

**PLANNING BOARD MEETING**  
TIPP CITY, MIAMI COUNTY, OHIO    OCTOBER 13, 2015

<b>Meeting</b>	Chairman Stacy Wall called the meeting of the Tipp City Planning Board to order at 7:29 p.m.
<b>Roll Call</b>	Roll call showed the following Board members present: Vonda Alberson, Andrew Thornbury, Jamie DeSantis, and Stacy Wall.  Others in attendance: Zoning Administrator Matt Spring, Board Secretary Kelly Rowlands, Brian Land (263 N. Third St., Tipp City, OH 45371) and Ben Mosier (21 E. Walnut St., Tipp City, OH 45371).
<b>Approval of Minutes – September 8, 2015</b>	Ms. Wall stated that she had one amendment to the Meeting Minutes. On page 11 of 14, the words “and/or Zoning Board” needed to be added to “Ms. Wall commented that she has been in the Planning Board since 2005 and the interstate design plan has been discussed since that time.”  Ms. Wall <b>moved to approve the minutes of the September 8, 2015 meeting as amended.</b> Ms. DeSantis seconded the motion. Motion passed 4-0.
<b>Items Not on the Agenda</b>	There were no comments on items not on the agenda.
<b>Administration of Oath</b>	Board Secretary Rowlands administered the oath to anyone that was wishing to speak during the public hearing.
<b><u>New Business</u></b>	
<b>Public Hearing: Brian Land – 10 E. Walnut – Zoning Code &amp; Map Amendment</b>	Ms. DeSantis <b>moved to open the Public Hearing.</b> Mr. Thornbury seconded the motion. Motion passed 4-0.  Zoning Administrator Spring provided the following report:  On September 8, 2015, Planning Board set a Public Hearing for this evening regarding a request from property owner Brian Land of 10 E. Walnut Street to consider a Zoning Code amendment and associated Zoning Map amendment to remove the property at 10 E. Walnut Street from the Tipp City Historic Restoration District.  Code states: <i>Recommendations and decisions on zoning text or map amendments shall be based on consideration of the following review criteria.</i>

The first criteria states:

*The proposed amendment is consistent with the comprehensive plan and/or other plans adopted by the city.*

The Comprehensive Plan states:

This planning area is the historic center of Tipp City known as "Old Tippecanoe." It is primarily residential west of the railroad tracks with an office use and industrial use at Plum Street and commercial uses at the intersection of Hyatt Street and Main Street. The part east of the railroad tracks along Main Street is the historic central business district of the community. Residential uses border the business district on both the north and the south.

- It is recommended the area designated "Downtown Center" within this planning area continue with a mix of commercial and office uses that maintains its existing function and character. Retail uses are preferred at street level and along the busier streets.

It is the opinion of staff that the proposed amendment is not consistent with the comprehensive plan. Removal of a property from the historic district in an otherwise solid block (N. Third to N. Second and E. Walnut to Main) of properties that are all within the historic district degrades the function and character of the historic district as a whole.

The seconded consideration is:

*The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;*

It is the opinion of staff that the proposed amendment is not necessary or desirable due to changing conditions, new planning concepts, or other social or economic conditions. It is specifically a request from the property owner. He is in attendance at the meeting and Mr. Spring will allow him to explain further in a few moments.

Next:

*The proposed amendment will promote the public health, safety, and general welfare;*

It is the opinion of staff that this amendment would be detrimental to the consistency and cohesiveness of the historic district and thus have a negative effect on the general welfare of the neighboring property owners still within the historic district.

Consideration (d):

*The proposed amendment, if amending the zoning map, is consistent with the stated purpose of the proposed zoning district;*

Mr. Spring included the actual purpose of the Historic District in the Staff Report, but won't bother reading the entire thing.

Essentially, it is the opinion of staff that the amendment is not consistent with the stated purpose of the Historic District, in that it is a piecemeal removal of a property from that district.

Consideration (e):

*The amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;*

Staff would agree that this amendment is not likely to result in significant adverse impacts upon the natural environment and so forth.

Consideration (f):

*The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.*

As noted previously, it is the opinion of staff that the removal of property from the historic district undermines the cohesiveness of the district as a whole, and would ultimately be detrimental to neighboring property owners still within the historic district.

The Restoration Board met on September 22, 2015 and reviewed the requested Zoning Code and Zoning Map amendment and forwarded a negative recommendation to Planning Board and City Council.

Based on the Review Criteria, the Comprehensive Master Development Plan, and the recommendation of the Restoration Board, staff recommends Planning Board forward a negative recommendation to City Council regarding this request.

Ms. Wall asked if the Restoration Board had Meeting Minutes from the meeting where they denied the request.

Mr. Spring answered that the Minutes have yet to be reviewed and approved by the Restoration Board. Draft Minutes would be available, but he did not include them in the Staff Report.

Ms. Wall then further questioned why the Restoration Board denied the request. Were there any additional reasons beyond what is listed in the Staff Report?

Mr. Spring stated that he didn't want to read into the decision, but asked Ms. Alberson (who is also on the Restoration Board) if she wanted to elaborate on the decision that was made.

Ms. Alberson stated that the spirit of the decision was based on the fact that the consistency of the Historic District would not be maintained if the intention is to begin to carve specific parcels out of the district on a piecemeal basis.

Mr. Brian Land, permanent address of 263 N. Third Street, Tipp City, Ohio, approached the podium to address the Planning Board members.

He began by addressing the comment made by Ms. Alberson. Mr. Land stated that if you look at the main map of the Historical District, there are already sections carved out. Up and down Walnut and Dow Streets there are houses that are a part of the district and others that are not. It is already on a piecemeal basis, so he doesn't understand why there is a fear of parcels being carved out.

The house next door to Mr. Land has aluminum siding and that is not historical. That was not what was on the house when it was built.

He just disagrees with the decision that his home is in the Historical District. Mr. Land does not want to harm the home. He just wants vinyl siding. The look will not be changed. Matter of fact, the home will look better when it is done.

Going further, he reiterated that the map is already carved up on a piecemeal basis. The church wiped out 9 houses to his left. The house to the right has aluminum siding.

Ms. Wall questioned if there has been homes recently removed from the Historical District.

Mr. Land stated that he knew of none. After the church removed 9 homes to the left of his address, there has been a stop to anything being removed, changed, or demolished. He really hadn't followed the issue because it was never really an issue.

The last time that he painted the home, he spent a great deal of time and put a lot of effort into striping it down. He just doesn't want to keep doing this in the future.

Ms. Wall asked if Mr. Land had talked to any of his neighbors regarding the issue.

Mr. Land responded by stating that only one neighbor had approached him. The resident at the corner of Walnut and Second has talked to him and agrees that Mr. Land should be able to do what he wants to his home. The house next to him is a rental and is owned by the library. The area is becoming more of a rental area. In fact, Mr. Land's daughter is living in the home that he wants to put siding on. She is planning on being there for quite a while.

Ms. Wall made the statement that the real issue is that Mr. Land wants to put siding on the home, but the Historical District does not allow it. Mr. Land agreed with that statement.

Mr. Thornbury inquired about any application that would allow for an exemption from certain requirements of the Historical District.

Mr. Spring answered that a variance could be sought for just about any aspect of the zoning code. The applicant has not done that. Nor has he come before the Restoration Board regarding putting vinyl siding on his home.

Mr. Land then stated that he previously came before the Restoration Board to seek permission to do vinyl siding on his home. It would have

been before he painted his home the last time. At that time, Restoration Board members were firmly against it.

Ms. Wall inquired how long ago that he came before the Restoration Board. Mr. Land answered that it was probably 12-15 years ago.

Going further, Mr. Land stated that from what he has heard, vinyl siding is not something that they approve because it is not original. The Restoration Board wants any damaged wood to be replaced with something similar. Mr. Land has done this to some degree, but it is hard to match. The wood now is not as thick. It is not as wide and it is not cut the same. He has looked at a lot of wood and it is hard to match with what was originally on the home. You can definitely see the difference, especially if you know where to look. Mr. Land feels that he would be better off just putting siding on the whole thing.

Ms. Wall followed up to Mr. Thornbury's question by asking what the steps would be to apply to install vinyl siding.

Mr. Spring responded by stating that the first step would be to go before the Restoration Board and ask to put vinyl siding on the home. If they approve it, he can move forward with the installation. If the Board denies the request, Mr. Land could seek an appeal to that decision through the Board of Zoning Appeals. The other alternative would be to seek a variance to simply allow him to use vinyl siding rather than appealing the decision.

Mr. Land indicated that he did not know the property was located in the Historical District when he purchased the residence. If he had known, he might not have bought it. Inventory of houses available at the time was low. It is a nuisance to have to come before the Restoration Board each time he wants to do something to his home. He is not on Main Street and there is absolutely nothing special about his house. His home is similar to other homes further down the block on Second and Third Streets. He just wants to be able to keep his home up and not have to deal with different Boards. Mr. Land doesn't mind getting permits, but doesn't want to deal with boards every time.

There were no further questions for Mr. Land.

Next to the podium was Ben Mosier who owns the property across the street. That address is 21 E Walnut.

Mr. Mosier wanted to voice his support for Mr. Land. He has been in a similar situation and knows how aggravating the process can be. Mr. Mosier agrees that there is nothing super historical about the home at 10 E. Walnut. New siding would make the home and street look nice.

Further, Mr. Mosier hopes that the Planning Board will work with Mr. Land. It has got to be frustrating to own a property and pay taxes, insurance, and a mortgage, but not be able to do what you want to your home. Mr. Mosier understands the Restoration Board's point of view regarding historical homes in the city. There are a lot of really neat historical homes in Tipp City that need to be protected. However, it is Mr. Mosier's view that some of the rules need to be lessened a little bit sometimes in order to allow people to do things to their homes.

Ms. Wall questioned whether Mr. Mosier has ever had experience with the Restoration Board and making improvements to a home.

Mr. Mosier answered that he has. Not at his current property (21 E. Walnut), but another home in the Historical District. His request was for siding on the back of an addition. The request was denied. So, Mr. Mosier understands Mr. Land's frustration.

There were no further public comments.

**Ms. DeSantis moved to close the Public Hearing.** Ms. Wall seconded the motion. Motion passed 4-0.

Ms. Alberson began the discussion period by asking Mr. Spring if there is any precedent for property being removed from the Historical District.

Mr. Spring answered that he has been with the City of Tipp City for a little over 11 years and a property has never been removed from the Historical District during his tenure. He does not know about any removals prior to his time.

Mr. Thornbury stated that he would be very candid with his comments. He definitely can empathize with Mr. Land and also does not like it when government steps in and tells individuals what they can or cannot do. But, Mr. Thornbury also feels that once a property is removed from the Historical District, it is gone and the control is lost. Further, Mr. Thornbury indicated that if the Planning Board decides to give a negative recommendation this evening, he would suggest that Mr. Land move further with a variance request to do vinyl siding.

Ms. Wall began by stating that she is very torn on this issue. On one hand she believes that the Historic Preservation Board serves a very valid purpose. On the other, when you look at the photos in Attachment "E" you see the properties behind the home, which are in the Historic District. Those properties need regulations because they are on Main Street. Mr. Land's home is not. It is Ms. Wall's opinion that the vinyl siding would look very nice and clean up the property. Aesthetics is a recurring theme in many discussions of the Planning Board and is important in Tipp City. This is an aesthetics issue. It is as if we are saying that the present condition is better than the newer vinyl siding that would clean up the property.

Ms. Alberson specified that her main concern is setting a precedent for removing properties from the Historical District on a piecemeal basis. She doesn't disagree with the aesthetic point of view and that the vinyl siding would definitely improve the appearance of the exterior of the residence. When the precedent is set more buildings could have a case to be removed. Once erosion of the district begins there is really no longer a Historical District.

Mr. Thornbury agreed with Ms. Alberson's statement.

Ms. Wall then asked what the procedure would be for evaluating the entire district. Maybe it is too large?

Mr. Spring answered that it has never been asked before. His feeling is

that it would be a multi-step process because the Restoration Board is part of Tipp City's Charter. The Historical District is simply an overlay zoning, so it would certainly fall under the realm of the Planning Board. Initially, a review would come through the Restoration Board, then to Planning Board, and then City Council. Very similar to the process that is being used for this case.

One other item that Mr. Spring wanted to mention. When the Zoning Code was reviewed in 2012, 2013, and 2014, there was a meeting that all individuals within the Historic District were invited to attend. An overwhelming majority wanted to keep the standards as they were. Mr. Spring cannot say if that was a majority of the owners that showed up, but the majority of owners that were in attendance wanted to maintain the district as is.

Ms. Wall certainly agrees that you don't want to remove properties on a piecemeal basis from any district. Maybe the resolution is to seek a variance from the Historical Board. But it doesn't sound like this is something that will be granted, so where does this leave the property owner.

Further, Ms. Wall stated that she has been on either the Planning Board or Zoning Board since 2005. There have been several cases and she remembers the bank on Main Street in particular. It was a very heated argument that went before City Council. The bank wanted to redo the drive thru and the Historic Board stood firm.

Mr. Spring then confirmed that City Council did uphold the decision made by the Historic Board in the bank's case.

Since that time, the Zoning Code has changed and any type of appeal of a Board of Zoning Appeals decision would go directly to Common Pleas Court rather than City Council.

Ms. Wall sought confirmation that there would be a 3-step process for a property owner. The first step would be for the owner to seek a variance from the Preservation Board. If denied, appeal to the Zoning Board. If that is denied, appeal to the Common Pleas Court.

Mr. Spring stated that she was correct.

Mr. Thornbury asked for verification that the Restoration Board would have to be the first step.

Mr. Spring confirmed that he was correct.

Mr. Thornbury then stated that he is not opposed to the vinyl siding. Just because a product was not around when the house was built doesn't negate that it is a better product for the home compared to the upkeep of wood. He just keeps going back to the fact that he doesn't want to carve out pieces of the Historic District. That could potentially effect values of other homes within the district.

Ms. DeSantis commented that it all goes back to once it happens for one person, more individuals could come forward with the same issue.

No further discussion.

Mr. Thornbury moved to forward a negative recommendation to City Council regarding this proposed Zoning Code amendment and associated Zoning Map amendment to remove the property at 10 E. Walnut Street from the Tipp City Historic Restoration District. Ms. DeSantis seconded the motion. Motion passed 4-0.

Mr. Thornbury moved to send a recommendation to the Historic Restoration Board indicating support of a variance for vinyl siding. Ms. DeSantis seconded the motion. Motion passed 3-0-1. Ms. Alberson abstained since she is on the other Board.

**Old Business**

There was no old business to discuss.

**Miscellaneous**

**City Council  
Reports –  
September 21, 2015**

Ms. Wall attended the meeting and reported that City Council approved by a 7-0 margin to amend the code to allow for the use of the Tipp City Senior Center.

City Council also set a Public Hearing for the use of the Solar Panels and approved funding for road repairs.

**City Council  
Reports – October  
5, 2015**

Mr. Thornbury was in attendance and nothing was discussed that related directly to Planning Board.

**Upcoming City  
Council Meetings –  
October 19, 2015**

Ms. DeSantis will attend the October 19, 2015 City Council Meeting.

**November 2, 2015**

Ms. Wall will attend the November 2, 2015 City Council Meeting.

**Board Member  
Comments**

Ms. Wall commented that Mr. Spring invited her to be a part of an internal meeting that reviewed the proposals received for amendments to the Comprehensive Master Development Plan. Lots of proposals came in and they were narrowed down by staff. Ms. Wall then received 6 proposals. She then reviewed those based upon her experience with her job and what she looks for in those types of consultants. That internal decision was narrowed down further to 3 proposals. The City of Tipp City was then going to invite those consultants in to give a proposal to further explain what they submitted.

Mr. Spring stated that he would keep the Planning Board updated and let them know when a final decision on a consultant was made. This would then start a year long process of revamping the entire Comprehensive Plan.

Going further, Mr. Spring also announced that Mr. Eichman is not going to be returning to the Planning Board. He made a final decision over the past week or so. Also, within a month Mr. Thornbury might also be leaving the Board due to his run for City Council. So, there is certainly at least one open position, but there might be two. If anyone knows someone who is interested, please forward details onto them.

Mr. Thornbury asked if information is posted on the website.

Mr. Spring stated that currently, Mr. Eichman's position is listed. Once it is confirmed that Mr. Thornbury is leaving, that position would also be included.

Mr. Thornbury would not be sworn in for City Council until January 1, 2016, so he would still be able to serve on the Planning Board during the November and December 2015 meetings.

**Adjournment**

Ms. Alberson **moved the meeting be adjourned**. Ms. Wall seconded the motion. Ms. Wall declared the meeting adjourned at 7:59 pm.



Stacy Wall, Planning Board Chairman

Attest: 

Kelly Rowlands, Board Secretary