

**CITY OF WILMINGTON  
BOARD OF ZONING APPEALS  
REGULAR MEETING  
JULY 1, 2024 7:00 PM**

ATTENDANCE

MEMBERS PRESENT: Angela Earley, Mike Payne, Lawrence Reinsmith

MEMBERS ABSENT: Robert Baylor, Kelsey Swindler

ALSO PRESENT: Harris Eidelman, Intern for Clinton County Regional Planning Commission; Shirley Orwick, Board of Zoning Appeals Clerk; Elizabeth Cremeans, The Phoenix Center; Andrew Christian, The Phoenix Center; Terry Danielson, The Phoenix Center; Chad Davis; Alison Davis; David VanHoose, Macedonia Church; William Arehart; Ed Wagstaff; Bill Marine; Butch Peele; Katie Harpen; Eric Hayslett; Mayor Patrick Haley

The meeting was called to order by Lawrence Reinsmith.

Pledge of Allegiance

Roll Call

**M. Payne made a motion to approve the June 3, 2024, Board of Zoning Appeals minutes. L. Reinsmith seconded the motion.**

**Verbal 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.

L. Reinsmith swore in those wishing to speak.

E. Cremeans stated that the facilities are well respected, with much effort going into the care and preservation of the building. The Center seeks to be a great community partner and taxpayer. Additional parking is not needed, including street parking; and they wish to volunteer spaces to the Church for use during events. They wish to abide by community rules and go the extra mile by helping with community projects and maintaining historical status around the property. The life-long Ohioan expresses the interest of the Center and its ministers to uplift the community, housing

members of said community that she identifies as lawful taxpayers, who wish to go beyond to support members and be outstanding community members.

D. VanHoose questioned how the property is facing re-zoning if people reside in the dwelling already? He stated that he would allow for the development of housing for the homeless on that site. A lack of information from the development company at the last meeting compels several questions be asked by VanHoose including whether the housing will provide for the homeless, what the formal company name and business model is, what service(s) they provide, and what motivations brought the company to Wilmington, and whether the company is non-profit. As a pastor, he considers stewardship toward residents of the community and their well-being. Community members attending the church have been faced with beggars and harassment, now fearing to bring their children to church, even losing some member families altogether. The property has been home to four different churches, the building standing as a staple of downtown Wilmington for over 100 years. Churchgoers are concerned and sent VanHoose to voice concerns over finding needles and litter in the churchyard, who holds the belief that approving this zoning won't enhance the safety and welfare of the people.

W. Areheart, owner of Brown Funeral Home, stated that he is neither a proponent nor opponent. He holds feasibility concerns regarding downtown, as once transitional residences convert, the downtown area loses business. Concerns regarding safety as stated by D VanHoose are reiterated and the question of who is paying for these residences is asked. He does not want to hurt anyone's livelihood, but references case studies in which downtown areas are becoming "Little Detroit's"- an eyesore that doesn't help to attract more business, and what he wishes to prevent here.

E. Wagstaff, neighbor to Pastor VanHoose, stated that he shares the concerns of the Pastor and questions why they are blessed that people from out-of-town wish to buy adjacent property.

E. Cremeans states that the properties have been owned by them for a while now, and they own other businesses in the area. All individuals in the facilities are taxpayers with jobs and are provided with the assistance they seek such as employment and disability. The name of the company is The Phoenix Center (TPC Wellness), whose main goal is to provide transitional employment to individuals who would be in Wilmington regardless, and likely unemployed without The Phoenix Center. TPC works with community churches and colleges to connect individuals with help and present them with opportunities for higher education and standard of living. This facility is a step up from being a "halfway home".

E. Wagstaff questioned the schematics of the proposal. Documentation regarding the standing of the citizens residing within the home is sought. There is quite a bit of concerning activity at the adjacent property.

E. Cremeans stated that they are business owners who seek to serve the community. Just because their headquarters are outside of Wilmington does not mean they haven't been in the area. The Center has businesses all over the state, as well as Kentucky. They have been taxpayers and are understanding of the hesitation but only wish to benefit the community.

E. Wagstaff proclaimed that he is in opposition and is siding with his neighbor, VanHoose.

\_\_\_\_\_ questions how the company came to find and choose Wilmington?

E. Cremeans stated that this was a community in which they had met individuals from here who were struggling financially, and they wished to help. The past twelve years have been spent helping individuals and their families, especially children, who are in situations such as these.

K. Harpen, practice manager at the pediatric office near one of the facilities, stated that they have seven young women who work in the office, and on mornings when they open the office alone, they are uncomfortable as they are often being verbally harassed. The effort of the company is appreciated, but the location is not ideal. Ruckus in the parking lot of a pediatric office, including profanity, is concerning. The issue hasn't been raised before out of neighborly courtesy but is arising now as another facility as such would not be ideal. She understands the concerns of parents and staff, especially for the women who open alone in the morning as the back porches are adjacent. They too have found needles and have had to put up cameras now due to stolen packages.

Mayor Haley stated that intentions are good, but the problem is behavior. He gets many phone calls out of concern for the quality of life. The problems of Wilmington cannot just be the fault of one group of people but there has been an increase in petty crime in the city in the past few years caused, statistically, by those who are homeless. There is a hope that those who face problems recover, and it's good to help those who need a helping hand, but they cannot turn a blind eye to the behavior. Once those individuals walk out the door, they are the only ones in control of the situation; and some aren't equipped, therefore creating challenges for keeping community members safe. They mayor wishes to have a good environment downtown for businesses and keep the city safe for everyone that resides here.

E. Hayslett stated that he understands the good intentions but has questions regarding the finances of the nonprofit, wondering what funding they receive from the Federal or State government agencies. As a taxpayer, he wishes to know where his money is going. He'd like to know the names of all the company organizations that this group may be a part of and wishes to see Form 990 to see the difference in salaries and discern true intentions for himself.

B. Peele stated that when Rachel Ray came to town, many others came as well. Lebanon does not have this problem as they have shipped people in the middle of the night on buses. His family has told him that Downtown is beautiful; and he appreciates the efforts of the mayor to uplift downtown. The time to take care of these concerns was 7 or 8 years ago but that wasn't done, so now they must deal with it. Cremeans is questioned regarding what this process is for.

H. Eidelman stated that it was a conditional use request.

B. Peele stated that is similar to spot-zoning, which has always been opposed in Wilmington. There is an increase in older women purchasing new bolt locks as they do not feel safe in the neighborhood, especially with personal items like bikes and packages being stolen from right in front of their home, which wasn't a problem 12 years ago.

E. Cremeans stated that all residents are drug screened twice a week and should they fail, steps would be taken to ensure that individual no longer resides there. These are working individuals who work in meat and industry divisions.

B. Peele stated that 5 people used to live there 4-5 years ago when it was a woman's shelter run by a different organization, but now the facility houses 14 or 15 people altogether.

E. Cremeans stated that when the buildings were purchased that the zoning was appropriate and that all they needed to do was upkeep the historical properties of the home, which is currently housing disabled veterans, taxpayers, and others in need. She realizes that she also wouldn't want her kids walking in a park with needles.

B. Peele stated he doesn't think he'd want them walking past the two facilities.

E. Cremeans stated that they have been, but she too wishes to see more statistics regarding policing.

B. Peele stated that the City of Los Angeles has built a 1 billion dollar, 26 story high rise to house their homeless, and yet there are still veterans facing homelessness, which isn't fair, and he doesn't want the same here. Right now, they are in violation of the city code.

B. Marine stated that he knows the city has been in disarray for years, facing challenges; but they need to work together to face them. Documents are in place already. No more change is desired on South St. It is a historic and a business area; so why add more people who are going to make the things going on there worse? The mayor and the city need to be helped so that we don't change things that have no beneficial impact.

L. Reinsmith stated that he has served a while and the board systematically rezoned the properties along N South St so that the business zone could be expanded. Adding more could ruin the chemistry of the downtown area. There is concern about the apartments as one of the units is said to be sized at 9'x11', which is smaller than some walk-in closets. The four upstairs units fall under the commercial building code and appear to be no more than a "flop-house" as it need changes to the stairs and fire alarms. It is not like the current apartments downtown, which are nice spaces above businesses. It is stated that no Architect was hired to acquire a Certificate of Occupancy and Change of Use.

E. Cremeans stated that the facilities are nice and up to code, with the Fire Marshal coming to inspect. These people are not "yahoos" but tax payers and members of the community, some being disabled; and they have all worked hard to find a personal living area.

L. Reinsmith questioned how 14-15 people were able to occupy the other property when the code requires a certain amount of square feet per person.

A. Earley questioned and clarified that there was to be 14 people occupying the 4 bedroom, 2 bathroom home.

E. Cremeans stated the building is 3 stories and can home up to 18 people; as there can be multiple people in 1 bedroom and there are enough bathrooms.

L. Reinsmith stated that that code applies to family units, which these are not because they are separate families.

E. Cremeans stated that all of the people will be living together.

L. Reinsmith reiterated that does not make it a family unit.

M. Payne stated that this is the same issue as the medical building, 222 W Main, that came to address the board; and it was documented that the US Census Bureau does not consider hotels, motels, dorms, or other transient forms of living as multi family dwelling units. It continued that since the proposed facility would be rented weekly and have individuals sharing a kitchen space, it may fall more under a motel or dorm. They added that the Ohio Revised Code specified that multi family dwellings require a place to live, eat and sleep, and when looking at this configuration, we find sleeping units and a shared kitchen; meaning that it doesn't meet the requirements for a multi-family unit. He questioned how this property is zoned.

S. Orwick clarified that the property is zoned Downtown Transition.

E. Hayslett questioned if these 14 individuals are going to pay rent and/or if the company was to be provided State/Federal agency funds.

L. Reinsmith stated that he knows most of the issues that Hayslett brought up are beyond the scope of what the board will deal with; but it is still important to the community as there are issues in regard to safety that may be relevant. As far as the proposal for conditional use, the aspect of the code is what is being examined.

M. Payne questioned if any/all of the individuals in the unit have cars.

E. Cremeans clarified that no, not all of them do. Some receive assistance getting to and from work.

M. Payne stated that code would require 6-8 parking spaces off-street for the residence, but doesn't take into account 14 people living there.

E. Cremeans stated that they do not need any additional parking spaces, and don't want to take any parking spaces from the community on the street.

A. Earley questioned when these people began to move into the unit.

E. Cremeans stated that she has only been CEO as of this year, but that the people have been residing in the unit for two years. She believes that the people who originally owned the unit did it under the assumption that they had followed all rules. When issues were brought to their attention, the proper documents started being gathered.

A. Earley questioned whether the company had checked with anyone in regards to moving the people in.

E. Cremeans stated that she does not honestly know. She checked if there were any police reports and if the people had jobs; but didn't know if there was a fair housing representative to speak to in Wilmington.

A. Earley clarified that things in regard to that are dealt with by the City at the City building.

E. Cremeans stated that she is now aware, and when she moved into her new position, she started submitting things to Shirley. She understands that the people before her may have not followed the proper process; but she is trying to.

M. Payne stated that he had appraised the property and had seen the second floor. He's confused as it used to be a law office, and is wondering if Judy Gano was contacted regarding the matter?

E. Cremeans stated that she doesn't know Judy; but does know that when the buildings were purchased it was of an understanding that this was something that they could do. The home is very nice and clean and the lawn is also taken care of. They have a faith-based business in which they feel responsible to provide. If those residents can't live there then it will be a new responsibility to house those individuals in Wilmington; but she hopes to not need to do that.

M. Payne stated that there is a pattern of no-inspections. While the board can only do so much, there needs to be more control of the situation. The intent of the re-zoning is questionable as he is unaware of anybody who would want to transition these types of places. It's nothing against the people; but there is an attorney's office nearby that has stated that they must leave their door locked now because they are scared. This is nothing against people, it's against a way of living. The administration wants to clean the streets up and this is similar to stubbing their toe again. The town is against this.

Mayor Haley stated that he has been in office six months and has spent a great deal of time trying to fix some of the problems. There are a lot of issues in Wilmington that need to be fixed. Zoning is one, as it seems that as things happen, they come to these meetings and address things that should have been addressed ages ago. There is somewhat of a concerning pattern of starting and asking for forgiveness because its harder to change an establishment. This falls under their responsibility to fix and be on top of these kinds of things. It's their hope that this can be brought under control. Everything is connected, and the intentions may be the best; but they live here and see what goes on, on a daily basis. This isn't the Wilmington most grew up in; and while times change, that doesn't mean things change in the right way. They need to step up to try and address some of the issues that need addressing. There have been issues with commission appointments that haven't been within the guidelines of the Ohio Revised Code; so they fix those problems. We need to be in compliance with what is being approved as far as Zoning. The problem in government is that people come and go, all with different ideas and philosophies. The philosophy

of the Mayor is conservative. He's not against growth of any kind and he believes this place is nice; but the issue is Legality, as it effects the entire town.

L. Reinsmith stated that he has been on Planning Commission; and when people come to the board to ask for variances, one of the things that the Board considers is the opinions of adjacent neighbors and property owners. Usually with these instances, there is no problem and the neighbors insist on letting the project occur. But when you have a group of people as such who are against it, the Board must really consider whether to approve these kinds of projects.

E. Cremeans offered the abstaining community members meeting with the people who reside in such a home. These are human beings who are working around the area. She would be open to the Church especially to come out and work with the residents.

D. Vanhoose stated that he has too many people that are scared - the children, the women at the office - they are scared to go out and go to church. He sees no benefit in the addition.

**M. Payne made a motion to deny the conditional use of multi-family dwelling.**

**A. Earley seconded the motion.**

**Roll call vote: Earley – yea, Payne – yea, Reinsmith – yea.**

**Motion to deny passed.**

**Agenda Item #2 -**

1. Opening of Public Hearing regarding application
2. Identification of application and subject:  
Applicant: John Siegenthaler, agent for Lind Media Company, 409 N Main St, Mansfield, OH 44902, 419-522-2600  
Request #1: Requesting variance to Section 1173.08(a) to allow off-premise Bill-board sign(s).  
Request #2: Requesting variance to Section 1173.11(a)(1) to allow a changeable copy sign as part of a permanent off-premise sign.  
Request #3: Requesting variance to Section 1173.11(a)(3) to allow sign copy or display message to not be limited to alphanumeric text.  
Request #4: Requesting variance to Section 1173.11(a)(4) to allow the sign face of a changeable copy sign to exceed 50 percent of the total sign area or 20 square feet, whichever is less.  
Request #5: Requesting variance to Section 1173.11(b)(1) to allow sign copy or display message to change or alternate every 8 seconds.  
Subject Parcel: 3511 Rombach Ave, Wilmington, OH 45177, Parcel ID# 290170501000000

**The applicant requested the requests be withdrawn. Board moved on to Item #3.**

**Agenda Item #3 -**

1. Opening of Public Hearing regarding application
2. Identification of application and subject:

Applicant: Chad and Alison Davis, 643 Kelly Dr, Wilmington, OH 45177, 937-302-7723

Request #1: Requesting variance to Section 1143.03(b) to allow three accessory structures on a lot that is one acre or less.

Subject Parcel: 643 Kelly Dr, Wilmington, OH 45177, Parcel ID# 290160301001700

Harris Eidelman read the CCRPC staff report.

L. Reinsmith swore in Chad Davis.

C. Davis stated that he has lived in the home since 2018 and currently have two maintained storage sheds that are used throughout the year. They'd like to keep the two structures and add the pool.

L. Reinsmith questioned if there will still be any green space left after building the pool.

C. Davis stated that yes there will be as one shed measured 23 feet away and the other is 26 feet away.

L. Reinsmith stated that he has worked on that subdivision and knows that it's a nice lot. He does not see the problem with it.

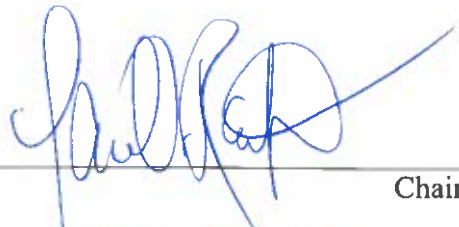
S. Orwick read the letter from Pamela S Milburn and Vaness S Brown, neighbors, stating their support for the structure being built

**M. Payne made a motion to grant the variance to Section 1143.03(b) to allow three accessory structures on a lot that is one acre or less.**

**A. Earley seconded the motion.**

**Roll call vote: Earley – yea, Payne – yea, Reinsmith – yea.  
The motion passed.**

**L. Reinsmith made a motion to adjourn. M. Payne seconded. Meeting is adjourned.**



Chairman



Clerk