

Board of Zoning Appeals
January 18, 2018
Minutes

The Chairman called the meeting to order at 4:30PM. The following members were present: Dr. Semans, Mr. Delahunt, Mr. Zeiher, Mr. Feick and Walter Matthews. Ms. Casey Sparks and Ms. Angela Byington represented the Planning Department; Mr. Scott Thom represented the Building Division, Trevor Hayberger represented the Law Department and Debi Eversole, Clerk from the Community Development.

Dr. Semans moved to approve the minutes from the 12/21/17 meeting. Mr. Matthews seconded the motion. With no further discussion, the motion carried with a unanimous vote.

The Chairman swore in staff and audience members that wished to speak on the agenda item.

Ms. Sparks presented that Dr. John Davenport had submitted an application to revise the previously approved use variance to request the occupancy of the building at **805 Wayne Street** to exceed 80 people. In April 2017, the Board of Zoning Appeals approved an occupancy of 80 people. The applicant is requesting an amendment to allow an occupancy of 175 people for periodic concert events.

The applicant had received parking agreements with both Gundlach Sheet Metal and Imagine Baking to allow for shared parking. A public parking lot is also located 775 ft. away and contains 12 spaces. Section 1149.05 requires one space per four seats, as such the applicant would need to provide 44 parking spaces.

The previous occupancy of the church was 120 with a parking arrangement that was legally non-conforming. Staff recommended the occupancy be increased to the previous occupancy of 120 with the following conditions:

1. If at any time the parking agreements that are established with the local business become null and void the applicant must find alternative solutions that may be approved by Planning Staff.
2. If the Board approves the occupancy of 175, Planning Commission must approve the shared parking agreement with Gundlach and Imagine Baking.
3. The proposed use shall follow all federal, state, and local regulations.

Ms. Sparks added that the Chief Building Official is present and that the applicant has been working closely with the Building Division for their internal and external renovations. Ultimately, the Building Division had approved the occupancy of 175.

Chairman Feick clarified that the Building Division approved the applicant's requested occupancy of 175 and the Planning Department is recommending the prior use occupancy of 120.

Mr. Zeiher asked if the occupancy went to 175, would it be a problem for guests to park in a further lot and be shuttled to the event. Ms. Sparks stated that is what the meeting is to determine tonight.

Ms. Sparks stated that looking at the numbers only, the applicant is proposing more parking with the city lot than is required.

Mr. Delahunt asked what the applicant thought of the Staff's recommendation of 120. Dr. Davenport stated that he would like to eventually partner with the State Theatre which might bring larger acts to Wayne Street. He added that although he does not expect to get more than even 120 at this point, he would not like to go through this process in the future.

Mr. Zeiher asked if the Harlequins Theater was non-conforming. Ms. Sparks answered yes. It was stated that the occupancy for the Harlequins is 100 with little to no parking.

Chairman Feick asked Mr. Thom if his plan review proved that the seating capacity, restrooms and entryways would handle 175 people. Mr. Thom stated that himself, Ms. Sparks, Mr. George Poulos and Mr. Dan Fredrick met to discuss the plan and it was determined that the plan met all of the criteria necessary for 175 people.

Scott Schell, 714 Wayne Street stated that he had spoken on the applicant's behalf before and would like to extend his support once again on the project. He stated that he felt a partnership with the State Theatre would be a definite plus for the area. He stated that he understood the struggles of adaptive re-use of these types of buildings and felt that this is a terrific opportunity for the city. He offered that if guests wouldn't mind walking another block and a half, the hospital's parking garage is underutilized.

Mr. Zeiher stated that the Huron Playhouse is also in an area where there's very little parking and they've flourished for many years. He is in support of the project.

Mr. Matthews asked if the building's occupancy was previously 120, where are the extra 50 people going to sit. Dr. Davenport stated that the guests will mostly stand for the entertainment.

Chairman Feick stated that it appeared that there is more than enough parking for the requested occupancy if the applicant were to use the agreements and public parking lots.

Dr. Davenport stated that he had signed agreements with Gundlach and Imagine Baking along with insurance waivers for each parking lot. He added that D & A had changed their minds about sharing their parking due to tow trucks not being able to get in and out in the evenings if necessary. Dr. Davenport added they created maps that have the suggested parking on them.

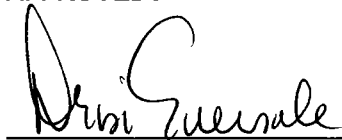
Mr. Zeiher moved to approve the application for occupancy up to 175 based on the unique situation and subject to staff's conditions. Mr. Matthews seconded the motion. With no further discussion, the motion was approved by unanimous vote.

Dr. Semans suggested that temporary signage regarding parking be placed on evenings when events occur.

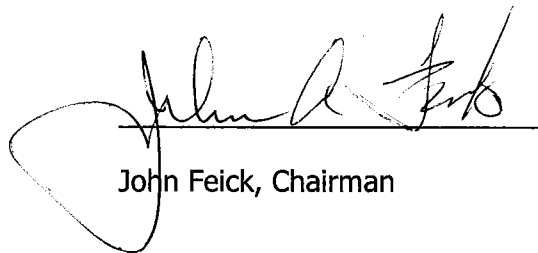
Ms. Sparks stated that there is at least one application received for a February 15th meeting.

Mr. Delahunt moved to adjourn the meeting. Mr. Matthews seconded the motion. The meeting was adjourned at 5:15PM.

APPROVED:



Debi Eversole, Clerk



John Feick, Chairman