

**CITY OF WILMINGTON  
BOARD OF ZONING APPEALS  
REGULAR MEETING  
JUNE 3, 2024 7:00 PM**

ATTENDANCE

MEMBERS PRESENT: Robert Baylor, Mike Payne, Kelsey Swindler, Nick Eveland, Lawrence Reinsmith

MEMBERS ABSENT: None

ALSO PRESENT: Drew DeMarsh, Executive Director, Clinton County Regional Planning Commission; Harris Eidelman, Intern for Clinton County Regional Planning Commission; Shirley Orwick, Board of Zoning Appeals Clerk; Melissa Butterworth, The Phoenix Center; Andrew Christian, The Phoenix Center; David VanHoose; John Barry, Abbott Image Solutions, Mayor Patrick Haley

The meeting was called to order by Robert Baylor.

Pledge of Allegiance

Roll Call

**M. Payne made a motion to approve the May 6, 2024 Board of Zoning Appeals minutes. N. Eveland seconded the motion.**

**Hand vote. The motion carries.**

**Agenda Item #1 -**

1. Opening of Public Hearing regarding application
2. Identification of application and subject:  
Applicant: Southern Land LLC, 791 Private Rd, 678 County Rd 6, Ironton, OH 45638, 740-237-6869  
Request #1: Requesting conditional use of Multi Family Dwelling.  
Subject Parcel: 169 N South St, Wilmington, OH 45177, Parcel ID# 290150431000000

Harris Eidelman read the CCRPC staff report.

R. Baylor swore in Andrew Christian and Melissa Butterworth.

M. Butterworth stated they are new to this corporation and were not here when this was established. They are here to justify that property and answer any questions the Board may have.

David VanHoose, Pastor of the Macedonia Church across the street from 169 N South Street stated they have over one hundred members. The six elders on the board have concerns. They are against approving the multi family dwelling. Some of their members are afraid about their children because they do not know what is going to go across the road – they do not know what is going to happen. Little kids come in and out of the Church. This is Downtown Wilmington, a beautiful place. He does not think it should be changed and that is what we are looking at. There are businesses next to the Church and there is no parking. Church members park at the Wilmington Savings Bank because there are not enough parking spaces close. He does not understand why someone from out of town wants to come in and change our downtown. He has been here since he was one year old and hates to see the businesses being taken out of here. He would rather see the businesses stay downtown – not only for that, but for the beauty of everything.

M. Butterworth stated they appreciate Mr. VanHoose’s comments and realize that there are concerns when something residential comes in like this. Where we go, we practice on being good neighbors and try to help beautify the City by starting gardens and helping with foodbanks. We give back to the communities we are in. We understand the concerns that the elders have at the Church; but at this point in their transition, they are at a point in their lives where they are trying to give back to where they are paying taxes and being reliable citizens. As far as parking, we have a little bit of parking behind the house we are willing to share and make more accessible to the community.

L. Reinsmith questioned the square footage of the building.

M. Butterworth stated they will have to get that information. They were sent to the meeting thinking it was more of a fact-finding interview and apologized for not being prepared.

L. Reinsmith asked if it is going to be a Bed and Breakfast.

K. Swindler stated she does not feel the Board has the information needed to deliberate. Information is needed on number of units, parking spaces, etc.

R. Baylor stated it is best to submit more information.

K. Swindler stated applicants usually submit information of what the units would look like, how many people would be in the building and exactly where on the property you would have the people park. A conditional use permit would not change the zoning of other properties. The Board needs substantial information so they can determine the impact on the district.

L. Reinsmith asked what the square footage of the lot is. Is it the 14,000 square foot minimum?

D. VanHoose stated he would like to know the history of the company.

R. Baylor stated the history of the company is beyond the scope of the Board.

**R. Baylor made a motion to postpone until more information is provided. K. Swindler and N. Eveland seconded the motion.**

**Roll call vote: Baylor – yea, Payne – yea, Swindler – yea, Eveland – yea, Reinsmith - yea. The motion to postpone passed.**

**Agenda Item #2 -**

1. Opening of Public Hearing regarding application
2. Identification of application and subject:  
Applicant: Doug Conrad, Abbot Image Solutions, agent for Wagstaff Dental, 138 N South St, Wilmington, OH 45177, 937-382-6677  
Request #1: Requesting a variance to Section 1173.09 (b)(4)(b)(1) to allow setback of less than ten feet from the public right-of-way line for ground sign.  
Request #2: Requesting a variance to Section 1173.09 (b)(4)(b)(2) to allow setback of less than ten feet from the edge of any driveway for ground sign.  
Request #3: Requesting a variance to Section 1173.09 (b)(4)(b)(3) to allow a setback of less than five feet from any sidewalk or paved path for ground sign.  
Subject Parcel: 138 N South St, Wilmington, OH 45177, Parcel ID# 290240201C06600

Harris Eidelman read the CCRPC staff report.

Drew DeMarsh stated there was a Certificate of Appropriateness approved by the Planning Commission.

R. Baylor swore in John Barry.

J. Barry stated what was said in the Staff Report is exactly what they are asking for and had nothing else to say.

L. Reinsmith stated Abbott Image Solutions did everything the Planning Commission asked them to do.

**K. Swindler made a motion to grant variance to Section 1173.09 (b)(4)(b)(1) to allow setback of less than ten feet from the public right-of-way line for ground sign. seconded the motion.**

**M. Payne seconded the motion.**

**Roll call vote: Baylor – yea, Payne – yea, Swindler – yea, Eveland – yea, Reinsmith – yea. Motion approved.**

**K. Swindler made a motion to grant variance to Section 1173.09 (b)(4)(b)(2) to allow setback of less than ten feet from the edge of any driveway for ground sign.**

**M. Payne seconded the motion.**

**Roll call vote: Baylor – yea, Payne – yea, Swindler – yea, Eveland – yea, Reinsmith – yea.  
Motion approved.**

**K. Swindler made a motion to grant variance to Section 1173.09 (b)(4)(b)(3) to allow a setback of less than five feet from any sidewalk or paved path for ground sign.**

**M. Payne seconded the motion.**

**Roll call vote: Baylor – yea, Payne – yea, Swindler – yea, Eveland – yea, Reinsmith – yea.  
Motion approved.**

**Agenda Item #3 -**

1. Opening of Public Hearing regarding application
2. Identification of application and subject:  
Applicant: Sandra Cumberland, PO Box 313, Hillsboro, OH 45133, 937-205-1383  
Request #1: Requesting conditional use of Skilled Gaming Facility.  
Subject Parcel: 1244 Rombach Ave, Wilmington, OH 45177, Parcel ID# 290190301000000

Harris Eidelman read the CCRPC staff report.

R. Baylor swore in Sandra Cumberland.

S. Cumberland stated the facility will be open seven days a week from 11 am to 10 pm. There will be two employees. It has a front parking lot and four parking spaces in the back. There will be approximately 20-30 people there as it is not a big room. It is skilled gaming and gift shop.

No one else came forward to speak.

L. Reinsmith stated it is where the Rusty Nail used to be and asked if they are required to cover the windows.

S. Cumberland stated they are not required to cover the windows. They cover them so no one can be looking in; but they will be able to see out.

L. Reinsmith stated the other one was closed when he went to check it out.

S. Cumberland stated that the other one has curtains.

L. Reinsmith asked whether inspections are done to make sure they are legal.

S. Cumberland stated the vendors they rent the machines from do inspections to make sure the machines are legal before they are delivered.

L. Reinsmith asked about parking the rear.

S. Cumberland stated they reserve four parking spaces in the rear for employees so when they leave their cars are close. There will be four parking spaces in the rear is they need to use them. They are not affiliated with the one in Hillsboro.

S. Cumberland stated they feel they have adequate parking for their customers. They will start with 30 skilled machines and will be licensed through the Casino Control Commission. The prizes will be less than \$10 to meet the requirements of the Commission.

Mayor Patrick Haley stated it would be the job of the Police Department to make sure that a device is not a gambling device.

D. DeMarsh asked if there is any alcohol allowed on the premises.

The Board Members said alcohol is not allowed on the premises.

**L. Reinsmith made a motion to approve conditional use of Skilled Gaming Facility. N. Eveland seconded the motion.**

**Roll call vote: Baylor – yea, Payne – yea, Swindler – yea, Eveland – yea, Reinsmith - yea. The motion approved.**

**K. Swindler made a motion to adjourn. R. Baylor seconded. Meeting is adjourned.**



Chairman



Clerk