

**CITY OF WILMINGTON
BOARD OF ZONING APPEALS
REGULAR MEETING
FEBRUARY 5, 2024 7:00 PM**

ATTENDANCE

MEMBERS PRESENT: Robert Baylor, Mike Payne, Tim Wiederhold, Kelsey Swindler, Nick Eveland

MEMBERS ABSENT: None

ALSO PRESENT: Shirley Orwick, Board of Zoning Appeals Clerk; Jeff Knight; John Starin; Steve Roe; Mark McKay

The meeting was called to order by Robert Baylor.

Pledge of Allegiance

Roll Call

M. Payne made a motion to approve the December 4, 2023 Board of Zoning Appeals minutes. K. Swindler seconded the motion.

Roll call vote: Baylor – yea, Payne – yea, Wiederhold – yea, Swindler – yea, Eveland – yea. The motion carries.

T Wiederhold made a motion to approve the January 8, 2024 Board of Zoning Appeals minutes. M. Payne seconded the motion.

Roll call vote: Baylor – yea, Payne – yea, Wiederhold – yea, Swindler – abstain, Eveland – yea. The motion carries.

Agenda Item #1 -

1. Opening of Public Hearing regarding application
2. Identification of application and subject:
Applicant: Jeff Knight, 488 Kathryn Dr., Wilmington, OH 45177, 937-205-0863
Request #1: Requesting a variance to Section 1157.05 (b) to allow an accessory structure in a front yard.

Request #2: Requesting a variance to Section 1157.05 (b) to allow rear yard setback less than required 20 feet minimum.

Subject Parcel: 488 Kathryn Dr, Wilmington, OH 45177, Parcel ID# 290161204002100

R. Baylor read the CCRPC staff report.

R. Baylor swore in all those wishing to speak.

Adjacent property owner, John Starin, stated he had no opposition to the proposed variances. Steve Roe, an additional adjacent property owner, stated he also had no opposition.

Property owner, Jeff Knight, gave a brief summary of the application.

K. Swindler noted the uniqueness of the lot shape and recognized the support from the applicant's neighbors.

M. Payne asked for clarification on the appearance of the proposed structure. The applicant assured the board that the proposed structure would maintain the aesthetic character of the neighborhood.

K. Swindler made a motion to approve variance requests #1 and #2 based on meeting the review factors and criteria. T. Wiederhold seconded the motion.

Roll call vote: Baylor – yea, Payne – ney, Wiederhold – yea, Swindler – yea, Eveland – yea. The motion carries.

Agenda Item #2 -

Applicant: Craig E Gossman, Gossman Group, agent for Blackcat Development, LLC, 308 E Eighth St, Suite 500, Cincinnati, OH 45202, 513-218-2990.

Request #1: Requesting a variance to Section 1155.02 (b) to allow front yard setback less than the required 5' minimum for principal structure.

Request #2: Requesting a variance to Section 1155.02 (b) to allow individual side yard setback less than the required 3' minimum for principal structure(s).

Request #3: Requesting a variance to Section 1155.02 (b) to allow combined side yard setback less than the required 10' minimum for principal structure(s).

Request #4: Requesting a variance to Section 1155.02 (b) to allow rear yard setback less than the required 15' minimum for principal structure.

Request #5: Requesting conditional use of Multi Family Dwellings in the Downtown Core Zoning District (Section 1141.02).

Subject Parcel: 31 W Main St, Wilmington, OH 45177, Parcel ID# 290240101D05700

Robert Baylor read the CCRPC staff report for variance requests 1 through 4.

R. Baylor swore in all those wishing to speak.

Craig Gossman, the applicant, described the proposed structure and how it would fit in with the surrounding buildings. He explained that there had been consideration of utilities and how to alter the project in ways that would make this a building an asset to the downtown for years to come.

M. Payne inquired about the reduction of parking spaces and addition of living spaces. Craig Gossman answered that there is one parking space for the apartment that would be above the existing storage structure. The studio apartment and the apartment above the garage would have to park off site. The owner has already identified several lots where those tenants could rent a parking space. There is no way to put enough parking on that site even if we didn't have the structure. There are no requirements for off site parking for retail downtown, so the ground floor tenant would use on street parking or parking lots like everyone else.

N. Eveland asked for clarification on the need for a front yard setback. S. Orwick explained that adding onto the building causes loss of grandfathered-in status for the building.

N. Eveland made a motion to approve Variance Request #1 as presented. K. Swindler seconded the motion.

Roll call vote: Baylor – yea, Payne – yea, Wiederhold – abstain, Swindler – yea, Eveland - yea. The motion carries.

N. Eveland made a motion to approve Variance Request #2 as presented. K. Swindler seconded the motion.

Roll call vote: Baylor – yea, Payne – yea, Wiederhold – abstain, Swindler – yea, Eveland - yea. The motion carries.

K. Swindler made a motion to approve Variance Request #3 as presented. N. Eveland seconded the motion.

Roll call vote: Baylor – yea, Payne – yea, Wiederhold – abstain, Swindler – yea, Eveland - yea. The motion carries.

K. Swindler made a motion to approve Variance Request #4 as presented. N. Eveland seconded the motion.

Roll call vote: Baylor – yea, Payne – yea, Wiederhold – abstain, Swindler – yea, Eveland - yea. The motion carries.

Robert Baylor read the CCRPC staff report for request #5.


Craig Gossman had no additional comments.

K. Swindler stated she appreciates the additional clarification on parking.


K. Swindler made a motion to approve conditional use of Multi Family Dwellings in the Downtown Core Zoning District. N. Eveland seconded the motion.

Roll call vote: Baylor – yea, Payne – yea, Wiederhold – abstain, Swindler – yea, Eveland - yea. The motion carries.

T. Wiederhold made a motion to adjourn. M. Payne seconded. Meeting is adjourned.



Chairman



Clerk