, the library, is currently a non-conforming structure in that it is a little over 9,000 sf. The applicant is proposing an addition of 2,700 sf which would connect another structure on the property to the current building and result in a total of 13,000 sf. The addition would serve as a maker space with increased capabilities and services to residents.

Ms. Brill noted that the proposal has gone through the Design Review Board and received a Certificate of Appropriateness. Additionally, the proposal site plan has gone through the Planning & Zoning Commission and received approval with several conditions including that the applicant coordinates with the neighboring property owner regarding a driveway that will be used as a drive-through window to make sure that all participating parties are accommodated.

She stated that the staff report noted comments on each of the criteria in section 1138.05(c)(3) and, based on that, staff recommends approval of the application.

Mr. Jaskiewicz opened the public hearing and asked if there is anyone who wishes to comment on the application.

Mr. Lafayette swore in Paige Schmeling, the Project Architect with WSA Studio.

Ms. Schmeling gave an overview of the proposal. She stated that the addition would extend from the west side of the existing library and its purposes include a new drive-through drop off window, new maker space for residents, and a large community room. She confirmed the square footage numbers that Ms. Brill stated previously. Ms. Schmeling said that the addition would extend over two parcels that the library also owns. She showed the Board members renderings for the addition that had been approved by the Design Review Board.

Mr. Jaskiewicz asked if, since the addition would extend over other parcels owned by the library, the 5,000 sf requirement would change. Ms. Brill answered that since the addition is connecting to the original building it would still add square footage and would continue to be non-conforming. Additionally, since the library owns the adjacent parcels, it is generally viewed as one large parcel for the purposes of this application.

Mr. Jaskiewicz asked Ms. Brill what the first-floor square footage of the old elementary school is. Ms. Brill answered that she is unsure of the exact amount but that building is located in the RS3 District which is different than the library zoning district.

Mr. Jaskiewicz asked if, under the new proposed zoning code, there would be any lifting of restrictions regarding the square footage requirement. Ms. Brill answered that there are not any restrictions in the proposed code currently. She also stated that she believes the intent for that requirement in the current code is to encourage building vertically rather than horizontally which would result in large, sprawling buildings within the Uptown District. Ms. Brill said that the proposed code does include lot size requirements which will serve to address similar requirements.

Mr. Jaskiewicz asked if the Uptown District boundaries will change with the new code. Ms. Brill answered that it will remain the same. She also stated that the library will remain in the Uptown Historic

District and zoned accordingly and the old elementary school will be the same except zoned in the Traditional Neighborhood District.

Mr. Eudaily inquired about having signage indicating the one-way drive-through street as well as appropriate drainage for the new curb cuts. Ms. Schmeling responded that they are working with a civil engineer to make sure that the drainage issues are addressed accordingly and that road direction signage will be posted.

Mr. Jaskiewicz noted that the Board's responsibility is to hear the application for the variance. He asked Ms. Brill what the next steps would be if the Board approves the variance and if they would have to have a site plan approved. Ms. Brill responded that the applicant has had their site plan approved and that any substantial changes to the site plan would result in it going back to the Village's engineer and then the Planning & Zoning Commission. Minor changes could be approved administratively. She stated that, pending any final approvals, they would be permitted to take the next steps towards construction.

Mr. Eudaily noted that he believes the residents at 321 W. Main Street, the property adjacent to the library, park in the area that would be used as the drive-through. Ms. Brill stated that they have a driveway on the other side of their property and are aware of the improvements that would be made per the applicant's proposal and pending the Planning & Zoning Commission's conditions. Mr. Eudaily stated that he likes the addition and what the library proposes to do with the additional space.

Ms. McCoy asked for clarification regarding the curb cuts that Mr. Eudaily inquired about and if this Board needs to consider those in their deliberations, including any design changes. Ms. Brill answered that it would only come back to this Board if there is a request for a variance. She further stated that minor changes would be approved administratively. Ms. McCoy thanked Ms. Brill for the clarification. Mr. Jaskiewicz stated that the purpose of this hearing is to determine whether the area variance is appropriate.

Mr. Jaskiewicz thanked Ms. Schmeling for her comments and input.

Mr. Jaskiewicz proceeded to read to the board the various points of the staff report and moved into deliberations based on section 1138.05(c)(3). Mr. Jaskiewicz believes that the proposal is not contrary to the public interest and is justified. The board expressed their agreement. Mr. Jaskiewicz believes that the variance is justified due to special conditions since it is already a non-conforming building. The board stated that they agree. Mr. Jaskiewicz and the board believes that the beneficial use of the current building could persist without the addition going forward since the library provides beneficial services as is. Mr. Hundley asked if there is anything being done or used in the space that the addition would occupy. Mr. Eudaily responded that there are community gardens partially in that space. Mr. Eudaily and Mr. Jaskiewicz noted that finding one aspect of the 1138.05(c) not met would not result in an automatic disapproval of the variance application. Mr. Hundley asked if the community gardens would remain if the addition is built. Ms. Schmeling responded that they do have plans to include community gardens with the addition. Mr. Hundley stated that he believes the beneficial use would persist.

The Board agrees that the variance request is substantial since they're proposing to expand on a non-conforming building.

Mr. Jaskiewicz asked if the alleyway between the library and adjacent house would be publicly maintained. Ms. Brill responded that it would not since it's private property. She also stated that part of the alleyway is on the adjacent property and the rest is on property belonging to the library. Any improvements made on the alleyway would stay on the library property with the exception of the curb cut which would partially reside on the neighboring property. Mr. Jaskiewicz noted that there could be

an argument made that the adjacent property owner could suffer some detriment in that the drive-through could be a restriction on their movement or accessibility to the alleyway. However, he also noted that property owner is not present at the hearing to object. He believes the addition creates an improvement to the area. Ms. Brill stated that the property owner seemed receptive to this addition when spoken to.

The Board agrees that the delivery of governmental services would not be infringed upon by the variance request. The Board also expressed agreement in that the variance is the only way forward for the application and cannot be fixed through some other method unless a completely different direction is pursued.

Mr. Jaskiewicz and the Board agrees that in the spirit of the zoning text, it is not ideal or practical for the library to attempt to build vertically. It is in the applicant's best interest for them to build horizontally and the renderings include aesthetically pleasing elements that would not be present in a vertical build plan. The Board agreed that the variance request is based on need and not for profit.

Mr. Jaskiewicz went over the procedure for reading the Findings of Facts and the Board's responsibilities to adopt said Findings.

Mr. Eudaily motioned to close the public hearing, seconded by Mr. Jaskiewicz. All yeas.

The Board was given time to read over the Findings of Fact and found no changes required. Mr. Jaskiewicz motioned to adopt the Findings of Fact, seconded by Mr. Eudaily. All yeas.

Mr. Eudaily motioned to approve variance application VAR-22-3, as submitted. The motion to approve was seconded by Mr. Hundley. All yeas.

DISCUSSION

Mr. Eudaily requested that if there are any Board meetings during August or September, that they be moved to 7:30pm pending personal schedule changes. Ms. Brill made note of the request and stated that adjustment should be possible.

ADJOURNMENT

The meeting was adjourned at 7:30pm.