

BOARD OF ZONING APPEALS MEETING

TIPP CITY, MIAMI COUNTY, OHIO

November 19, 2014

Meeting	Chairman McFarland called this meeting of the Tipp City Board of Zoning Appeals to order at 7:30 p.m. which was held at the Tipp City Government Center, 260 S. Garber Drive, Tipp City, Ohio.
Roll Call	Roll call showed the following Board Members present: David Berrett, Mark Browning, Michael McFarland, and Isaac Buehler. Others in attendance: City Planner/Zoning Administrator Matthew Spring, and Board Secretary Kimberly Patterson.
Absence	Chairman McFarland moved to excuse Ms. Carrie Arblaster from the meeting , seconded by Mr. Berrett and unanimously approved. Motion carried.
Citizens signing the registrar	Citizens attending the meeting: Keith Lavy, Ken Brightman, Joe Gibson, Lauryn Bayliff, Ralph Brown, Larry Riesser, Kelly Baughnan, Dan Glover, and Tim Eggleston.
Board Minutes 10-15-2014	Chairman McFarland asked for discussion. There being none, Mr. Berrett moved to approve the October 15, 2014 meeting minutes as amended , seconded by Mr. Buehler. Motion carried. Ayes: Berrett, Buehler, and Browning. Nays: None. Chairman McFarland abstained from the vote.
Citizens Comments	There was none.
Administration of Oath	Mrs. Patterson swore in citizens and Mr. Spring.
Chairman's Introduction	Chairman McFarland explained the guidelines and procedures for the meeting and public hearings. He advised the applicant that any person or entity claiming to be injured or aggrieved by any final action of the BZA shall have the right to appeal the decision to the court of common pleas as provided in ORC Chapters 2505 and 2506.
New Business Case No. 16-14 United Methodist Church RAB Appeal	Case 16-14: Ken Brightman – Brightman & Mitchel Architects for Tipp City United Methodist Church - 8 W. Main Street Tipp City - Inlots 35, 36, 115, 116 & 117 and portions of vacated alleys. The applicant appealed the 10/28/14 decision of the Restoration and Architectural Board of Review regarding an amendment to a requested Certificate of Appropriateness for the replacement of an existing slate roof on two existing bell towers with asphalt shingles. Zoning Code Section(s): §154.04(M)

Zoning District: CC/RA- Community Center/Old Tippecanoe City Restoration and Historic District

Mr. Spring stated that the applicant was appealing the 10/28/14 decision of the Restoration and Architectural Board of Review regarding an amended Certificate of Appropriateness for the Tipp City United Methodist Church located at 8 W. Main Street. The church's original request included the following:

- Removal and replacement of the flat roof membrane on the existing centrally located flat-roofed portion of the building.
- Removal and replacement of the existing asphalt shingles on the primary sanctuary building and the removal of the existing slate roof on the bell towers to be replaced with asphalt shingles.

Mr. Spring also stated that the Restoration Board approved all of the above request with an amendment to the Certificate of Appropriateness that required that the slate roofs of the two bell towers be repaired/replaced with slate rather than asphalt shingles.

The Board's amendment of the requested Certificate of Appropriateness, which mandated that the existing slate on the bell towers be maintained (repaired/replaced), was based upon the following:

Location within the Historic District

8 W. Main Street is within Tipp City's Restoration District, which is formally known as the Old Tippecanoe City Restoration and Architectural District.

Required Certificate of Appropriateness

Mr. Spring noted that any exterior construction or alteration within the Restoration District, requires an approved Certificate of Appropriateness per Code § 154.05(C)(2)(a) which states:

No person shall make any exterior construction, reconstruction, alteration, or demolition on any property within the district unless a certificate of appropriateness has been issued by the Restoration Board or Zoning Administrator, as may be applicable.

Decision Based on Tipp City Code and Design Manual

Mr. Spring stated that Restoration Board review of requests for Certificates of Appropriateness are based upon Tipp City Code and the *Old Tippecanoe City Restoration and Architectural District Design Manual* adopted by the City Council on March 17, 2014. Code § 154.05(C)(5) states:

In addition to any applicable standards of the underlying base zoning district or standards found in this section, any construction, modification, expansion, or other changes subject to a certificate of appropriateness review shall be subject to the applicable design standards and guidelines that are established in the Old

Tippecanoe City Restoration and Architectural District Design Manual, as adopted by City Council. The manual shall hereafter be referred to as the design manual.

Specifics of Code

Regarding the proposed change in roofing materials (slate to shingles), Code §154.03(E)(6) states:

Decisions on a COA application shall be based on consideration of the following criteria:

(e) *If the proposed development is subject to review by the Restoration Board, the board shall have the authority to:*

(i) *Determine whether the proposed development will be appropriate to the preservation of the RA district as established in the purpose and standards of the RA district and the design manual;*

(ii) *Require that any modifications be made in the spirit of the applicable structure's architectural style, and that additions to such structures be made in a style that should complement the original architectural style; and*

(iii) *Recommend changes to the applicant that the board determines will reasonably bring the application more into compliance with the adopted standards and design manual.*

Specifics of Design Manual

Regarding the proposed change in roofing materials (slate to shingles), the design manual states:

Standards and Guidelines for Roofs, Gutters, and Downspouts

- 1) *The original roofing materials, shape, overhang style, roof structure, gutters, and downspouts shall be maintained and preserved to the maximum extent feasible.*
- 2) *If the roof or roof material is to be replaced, restoration to the original roof style, material, shape, and color is preferred. Metal roofs, if replaced, should be replaced with standing-seam metal roofing.*
- 9) *To the maximum extent feasible, the original roof materials should be retained. In cases where new roofing is required, the materials should match the old in composition, size, shape, color, and texture. Preserve or replace, where necessary, all architectural features that give the roof its essential character such as dormer windows, cupolas, cornices, brackets, chimneys, cresting, and weather vanes.*

Mr. Spring reviewed the specific procedural requirements for this particular case as follows:

Procedural Requirements

The Board of Zoning Appeals has jurisdiction to hear the appeal as noted above per the following:

Code §36.041 (B)

Appeals from decisions made by the Restoration Board shall be made to the Board of Appeals in accordance with the standards of § 154.03(M) of the Tipp City Zoning Code.

Code §154.02(E)(3)(a)

Roles and Powers of the BZA

The BZA shall have the following roles and powers to:

Hear, review, and decide on appeals of any administrative decision where it is alleged there is an error in any administrative order, requirement, decision, or determination made by the Zoning Administrator, Planning Board, or Restoration Board.

Staff noted that the appeal was received within the required 10 day appeal period as required by Section §154.03(M)(4)(a)(i): Meeting Date – October 28, 2014 Appeal Received - October 29, 2014.

Review Criteria for Appeals – §154.03(M)(5)

A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this code.

Chairman McFarland asked if there were any further questions for Mr. Spring. There were none.

Vice Chairman Berrett inquired if there were any neighbor's comments received. There were none.

Mr. Ken Brightman with Brightman & Mitchel Architects, 35 Southmoore, NE Circle, Kettering Ohio, representing Tipp City United Methodist Church, approached the dais. Mr. Brightman distributed a packet of information to the Board Members that showed the different challenges the church had gotten into with the various roofs. Mr. Brightman noted that that there was limited slate on the two towers; main nave had asphalt shingle; multiple flat roof areas; newest addition there was a standing seem roof. Tying all the various roofs together has proven to be the most difficult; all issues are intended to be addressed and were included in the current bid for the project.

Mr. Brightman mentioned the Restoration Board meeting and that his client was ok with everything but the amendment made to the

Certificate of Appropriateness stating the material for the tower was to remain the slate.

Board Members reviewed the material that Mr. Brightman distributed that noted the problem areas with the multi material roof in detail noting similar past projects completed by Brightman & Mitchel Architects.

Mr. Brightman noted that there was quite a bit of slate roof that was presently missing on the towers and from the debris found on the ground that had buried itself in the soil it appeared that the slate was not actually breaking but rather the holes where the fasteners were in place were still intact which meant the fasteners were probably ferrous metal rather than copper or stainless steel and that was where all of the failure was in the slate roof.

Mr. Brightman stated that bids were received the week prior for the project; base bid was approximately \$200,000. Mr. Brightman noted that the premium to go from a shingle roof on the towers to a slate roof was an increase of \$50,000 which was an additional 20% of the overall project. Mr. Brightman broke down the price break for towers and noted that the original shingle cost was \$31,000 and went to \$84,000.

Mr. Brightman noted that the daycare had to be closed due to falling slate debris.

Mr. Brightman stated that he had went through all of the guidelines and made copies for the Board and quoted some material from them. Mr. Spring stopped Mr. Brightman from continuing his review of the guidelines that he presented to the Board and stated that the version was outdated and not valid. Mr. Brightman stated he downloaded the document from the website. Mr. Spring stated that the new guidelines were adopted on March 17, 2014 and became in affect April 17, 2014.

Mr. Buehler asked why the applicant did not want to do artificial slate. Mr. Brightman said to refrain from adding another material and the overall goal was to have the look of slate but utilizing shingles. Mr. Buehler also asked what the thought was to implement faux slate on the entire roof. Mr. Brightman stated the cost.

Chairman McFarland asked if there were any further questions for Mr. Brightman. Mr. Berrett inquired the difference in cost between asphalt and slate. Mr. Brightman stated for the towers themselves that \$31,000 was the best bid for the shingle material; slate was \$84,000.

Mr. Berrett also inquired what the overall budget was for the entire project. Mr. Brightman stated that the overall budget was \$200,000 which was where the bid came in and the slate would take the project to \$250,000.

Mr. Browning asked for clarification that all of the roof that is currently in shingles would be in the grand manner style asphalt shingle including the towers if approved by the Board of Zoning Appeals. Mr. Brightman stated that was correct.

Mr. Buehler stated that he understood the desire to have the entire roof in one material but that he also understood that materials could also be mixed. Mr. Brightman noted that they didn't think that because the nave roof of those towers being slate now or wanting to look like slate that it would even be appropriate for standing seam roof; just thought that was too of a radical change.

Mr. Berrett asked Staff if the case of extreme financial hardship was in the current guidelines. Mr. Spring stated that was not part of the new guidelines.

Chairman McFarland asked if there were further questions for the applicant. There were none.

Chairman McFarland asked if there was anyone present who wished to speak in favor. Mr. Larry Riesser, 650 N. Third Street, approached the dais. Mr. Riesser stated that he owned the building adjoining the parking lot known as Midwest Memories and stated that from his perspective he was supportive of using shingles on the towers.

Chairman McFarland asked if there was anyone present who wished to speak in opposition of the request. Ms. Lauryn Bayliff, 327 W. Main Street, Chairman of the Restoration Board approached the dais. Ms. Bayliff stated that the Restoration Board came to their conclusion/decision regarding the request was strictly made based upon the guidelines. It was not beyond the Restoration Board's scope as to determine what other factors play into this as the Restoration Board was the advocates for the historic buildings. Ms. Bayliff stated that essentially the Restoration Board's job was to save the buildings from their owners sometimes while well intentioned doesn't always mean the home owners were doing what was necessary to maintain the majority of the historic fabric of the historic buildings. Ms. Bayliff stated that this particular building has been a very integral to the downtown landscape and part of it were the towers looming over the community that had been slate for as many years as the building has been there and in the guidelines state that the original building materials should be maintained and that was where the Restoration Board based their decision upon. Ms. Bayliff believed that it was not up to Restoration Board to go beyond and abide strictly by the guidelines and the Board's goal was to maintain the historic fabric of the community as much as possible.

Ms. Bayliff expressed that in her opinion the Restoration Board did not make any mistakes regarding procedure and the issues of following the standards and guidelines was up to the Board of Zoning Appeals to determine if their decision was in adherence with the guidelines. Ms. Bayliff also noted that when the Restoration Board asked if the roofs were failing on the towers there was not a clear answer due to the fact that one of the towers was open sided and was a bell tower and the other tower there was no evidence provided either way. The Restoration Board's recommendation was to maintain the slate that was present or replace like for like to maintain the slate. Ms. Bayliff said that the asphalt shingles for the rest of the roof was chosen and the applicant requested a leeway on color choice to best match the slate that was there and why would the applicant want to remove something that they intended to match in color to something they now want to remove. The longevity of the slate materials would outlast the longevity of the asphalt shingles which was over 175 years for slate.

Ms. Bayliff also stated that the church had an overall capital budget for the building and not just the roof which she believed should also be taken into consideration.

Mr. Berrett inquired how long the building had been there. Ms. Bayliff did not know the exact date. Mr. Riesser stated that the building had been there since 1863 and the towers were added in 1895. Ms. Bayliff noted that the slate was original to the towers.

Mr. Buehler asked if the Restoration Board would have considered an artificial material such as artificial slate. Ms. Bayliff stated that she had never seen an artificial slate and she could not say if the Restoration Board would approve as a whole body if an example of faux slate would have been presented before them at that time. And the only option brought before the Restoration Board at the time was the asphalt shingles.

Chairman McFarland asked if anyone else opposed. Mr. Ralph Brown, 300 W. Main Street, Vice Chairman for the Restoration Board approached the dais. Mr. Brown stated that in response to the material, there was nothing presented to them other than the hazard of slate falling from the towers and nothing regarding to any research of what actually needed to be done to the towers if there was a repair. Mr. Brown stated that he doubted that every piece of slate would need to be replaced on the towers and he would ask how much repair or maintenance had been done to the towers in the last twenty years. Mr. Brown also stated that if the towers have been there since 1895; that roof lasted with very little maintenance done over those years and that the Restoration Board's position was in following the guidelines before them and making sure they do it right.

Chairman McFarland asked for further Board Member comments. Mr. Browning inquired if there had been an inspection of the towers to see what percentage of the towers would need to be replaced. Mr. Brightman stated that there were five roofing contractors invited to take a look at the project and bid and until scaffolding can be built to that particular location investigation has not yet been done but the feelings of some bidders from previous projects was questionable as to what could be salvaged. Mr. Browning asked if the \$50,000 upgrade was for all new slate. Mr. Brightman stated that was correct.

Mr. Berrett inquired as to how much slate has fallen off. Mr. Brightman stated that he had not done the actual calculations but have photographed the face and could possibly estimate due to the ones that were missing. Mr. Brightman stated that 5 to 10% of the slate was missing.

Mr. Browning asked as far as the bell towers they were protecting the area of the bell and if there was anything leaking underneath. With interior water damage. Mr. Brightman stated that the large tower was open underneath with a flat roof under that with gutters and downspouts; the smaller tower actually shelters rooms below it and the damage wasn't so much from water coming in but rather the roof coming off onto the ground where people would have to be moved due to fear of lawsuits of people being injured due to falling slate.

Chairman McFarland asked for any further comments. There being none Chairman McFarland **moved to sustain the amended Certificate of Appropriateness of the Restoration Board as rendered October 28, 2014 for 8 W. Main Street, and thus require the slate roofing on the existing bell towers to be repaired or replaced**, seconded by Mr. Buehler. Ayes: McFarland and Buehler. Nays: Berrett and Browning. **Motion ended in a tie vote.**

Chairman McFarland stated that the motion ended in a tie vote and would be carried over to the December 2015 Board of Zoning Appeals meeting.

**Case No. 14-14
Lewter Wolverine
Engineering for
Meijer Distribution
Center
Variance Request**

Case No. 14-14: Jesse Lewter – Wolverine Engineering for Meijer Distribution Center - 4200 S. CR 25A, Tipp City - Lot: Inlot 3214 and Pt. IL 2392 – The applicant requested variance to Zoning Code Section(s): §154.078(H) for 21.8% reduction in the off-street parking requirements.
Zoning District: LI – Light Industrial Zoning District

Mr. Spring stated that Case No. 14-14 would remained tabled per the applicant's request.

**Case No. 15-14
Alder**

Case 15-15: Jennifer Alder, 303 N. Second Street, Tipp City - Lot: Inlot 522 & Pt. IL 523 – The applicant requested three variances to Zoning Code

Three variance Requests

Section(s): §154.06(A)(4)(i)(vi)(A), §154.06(A)(4)(i)(vi)(B), and §154.06(A)(4)(i)(iii)(E) for placement of a fence.
Zoning District: R-2 – Two-Family Residential Zoning District

Mr. Spring stated that Case No. 15-14 has been withdrawn by the applicant.

Old Business

There was none.

Miscellaneous

Chairman McFarland introduced President of Council, Joe Gibson. Mr. Gibson formally presented to the Board for the record our new City Manager Mr. Timothy Eggleston, just sworn in on Monday morning.

Mr. Eggleston stated that it was great to be here and to see how the meetings were conducted and that he was happy to be in Tipp City and looked forward to sitting in on some future meetings to see how the Board does their business.

Mr. McFarland thanked them for their presence.

Adjournment

There being no further business, Chairman McFarland **moved to adjourn the meeting**, seconded by Mr. Berrett and unanimously approved. **Motion carried.** Chairman McFarland declared the meeting adjourned at 8:07 p.m.


Board Chairman, Mike McFarland

Attest: 
Mrs. Kimberly Patterson, Board Secretary