

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD IN THE COUNCIL CHAMBERS ON MAY 17, 2018 AT 5:00 P.M.

Mayor Kevin Gilmore called the May 17, 2018 meeting of the Ottawa Hills Zoning Commission to order at 5 pm. Roll was taken with Commission members Zac Isaac, Sam Zyndorf, Kate O'Connell, and Mayor Kevin Gilmore present. Commission member Paul Bishop was not present, but was expected.

Also present representing the Village of Ottawa Hills were Solicitor Sarah McHugh and Village Manager Marc Thompson.

Members of the audience included Mike Muse, Troy Ballman, Christina Nguyen, Michelle Joseph, Brad Browne, Kathleen Hamburger, Ryan Wharry, Mary Werner, Lamont and Heather Thurston, Donnie Stevens, Melissa Burden, Erica Contreras, Sr. Margaret Manion, Sr. Sandra Sherman, Craig Mancinotti, Rex Decker, Daniel Gehling, Josh Yecke, Alan Newell, and Steve Klepper.

Mrs. O'Connell made a motion to approve the minutes from the April 11, 2018 meeting. Mr. Zyndorf seconded the motion. Upon call of the roll, members O'Connell, Zyndorf, and Gilmore voted in favor the motion. Commission member Isaac abstained from the motion.

The oath was administered to all those who anticipated giving testimony.

The first item on the agenda was a request for a variance at 3333 West Bancroft St. Mr. Thompson reported that the applicant, Kathleen Hamburger, seeks authorization to construct a garden shed at the rear of her property. The Zoning Code allows for only one accessory structure and the existing detached garage constitutes that structure. Therefore a variance is necessary if Mrs. Hamburger is to be allowed to construct a garden shed.

She stated that she did not have much to add to the report, confirming that it would be forest green in color. She also confirmed that it would be made of wood.

Mr. Isaac confirmed that it would be about 6 feet from the property line and centered in her rear yard.

Mrs. O'Connell made a motion to approve a second accessory structure made of wood, dark green in color along the rear property line at least 5 feet from the rear property line. Mr. Isaac seconded the motion and upon call of the roll Commission members Isaac, O'Connell, Zyndorf and Gilmore voted in favor of the motion.

The next item on the agenda was a request for a fence location variance at 2105 Hawthorne Rd. It was noted that the applicant was not in attendance. Brief discussion followed regarding the location with Mr. Zyndorf commenting that it was an attractive looking fence as proposed and he did not have an issue with its location.

Mrs. O'Connell mentioned a letter in opposition from Mrs. Owen and also commented that other fences in the area were split rail fences. Discussion also followed regarding the retaining wall that had been recently constructed.

Mr. Isaac said that he would prefer a split rail fence.

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After brief discussion it was agreed that the request would be tabled in order to allow for the applicant to be in attendance. Mr. Isaac made a motion to table the request. Mrs. O'Connell seconded the motion and the motion passed unanimously.

The next item on the agenda was a request for variances related to use, paved area and front setback at 3939 Indian Rd.

Mr. Thompson described that this request was from the St. Ursula Academy which is located entirely in Toledo except for the recently purchased property at 3939 Indian Rd. They wish to expand their parking lot onto this property where a house had recently been removed. The proposed expansion of the parking lot would require a use variance because the zoning code does not consider parking lots as permitted uses in a single-family residential district. Proposed paved area and front setback would also require variances.

Michael Muse, representing the St. Ursula Academy stated that they explored both the variance option and the special use option and that since the school is actually located outside of the Village they thought the variance option would be more straightforward than the special use option. He commented that they were not actually expanding the school use in Ottawa Hills since the school is actually located in Toledo.

Mr. Muse went on to describe the campus master plan which involves separation of the soccer field and the softball field. In order to accomplish this separation, the parking must be relocated. As a result, there will be a reduction in impervious surface and in parking. He stated that this work was scheduled for 2019.

He informed the Zoning Commission that there is work underway currently and will continue through the summer of 2018. This work involves remodeling inside the building with some additional exterior renovations to the entrance, with the exterior site improvements scheduled for 2019.

Mr. Muse said that the discussions regarding the campus master plan and relocation of the parking started over a year ago and it was understood that it would be an uphill battle. He also described an alternative plan with parking in the rear of the field house which he thought would be more objectionable to the Village and is not the preference of the St. Ursula Academy. He said that the St. Ursula Academy leadership felt that the Indian Road option was much preferred.

Mary Werner, President of the St. Ursula Academy thanked the Commission for the opportunity to present this part of their master plan. She said that the St. Ursula Academy has been a good neighbor for the Village of Ottawa Hills for over 60 years commenting that over 10% of the employees of the St. Ursula Academy are Village residents.

Mr. Bishop entered the meeting at this time.

Mrs. Werner continued by stating that they were hoping to develop a win – win solution for everyone.

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Mayor Gilmore then asked for citizen comments.

Dan Gehling stated that the house adjacent to 3939 Indian Rd. was for sale and he was concerned that it might be acquired by the school.

Mary Werner stated that the St. Ursula Academy does not have interest in that property, but that it is under contract to someone who is supportive of the St. Ursula mission, calling them a "friend of St. Ursula".

Mr. Gehling continued by stating that he was concerned about drainage issues from the proposed parking lot and about lighting. He also expressed concern about lost revenue to the Village and the school district and was concerned about property values for the adjacent properties.

Heather Thurston stated they are not concerned about the parking which is currently adjacent to their property because it does not bother them a great deal. She also stated that the noise from the parking lot was not a problem. She hoped that the drainage would be improved, noting that salt from the plowing has killed some of the vegetative screening. She concluded by saying that she was neutral related to the subject.

Michael Muse commented that there is some sheet draining from the parking lot and that stronger EPA regulations now in place should significantly improve the drainage.

Donnie Stevens suggested that a variance was not the appropriate method to address this request and that it is really a request for rezoning. He expressed concern about lost revenue due to the acquisition and removal of the home and asked about the potential for further expansion in an easterly direction along Indian Road.

Rex Decker entered the meeting at this time.

Mayor Gilmore reviewed the differences between a variance and a special use permit commenting that special use requires a Council approval whereas variances only require approval from the Zoning Commission.

At Mayor Gilmore's request Solicitor McHugh reviewed the standards set by the Ohio Supreme Court in the Middletown versus Duncan decision related to variances.

Mrs. O'Connell stated that she was very concerned about the loss in revenue and said that she would be more favorably inclined to take some action if it involved restoration of the revenue.

Mr. Muse stated that if the variance was approved, then the St. Ursula Academy would commit not to have parking behind the field house now, or in the future.

Discussion return to the revenue loss with Mr. Isaac asking about how much revenue needed to be replaced. Mrs. O'Connell stated that she thought about \$7,000 annually to the school.

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Mr. Bishop stated that he was not as concerned about the revenue but was concerned about the impact on neighboring properties particularly related to parking lot lighting and headlights from cars.

Lamont Thurston stated that Mr. Gehling has done a great job in renovating his property and that Mr. Pennell would be the most directly impacted by the proposed parking lot location.

Mr. Bishop recalled that mounding was done at the Epworth Church expansion and that might help with car headlights and might help related to the salt runoff which was previously mentioned.

Mr. Muse said that the design team would be happy to address the lighting concerns.

Mr. Thurston mentioned that the parking reduction is a positive.

Mr. Zyndorf stated that he did not have an issue with the proposed expansion and noted that he thought the St. Ursula Academy had been a good neighbor. He said that this was a larger lot than the neighboring lot and therefore it was unlikely that the St. Ursula Academy would have interest in purchase of the neighboring lot.

In response to a question from Mr. Zyndorf, Mr. Muse commented that the lights were on all night.

Mr. Isaac said that he liked the additional green space and the idea that there was less parking. He said if it was approved there would need to be specific attention paid to lighting, screening, drainage, and a limitation on future expansion parking lot.

Mayor Gilmore then administered the oath to Mr. Decker.

Mr. Decker stated that he was the chair of the Street Committee of the Village Council and was concerned about the loss of tax revenue as it related to the ability to continue to maintain our infrastructure. He commented that the community would be upset about this proposal. He also said that Toledo receives all the benefit from the St. Ursula Academy and Ottawa Hills now has diminished revenue. Mr. Decker continue stating that it should have been considered a special use, not a variance, and that the decision should ultimately be made by the Village Council.

Mr. Decker stated that the St. Michael's expansion and the Epworth expansion were both considered a special uses.

Mayor Gilmore commented that it was a shrewd decision by the St. Ursula Academy to seek a variance instead of a special use permit.

Mr. Isaac stated that precedent is very important and special uses have a specific history in Ottawa Hills for uses like this.

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Mr. Muse stated that, as discussed before, the St. Ursula Academy thought the special use language was rather vague and since they did not have an existing use in the Village that they were trying to extend, they thought that this was not the appropriate application of the special use provision. They thought a variance application was the more appropriate approach.

After additional discussion the St. Ursula Academy agreed to withdraw the variance request and expects to submit a request for a special use.

It was agreed that the Zoning Commission would establish June 6, 2018 as an upcoming meeting date in order to allow for the special use to be considered at that time so that, if approved, the project could be planned and ready to proceed for the summer 2019 construction season.

There being no further business the meeting was adjourned at 6:25 pm.



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Mayor Kevin Gilmore