

# City of Findlay Design Review Board

Municipal Building 3<sup>rd</sup> Floor Conference Room  
Thursday, January 11, 2018 – 6:00 PM

## Minutes

**MEMBERS PRESENT:** Pat Ball  
Jeff Fort  
Hardy Hartzell  
Jerry Murray  
Eric Anderson  
John Hunt

**MEMBERS ABSENT:** Brad Wagner  
Dr. Wires

**STAFF ATTENDING:** Matt Cordonnier, HRPC Director  
Jacob Mercer, HRPC Staff

## CALL TO ORDER

### ROLL CALL

The following members were present:

Pat Ball  
Jeff Fort  
Hardy Hartzell  
Jerry Murray  
Eric Anderson  
John Hunt

### Discussion

Matt Cordonnier welcomed everyone to the third working group meeting of the Design Review Board. The meeting opened with Matt informing the group that he had been in contact with Toledo based lawyer, Jeff Stopar, Esq., to review some feedback on the ordinance and design guidelines for any potential legal issues. Overall, Stopar liked the ordinance, and only had a few minor changes. Stopar also reviewed the Design Review Guidelines document. Stopar reiterated though that he is not an architect, so he did not have many changes. Most of his suggestions were changes for consistency in wording.

Matt reminded the Board that the ordinance has been adopted and is in effect. The goal is that we will have these changes to the ordinance go back to council alongside the Design Review Guidelines. Both the Ordinance changes and adoption of the Design Review Guidelines would go through their three readings simultaneously to ensure everything is in order once the board starts to review projects.

In regards to the Ordinance, Stopar's first suggestion was to clean up the definitions section and use common terminology throughout the document. For example, we had used "Change" and "Alteration" interchangeably throughout the ordinance. He suggested eliminating "Change" and making "Alteration" an all-inclusive term for anything the Board would review.

Stopar also thought that the Ordinance was missing a threshold standard to determine what could be reviewed administratively. He thought it would be best write this explicitly into the Ordinance to remove any question. Jeff Fort said that when the EPA reviews projects, they use the change in taxable value to the property. For example, if the change increases the property value 10%, then it would meet the threshold for review. The group agreed certain monetary thresholds raise the risk of projects either coming just under the threshold or applicants could split up projects to hide their updates.

The group had a large discussion on the term "material". When looking at Section 1138.05 (G) Establishing Administrative Review, Jeff Fort wanted there to be clear language that would give the "Administrator" a defensible position as to how they determine whether an application gets review administratively or if it requires the board to review. There was a bit of confusion in the group because some thought the word "material" meant physical materials such as changing a vinyl siding to brick. Others in the group read it as a substantive change. It was agreed that the intent of the material in that definition was "a substantive change".

Continuing in the "Establishing Administrative Review" section, it read, "The administrator may review small projects or Alterations without involvement of the Board." Going back to the definition of Alteration, states that it must be a "material change" to the property. Jeff thought that was the key word that allowed the administrator to use their judgement towards determining whether projects were reviewed administratively or with the board. He feared that if we removed "material" from the definition of "Alteration" then we would be changing the intent of what needs reviewed. The Board wants to review "substantive changes" rather than "any change".

Jerry asked if we could say, "any minor alteration would be required to submit an application for review". Jeff thought that with our definition of "Alteration", an "Alteration" would need be a material change and not minor. Having "minor" in front of "Alteration" would be contradictory. Jerry asked if we could just leave out the term "Alteration" and say, "The administrator could review minor projects without the Board". That change would allow us to avoid the term alteration all together and would give the administrator some flexibility in determining the level of review of the project. The group agreed that was an acceptable correction.

Under definitions, "Applicant" was changed to read: "Applicant means the property owner, lessee, occupant, or his or her authorized agent...." This was to allow the Administrator the ability to contact the proper person in regards to maintenance issues.

Looking at Section 1138.06 (A) Certificate of Appropriateness Process and Timing, the process should read: "Before commencing any Alteration, the Applicant shall first apply for and secure a Certificate of Appropriateness from the Board." To fit with the prior changes, Jeff Fort noted that it should read "Change" instead of "Alteration". In addition, to clean up confusion in this section regarding what projects should be reviewed administratively or by the Board, Matt suggested three tiers for review:

1. An immaterial change that does not require a certificate of appropriateness
2. A Change that can be approved administratively
3. An Alteration that requires the full board review.

Matt envisioned scenarios where building owners could contact us in the future asking about small projects that would not require them to secure a Certificate of Appropriateness, such as repainting buildings the same color. The Board liked this change to the Ordinance and thought it concisely met the goal of the meeting to determine the thresholds for Administrative Review and Board Review.

Jeff Fort noted that change could be an uppercase "Change" and a lowercase "change" in the document. The uppercase "Change" is the defined term but there are lowercase "changes" that do not meet our definition. Jeff agreed to re-insert the definition of "Change" to the Ordinance and add a statement about "De Minimus Changes" which would not meet the threshold for Administrative Review.

To avoid confusion, Jerry suggested that we should reach out to Jeff Stopar, to have him sit in on the next board meeting to discuss the final edits to the draft. Jeff Fort said that he would volunteer to reach out to Don Rasmussen to discuss our edits to the ordinance. Matt asked if the group was comfortable to bring the ordinance and guidelines to City Council, but the group thought we needed another meeting with a clean final copy before submitting it for Council review.

In Section 1138.07 (B) Exemptions, Jacob noted that Jeff Stopar thought the last two exemptions, regarding existing residential and converting single family into duplexes, were redundant because the opposite scenarios were already listed in the Applicable Properties. The exemptions would still have the maintenance condition but other two could be removed to avoid redundancy.

Eric Anderson noted in 1138.05 (B) Applicable Properties, we had some redundant language. The first applicable properties stated, "Existing non-residential structures, mixed use structures, and existing residential structures with 4 or more units." John Hunt noted that the reason it was originally included was that it was trying to reinforce the difference between existing structures and new structures. It was agreed that we could remove the "existing". We also removed the term "All" from the second applicable property that had read, "All new structures regardless of use".

There was some confusion about the third point, "real property". The intent was to cover any landscaping change to a non-residential property. In one and two, we were talking about structures. The third applicable properties was to capture landscaping and upkeep of vacant lots. To improve the section, we changed number one from "structures" back to "property" so that it covered both

structures and landscaping on the site. It would now read, "Non-residential properties, mixed-use properties, and residential properties with four or more units." For number two, "new Structures regardless of use", was kept the same. The "s" in "Structures" was capitalized because Jacob had added the "Structures" definition from the Zoning Code definition section.

Jacob also reviewed that in 1138.06 (A) Process and Timing, Jeff Stopar suggested adding the statement, "The Board may table an application for no longer than a forty-five day period for further discussion or fact finding purposes." That way, applicants cannot be tabled indefinitely, and if someone is reluctant towards getting us information, then the Board can deny them.

Returning to the Exemptions, Matt reinforced that two and three would be struck, and Jeff would add some language about a "de minimus change" that would not need a Certificate of Appropriateness.

Jeff Fort volunteered that he would go through the document and review all the instances we use "Alteration" or "Change" to ensure that we use the proper terminology.

Next meeting will be in February 2018 after we confirm a meeting time that Jeff Stopar can attend.