

BOARD OF ZONING APPEALS

September 15, 2016

The Board of Zoning Appeals convened in Courtroom No. 1 for their regularly scheduled meeting. Chairman Behrens called the meeting to order at 7:30 p.m. and asked the Secretary to call the roll. Members in attendance were Ms. Aston, Mr. Bartholomew, and Chairman Behrens. Ms. Condon and Mr. Callender were absent. Also in attendance were the Assistant Law Director, James Lyons; the City Planner, Lynn White; the Assistant City Manager, Doug Lewis, and the Secretary, Tina B. Pomfrey.

MINUTES: Chairman Behrens asked for additions or corrections to the minutes of the Board of Zoning Appeals Meeting of August 18, 2016. There being none, he asked for a motion. Motion by Ms. Aston, seconded by Mr. Bartholomew, to accept the Board of Zoning Appeals Meeting Minutes as written. Chairman Behrens asked the Secretary to call the roll. On Roll Call, Mr. Bartholomew, Ms. Aston and Chairman Behrens answered "yes". Motion carried, 3-0.

Mr. Behrens explained the procedures for this meeting and swore in those who planned on speaking for or against the variance requests. Mr. Behrens also clarified that there are two members absent from the meeting, so if any of the applicants would like their request heard by a full Board they may request so as it will take three affirmative votes to a variance to be granted.

The Chairman asked the Secretary to please read the notice:

NEW BUSINESS

REFUSAL NO. 2293

APPLICANT: Maria Strojcin

DISTRICT: R-1 Single Family Residential

LOCATION: 1928 Pinewood Lane

VARIANCE: 1137.12b2

An application has been submitted by Maria Strojcin, 1928 Pinewood Lane, requesting a variance to Section 1137.12(b) (2) of the Painesville Codified Ordinances. The applicant is proposing to install an addition to an existing concrete driveway. Section 1137.12(b) (2) states that additional parking within the front setback cannot exceed 40% of the front setback. Additionally, a minimum setback of 10 feet from the property line is required

Ms. Maria Strojcin, 1928 Pinewood Lane, was present for the meeting. She stated that the Board was in receipt of the application and site plan illustrating her driveway expansion. She said she had nothing to add.

Ms. White stated that this section of the Zoning Code is being reviewed by the City's consultant who is aiding in the Code update and it will be addressed as the Board requested so that no other variance requests for parking within Heisley Park will need to appear before the Board.

Mr. Bartholomew asked if this request was typical. Ms. White replied yes, it is the same as previous variance requests made last month.

Mr. Bartholomew moved to approved Refusal 2293 as requested. Ms. Aston seconded. On roll, Mr. Bartholomew and Chairman Behrens answered "yes". Motion carried, 3-0.

Ms. Strojcin thanked the members of the Board and the Administration for their help.

REFUSAL NO. 2292

APPLICANT: Mark Hutson/Burgess & Niple, Inc.

DISTRICT: B-3 Central Business District

LOCATION: 85 North Park Place

VARIANCE: 1129.01

An application has been submitted by Mark Hutson of Burgess & Niple, Inc., requesting a variance to Section 1129.01 of the Painesville Codified Ordinances. The applicant is proposing to construct a five-story, county administration center at the property located at 85 North Park Place. Section 1129.01 limits the height of a structure in a B-3 Central Business District to 75 feet. The project will include five stories with additional rooftop features and equipment that bring the total height of the structure to 93 feet. A variance of 18 feet is being requested.

Mr. Jason Boyd, County Administrator, 4802 Glenwood Avenue was present for the meeting. Mr. Boyd stated he appreciates the time of the Board and the Staff, having been unemployed by Lake County for 16 years. He said he evaluated the County building and staff portfolio right after the recession in 2008 and around the same time the City was preparing their Master Plan. The County realized that they had not built a new building in many, many years. After a few years of looking throughout Painesville, they committed to staying within the City Square by acquiring the property owned by the Painesville Senior Center, located directly adjacent to the Nolan Building, which is the county administrative building. Mr. Boyd stated that after a long process of searching for an engineering and architectural firm, they selected Burgess and Niple, right here in Painesville, to design the project.

Mr. Boyd stated that because of he has a degree in City Planning, he has a great respect for the nature of downtown Painesville and understands that he will have to work hand in hand with the City and their architect to deliver a project the City and County can be proud of.

Mr. Dave Meeson, architect with Burgess and Niple, 25 Melrose Drive, Painesville Township, commented that he has been working for several years with Lynn White and Doug Lewis on this project, realizing that there would be a number of steps in the approval process for a project of this magnitude. Mr. Meeson said that the variance request specifically addresses the building height requirement. As the County is planning on moving a number of departments into town, the building plan is for a multi-story office that will probably exceed the height requirement.

Chairman Behrens asked if the building is still being designed. Mr. Meeson replied the exterior is not yet designed. He added that the height is based on the Lake County's Nolan Building, a five story, 68 foot tall structure. The County initially planned on tying the new structure into the Nolan Building. However, it was determined that it would not be possible to match the Nolan Building floor to floor because of its age and the new standards of floor to floor heights. The new construction, also five stories, would be taller than the Nolan Building, at 74 feet, plus a roof feature.

Chairman Behrens asked about the proposed roof feature. Mr. Meeson presented an illustration of the proposed building, showing a cross section of a basement along with five stories. The intent of the County is to occupy all five stories. There is also a plan for a roof top garden.

Mr. Bartholomew asked if the roof top garden would be open to the public. Mr. Meeson said it is meant for County employee use, however, if a public event were planned, it could certainly be utilized for that. Additionally, there is a roof-top mechanical yard that would sit on the other side of the garden. The garden will also have a trellis installed above it to give shade. This feature established the height of the building. The mechanical unit is 9 ½ to 10 feet above the roof. The elevator and stair tower would have to be extended as well, establishing the 93 feet as the height of the building.

Chairman Behrens asked if there are plans for antennae or other similar structures installed on the roof. Mr. Boyd replied that perhaps a flag pole would be installed but the communications towers that are installed on various county owned properties would remain where they are.

Mr. Bartholomew asked what the height of the building would be if nothing were on the roof. Mr. Meeson replied it would be 74 feet. He added that creating a roof-top garden will require a guard rail or a parapet of sorts, so a variance would be required no matter what scenario.

Discussion ensued regarding ceiling heights and interior design aesthetics. Ms. Aston asked if there would be a need for a variance if one floor were removed to make the building four stories, with a roof-top terrace. Mr. Meeson replied that ironically, there would still be a need for a variance because he explained that the building would still be taller than permitted by about 4 feet. Mr. Meeson stated that the County is trying to consolidate departments that are located in ancillary buildings throughout the county. The five stories would be able to accommodate these departments in one building. Mr. Boyd listed the departments that would be moving into the building; the Engineering Department, the Soil and Water, the Utilities office, Planning offices, all those departments that "play in the dirt". The buildings that currently house these departments are very old and it is not practical to continue to renovate these structures.

Mr. Bartholomew asked if there is sufficient parking for all these employees as well as visitors. Mr. Boyd replied there is ample parking at 125 East Erie Street.

Mr. Lewis added that there was discussion about joint parking agreements between the City and County. He reviewed numerous currently available parking areas and some areas that will be developed for parking in the future. Overall, he said there would be enough parking throughout the City, although it might not be front door parking for all the County employees. He mentioned that the Downtown City employees park in an ancillary lot a distance away from the City buildings.

Chairman Behrens asked if, once completed, the structure would be filled to capacity. Mr. Boyd replied yes; additionally there would be a significant renovation of the Nolan Building done as well. More discussion ensued regarding the design of the interior and locations of departments.

Mr. Boyd asked for clarification of the unanimous decision required to grant the variance request. Mr. Lyons indicated that should the variance request not be granted unanimously, the applicant would have to wait a year to return to the Board unless the design was substantially changed. However, the applicant could appeal the decision to the Court of Appeals. Mr. Lyons indicated that the applicant has the right to ask for this matter to be tabled until there are five members present.

More discussion ensued. Mr. Boyd commented that a denial by the BZA would be detrimental as the project would be critically impacted by a year-long wait. Mr. Lyons asked if the Code is specific to measure to the highest point of the building or is it the interpretation of the City.

Mr. Bartholomew asked if anyone would notice the mechanical area on the roof. Mr. Meeson replied the angle of the mechanicals will not be visible from the street side.

Ms. Aston said she is still concerned about accessible customer parking. Mr. Boyd said the parking is a challenge, but it will be addressed in the design phase between Burgess and Niple, the Planning Commission and the City. All present parking will remain, however, it will be limited during the construction phase.

Mr. Lewis stated that years ago, when the Downtown Plan was addressed, it was determined that there is plenty of parking in the City. The County came to the City early regarding the design of the building, and it is still being designed. The City has hired an architect to work on the City's behalf to assist the County in blending the old with the new in keeping the historical aspect of the City. Discussion has occurred with the County over the last five to six years but only gained momentum when the Senior Center property became available. The City is willing to work with the County to design a building that complements the historic aspect of the Square while creating something new. Mr. Lewis commented that the City Planner did an excellent job in outlining the steps that are to occur to bring the project to fruition.

Chairman Behrens asked Mr. Boyd if the County would like to continue with the variance request. Mr. Boyd replied that he would like to wait until after the public comment portion of the meeting to make a decision.

Chairman Behrens asked if there were comments from the audience. Mr. Mike DeLeone, 244 Colonial Drive, commented that consolidating the County departments here in the square would be an economic positive for the City in a number of ways. It will permit the City to collect income tax, which is the main source of revenue for the City. Additionally, this project will spark economic development in the creation of jobs which will allow the City to grow. It may counter balance the Health District leaving the City. He has only heard about the willingness of the County and the City to work together to create a building that is acceptable and appropriate for the City. He has confidence that the Planning Commission will do a great job to blend the new with the old. He also said having a new, occupied, building in the square is preferable to having a vacant, burned-out structure that was the Senior Center. He said he is in favor of the granting of the variance request.

Mr. Lyons interjected to say Section 1135.03 of the Code does not include TV towers, radio towers, mechanicals, etc., as part of height restrictions, so they do not contribute toward the total height of the building.

Mr. Angelo Cimaglio, 477 Owego Street, said he believes that the applicant should have the benefit of a full Board. Additionally, he said he likes the whole design of the building, particularly the proposed setback being equal to the Methodist church on the adjacent property. He said he

takes exception to the design of the County jail and the Job and Family Services Building, which he said are "hideous". However, he wonders about the 75 foot height restriction and the reason for it.

Ms. White replied that researching past codes revealed that in 1960, a 100 foot building was permitted in a B-3 District, and it was still permitted in 1978. In 1984 the code revised the maximum height of a structure to 75 feet in the B-3 Central Business District and slightly modified the other districts. That is why a variance was required in the construction of the Lake County Jail and Morley Library, both in a B-2 General Business District. Ms. White said that it appears the Code was changed, taking an average of the height of the structures in the area. At that time, it was probably determined to be a reasonable number, but she stated that the intent of the Code is to use the Board of Zoning Appeals as a venue to change the Code when there is practical difficulty. She stated that she believes this to be a reasonable request.

More discussion ensued regarding the steps taken by the County should there be a denial of the variance request. Mr. Lyons stated he would ask the Board to establish facts and have a full public record filed with the Court of Common Pleas. It would be important to show why the request was turned down. Mr. Boyd stated that the County will move forward with the variance request.

Motion by Mr. Bartholomew, seconded by Ms. Aston, to grant Refusal 2292 as requested. On Roll Call, Mr. Bartholomew, Ms. Aston and Chairman Behrens answered "yes". Motion carried, 3-0.

OTHER BUSINESS

There being no further business, the meeting was adjourned at 9:00 p.m.

Jim Behrens, Chairman

Tina B. Pomfrey, Secretary