

# City of Findlay Design Review Board

Municipal Building 3<sup>rd</sup> Floor Conference Room  
Thursday, February 8, 2018 – 6:00 PM

## Minutes

**MEMBERS PRESENT:** Pat Ball  
Jeff Fort  
Hardy Hartzell  
Dr. Wires  
Brad Wagner  
Eric Anderson  
John Hunt

**MEMBERS ABSENT:** Jerry Murray

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

**GUESTS:** Jeff Stopar (via Conference Call)

## CALL TO ORDER

### ROLL CALL

The following members were present:

Pat Ball  
Jeff Fort  
Hardy Hartzell  
Dr. Wires  
Brad Wagner  
Eric Anderson  
John Hunt

## **DISCUSSION**

Matt started the meeting by discussing progress since the previous meeting. He stated that Board Member Jeff Fort had made changes to the ordinance and Jeff Stopar, in Toledo, had reviewed them. Matt stated that the board would be chatting with Jeff Stopar today via conference call to discuss any last questions about the ordinance changes. Matt said that he will attend the February 20<sup>th</sup> City Council meeting to give them an update on progress and answer any questions.

In terms of ordinance, Matt said the main items that needed discussed were the definitions for 'alter', 'change', 'Change', and 'De Minimis' and that having Jeff Stopar on the line will assist

with clearing these items up. At this point, Matt called Jeff Stopar to bring him into the meeting. Jeff Fort opened the discussion explaining that he had been working to clear up the three different levels of project review in order to make the administrator reasonably defensible in making decisions. Fort stated that the Board wants to give the Administrator the latitude to decide what level of oversight or review is appropriate.

Jeff Stopar suggested that two or three separate categories may be useful in the different types of projects. He did not think that there should be an explicit category for unregulated projects. We want people to let us know when they're making changes. The Administrator should be making those De Minimis calls on their own. Jeff Stopar does not want people to make the determination on their own and just start on the projects without contacting the Administrator first. The issue, however, is deciding on what kind of appellate process to have, which has been discussed between Matt and Jeff Stopar. Currently, the only person listed in the Ordinance that may appeal decisions is the applicant themselves. Jeff Stopar asked if everyone would be comfortable with, for example, not allowing neighbors to appeal decisions about changes made in the district. Jeff Fort mentioned that this concept had been discussed previously and that it had been ultimately decided to keep it limited to the applicant. Jeff Stopar agreed with the decision.

Jeff Stopar recommended giving discretion to the administrator to make determinations on what would be considered 'De Minimis' or 'minor Alteration'. Jeff Fort said that the term 'De Minimis' could be removed. He stated that the wording should be broad and vague to allow minor things to be approved by the administrator while allowing for a traditional hearing for major changes. Jeff Stopar suggested we use: "The Administrator has the authority to approve minor alterations, and minor alterations include: 1. when no reasonable basis exists to object to the change based on the design review guidelines, or 2. the proposed change will have a De Minimis impact on the aesthetics of the district." Jeff Stopar said this would allow the administrator to deal with minor things quickly and efficiently. Jeff Fort noted that this could also be applied in cases where the change is minor that it does not need to go through the administrator. Jeff Stopar recommended that there be some sort of documentation to prevent any misunderstandings.

Jeff Stopar reiterated that the main goal is get people to let the city know when changes are being made in a district. The vast majority of changes could probably be administratively approved, and that the larger projects would go to the board. Jeff Fort said that the definition of "Change" is broad enough to provide that differentiation.

Jeff Fort said that he believes only two things were changed on page four and said that 'De Minimis' would be struck. Jeff Fort stated page 4 should now read, "The administrator may review a prospective project and determine 1. The project is an immaterial change within the administrator's delegated authority, or 2. The project is an Alteration requiring board review." Both Jeff Fort and Jeff Stopar agreed with the wording.

Changes written to code will be done by Jeff Stopar and he will forward it down to Matt and Jacob next week. They will then be sent to board to review and finalize. The phone call with Jeff Stopar ended and discussion ensued.

Matt reminded the board that we want to make the guidelines quick, common-sense, and user-friendly. Dr. Wires stated that he attempted to read the Ordinance and that it has so much legal jargon, that the average building owner may not know understand what is being said. He recently changed a door on the back of his business but could not tell based on the Ordinance if he was even allowed to do that. He stated that he does not want to ask for permission to touch up his building, and said that there needs to be something along those lines in the guidelines. Pat Ball agreed. Pat stated that a 'Repair & Maintenance' section could clarify that. Matt stated that business owners will be mailed a one-page summary on what the guidelines mean. Dr. Wires stated that would be helpful. Jeff Fort said that he believes that everyone there understood what Dr. Wires meant but the issue is defining all the terms. Dr. Wires and Pat both agreed that if the appearance of the building does not change with maintenance and repair, an administrator and the board would not need to be involved. Jeff Fort stated that what Dr. Wires and Pat are saying is defined in what Jeff Stopar had mentioned previously in the conversation. Pat asked what the ramifications are if a business owner goes ahead and makes those changes without approval when it was seemingly 'De Minimis'. Matt stated that the summary would address what replacing a door or other similar scenarios mean to business owners.

Jeff Fort suggested a sentence be added to the end of where establishing administrative review is mentioned, "The administrator can determine whether it is something within his/her authority to issue or the board approval is required." He also suggested adding, "The board may establish a set of criteria for these administrators' determinations." Jeff Fort said this should help deal with any future problems in case there is an issue articulating expectations. He said that this way, people with issues will check with the Administrator about changes rather than assuming they are minor enough to make. Pat brought back up the concern about repercussions with building maintenance. Matt said that nothing should happen but at the end of the summary, there will be contact info offering to walk someone through the guidelines if necessary. If someone makes a change that was not evident, it would not be a big deal, but would be suggested to the owner that if a larger change were to be made, that it would need to be reviewed.

Jeff Fort returned to the definition of "Change". He stated that the reason he felt "Change" needed to be put back in is because it is crucial to be all-defining with our jurisdiction and that we need to be delegating on behalf of the board to be making some of these determinations that we are discussing. He said that he believes our jurisdiction must be expanded to cover any change. Matt stated the he would like to add something along the lines of "if it is a similar change or maintenance and repair" but feared that someone will make the argument that they were just maintaining their building by replacing the entire façade, or similar scenarios.

Jeff Fort suggested that any determinations made between meetings should be brought to the meetings and discussed. Matt stated that this is similar to what City Planning Commission does with smaller items. He said each month, a log would be provided listing all of the changes allowed over the past month so that the board could go over it during the meeting.

After this discussion, the meeting was adjourned.