

**MINUTES OF THE PLANNING COMMISSION
VILLAGE OF WHITEHOUSE, LUCAS COUNTY, OHIO
August 6, 2018**

At 7:01 pm, Chairman Tom Lytle called the meeting of the Whitehouse Planning Commission to order.

Roll Call: Don Atkinson, Allen Kuck, Tom Lytle, David Prueter and Zach Ries. **Also present were the following:** Bob Keogh, Aggie Alt, Babs Marshall, Bill May, Administrator Jordan Daugherty, and Community Development Coordinator Barbara Knisely.

Motion by David Prueter, seconded by Don Atkinson to approve the minutes from the June 4, 2018, Whitehouse Planning Commission meeting with two revisions: add the words “motion approved” on the third page at the end of the last two paragraphs. Motion approved 5-0

The only item of business was to review, discuss, and make a recommendation for a request for a lot split by the AW Chamber of Commerce for the property located at 10802 Waterville Street, owned by the Anthony Wayne Area Chamber of Commerce (Chamber).

Mr. Bob Keogh was present to represent the Chamber and confirmed that they would like to split Lot 67, which is a current nonconforming lot due to its size. This lot currently houses two buildings and they would like to sell the former apartment building which is now vacant so that a new business could relocate there. Originally the Chamber was going to demolish the building but upon getting estimates, have decided the \$35,000-\$40,000 demolition cost is too much. They have a potential buyer who is interested in turning it into a commercial property.

Mr. Keogh stated he understands that Staff Report 07-2018 states that the building cannot be used for residential purposes. However, they would like to allow a one bedroom apartment to be built using one-half of the first floor so that a family member can reside there to look after the property.

Chairman Lytle referred to Staff Report 05-2014, dated December 1, 2014, wherein a prior owner of this property appeared before the Planning Commission for a lot split. The split was not approved and the Chamber bought the entire parcel, including both buildings (office and apartment buildings).

Chairman Lytle began review of the current Staff Report #07-2018, dated August 6, 2018:

Background information was reviewed (Items 1-4)

#5: Per Chapter 1123.04, the Administrator cannot approve a lot split when it will create two nonconforming lots due to the sizes.

#6-8: Reviewed current requirements for lot sizes in the commercial district and the sizes that would be created if the lot split is approved.

#9: Briefly discussed the survey dated November 13, 2014, showing the apartment building encroaches into the right of way at two locations.

Further discussion took place concerning the former apartment building being used for commercial purposes only, and the fact that both lots would become nonconforming, unbuildable, and unsellable lots if the split is allowed.

Chair Lytle opened the floor for discussion.

- Don Atkinson asked how the encroachment happened. Mr. Daugherty explained that the building was probably there first before the streets, alleys and rights-of-way were determined, and that the building/zoning codes were adopted long after the building was put there. Mr. Keogh stated that both parties (Chamber and potential buyer) understand that if either building burns down it most likely could not be rebuilt on this property.
- David Prueter asked about parking spaces for the business and apartment. Brief discussion took place as to the number of spaces available in the public lot on Gilead across from the apartment building – probably 6 or 7 spaces. Mr. Lytle confirmed that it was only one business and one apartment.
- Allen Kuck asked if anyone had seen plans as to what the building would look like once it is remodeled, i.e., color samples, siding, etc. Mr. Keogh stated that the potential purchaser has had a contractor look at the building and plans have already been drawn up.
- Mr. Daugherty asked if the apartment would be upstairs or downstairs? Aggie Alt said it would be a downstairs apartment in the back corner half of the building.
- Mr. Lytle asked if there are any other buildings in the commercial district where tenants live in the upstairs. The answer was affirmative, that there are many upstairs apartments in the downtown. Ms. Knisely stated apartments are not allowed on the first floor in the commercial district. Babs Marshall stated the apartment was for a handicapped person who does not drive a car. Mr. Lytle asked if the apartment would be ADA compliant.
- Mr. Kuck asked how much square footage would be used as the residential apartment. Aggie Alt said one-half the first floor would be residential and the other half along with the second and third floors would be commercial use for two businesses, Mr. Marshall's business and a remodeling company.
- Mr. Lytle asked again about parking. Ms. Alt and Ms. Marshall stated that customers do not come to the businesses, and that only employees would be there during the day – all customer contact is done offsite.
- Zach Ries stated he does not have an issue with the parking as this business is already parking on the street at their current location and he understands that they don't have foot traffic. He asked if the living space would have a separate entrance, and the answer was "yes."
- Mr. Lytle confirmed the lot split would be the same as shown on the November 2014 survey.
- Mr. Kuck asked if the Planning Commission could limit the size of the apartment or put restrictions on it? Mr. Daugherty said he would ask the Solicitor for a legal review of the matter. Mr. Prueter asked if they could control how many residents lived in the apartment.
- Aggie Alt said "it's already an apartment, we're just remodeling it for 2 people."

- Mr. Ries stated they could specify how many square feet could be used for the apartment. Aggie Alt confirmed that it will be very small and that they have no designs of allowing more people.
- Mr. Atkinson asked if the first tenant vacated the space, would they rent to another tenant? Ms. Alt stated no, that they would incorporate that space into the commercial business area.
- Mr. Lytle asked why the Chamber didn't renew the tenant leases when they originally bought the building. Mr. Keogh stated that they originally did not want the apartment building, just the office building they were renting at the time. When they did end up with both buildings, their original plan was to clear it out and tear it down, but they soon learned that would be cost prohibitive.
- Allen Kuck added that by allowing living quarters, it might make the building more viable down the road for another purchaser.
- Mr. Lytle confirmed once this first tenant leaves, it becomes commercial.
- Bill May asked if there would be two exits from the second floor, Bob Keogh confirmed that there would be.

Mr. Lytle stated he was open to this arrangement: first floor residential use with limitations and built to meet the Ohio Building Codes. The building would be improved inside and outside which enhances the downtown area. He asked for any further discussion.

- Mr. Prueter asked if they could limit the building to two commercial businesses and link the residential living quarters to one of the businesses.
- Mr. Ries asked if the space is vacated by a tenant, could a third business go in – gives flexibility of expansion.
- Mr. Kuck stated that he is in favor of this and wishes the potential buyer the best of luck. However, if we allow a first floor residence now, what happens in the future?
- Mr. Daugherty said it could be a special accommodation, that's what variances are for. He stated he is for this as long as it's commercial.
- Mr. Lytle added that this would be a positive impact on the downtown with an agreement to accommodate a handicapped person.
- Mr. Kuck asked if we were allowing this because of the ADA. Mr. Daugherty said yes in his opinion that's what makes it a special accommodation.
- Mr. Keogh stated they wouldn't be asking for this if it wasn't for that consideration.
- Mr. Daugherty stated because of the location of this building transitioning into the downtown and the fact that it's not considered a "store front", he's OK with this scenario.

Mr. Lytle said he feels a motion could be made with the following conditions: "Special accommodation for an ADA apartment limited to one-half of the first floor, with legal review of the proposed lease which would terminate once the initial resident vacates the property which would then convert the entire area to commercial."

Mr. Daugherty reminded the Chamber and potential purchasers that commercial and residential building codes are quite different. Mr. Keogh said they understand that and the contractor has already spoken with Bruce Wholf, Chief Building Official about this project.

Don Atkinson moved and Zach Ries seconded to approve the lot split with a special accommodation for an ADA apartment limited to one-half the square footage of the first floor; pending legal review of the lease; which would terminate when the initial tenant/resident vacates the property, at which time the entire building would become a commercial use. Motion passed 5-0.

With no other business to come before the Commission, Zach Ries moved to adjourn the meeting, seconded by David Prueter. Motion passed 5-0. Meeting adjourned at 7:55 pm

Respectfully submitted,

Barbara Knisely
Community Development Coordinator