

BOARD OF ZONING APPEALS MINUTES

APRIL 2, 2025



MEETING LOCATION: City Council Chambers, City Building

MEMBERS PRESENT: David Kash Stefan Wannemacher
Thomas Evans Jerry Heidenreich
Gary Gross AJ Mentel

STAFF PRESENT: Claire Fettters Binegar, City Planner
Kacie Dean, Zoning Administrator
Jon Roach, Staff Counsel
Bobby Mumma, Staff Counsel

OTHERS PRESENT: Andrea Goss, Jeff Forbs, Chris Henkle

CALL MEETING TO ORDER

Chairman David Kash called the meeting to order at 5:30 p.m. The roll was called by Claire Fettters. A voting quorum was present. Mr. Kash led the pledge of allegiance.

APPROVAL OF PREVIOUS MEETING MINUTES – APRIL 2, 2025

Mr. Kash then moved to the next item on the meeting agenda: the meeting minutes from the March 5, 2025 meeting. Mr. Kash asked if anyone had any changes or revisions to the meeting minutes. Mr. Gross motioned that the meeting minutes be accepted as presented; Mr. Heidenreich seconded the motion.

David Kash – Yes to Approve
Stefan Wannemacher – Yes to Approve
Gary Gross – Yes to Approve
Jerry Heidenreich – Yes to Approve
Thomas Evans – Yes to Approve
AJ Mentel – Abstain

USE VARIANCE CASE #9-25: 1209 N. UNIVERSITY BOULEVARD

Mr. Kash then presented the first variance case of the evening, variance case #9-25: A request by applicant Gifted by Goss, LLP for a use variance for the property at 1209 N. University Boulevard to allow for an assembly hall and conference center. The property is zoned O-1: Office District. The variance requested is to allow for the assembly hall and conference center use type in the O-1 zoning district, a prohibited use according to Table 1204-3 of the Middletown Development Code.

Mr. Kash sworn in Ms. Fettters. Ms. Fettters presented the staff analysis for the variance case using a PowerPoint presentation. Ms. Fettters states the applicant is seeking the variance due to the current zoning standards not meeting the community need for an event center. Ms. Fettters then explained the purpose of the O-1 zoning district, and cited the Middletown Development Code section, Chapter 1204.08, Table 1204-3, that defines the principally

permitted uses and Chapter 1230.02: Definitions for assembly halls or conference center.

Ms. Fetters stated that per the Middletown Development Code, public notice was published as well as sent to all property owners contiguous and directly across the street or public right-of-way from the property in question. Two public comments were received. One letter was received from the former property owner in favor of granting the variance. Another comment was received via phone call from an adjacent property owner who expressed concerns of parking.

Ms. Fetters then displayed pictures of the variance application, property and areas surrounding the property, the zoning map, the Area & Dimensional Variance Review Criteria, the time limit associated with an approved variance, and the appeal process. Ms. Fetters concluded her staff report.

Ms. Fetters states in 2013 there was a use adjustment approved for this property through the planning commission. Ms. Fetters states a use adjustment back in 2013 is similar to a use variance that is now overseen by the BZA. Ms. Fetters states the use adjustment case was for a restaurant, essentially using it as a dining hall for international students that were going to Miami University Middletown campus. Ms. Fetters states that even if the applicant were to be proposing to use that property for that use, that property has not been in use for several years, so the use adjustment has been null and void for a while now.

Mr. Heidenreich asked Ms. Fetters if the zoning in that particular area had changed at all over the last 20 years. Ms. Fetters stated she did not look into that, but asserts the last update of the zoning code was in 2018.

Mr. Gross stated that the property may have been under P-2 in the old zoning code. Ms. Fetters agreed with Mr. Gross.

Mr. Heidenreich stated that the property at some point in time had been used as a reception hall.

Mr. Kash opened the public hearing to anyone wishing to speak in favor of the request. Andrea Goss was sworn in.

Ms. Goss stated she is looking to purchase the property to use as an event center and affirms the space is perfect and would be a wonderful addition to the community.

An indiscernible question was asked. Ms. Goss stated that weddings, banquets, graduation parties, bridal showers, and things of that nature would be the type of events held at the property.

Mr. Mentel asked Ms. Goss if she felt the parking as sufficient to support the number of guests attending those events. Ms. Goss stated they would keep the size of the events limited to the number of individuals the building would accommodate.

Mr. Kash asked Ms. Goss what is the occupancy of the building. Ms. Goss stated she has been

in the building, but does not know the occupancy.

Mr. Kash asked if Ms. Goss currently operated an event center. Ms. Goss states no, but she organizes other events through her church.

Mr. Evans asked Ms. Goss if hours of operation would be standard. Ms. Goss stated yes.

Mr. Kash asked Ms. Goss if there is a kitchen in the building and does Ms. Goss intend on using it. Ms. Goss stated yes there is a kitchen and she does intend to use it.

Mr. Kash asked if there were any additional questions. Hearing none, Mr. Kash asked if anyone else would like to speak in favor of the request. Jeff Forbes was sworn in.

Mr. Forbes stated he was attending the meeting on behalf of the owner to express his support of the variance. Mr. Forbes stated that the property is currently being used as a dining hall. Mr. Forbes also stated that he did not see parking as an issue.

Mr. Heidenreich asked Mr. Forbes if his company was renting this property to the applicant for church events. Mr. Forbes stated no, and the company he represents currently owns the property and Ms. Goss would be purchasing the property.

Mr. Kash asked Mr. Forbes if the property is in use. Mr. Forbes states the property is in use and the proposed variance use is similar to the current operations of the property.

Mr. Heidenreich asked Mr. Forbs if there are permits Ms. Goss would need to acquire permits. Mr. Forbes stated he can't speak for the buyers, but that the property as it operates today has up-to-date permits.

Mr. Kash asked if there were any additional questions. Hearing none, Mr. Kash asked if anyone else would like to speak in favor of the request. Chris Henkle was sworn in.

Mr. Gross asked Mr. Henkle if the applicants had started the process to get a liquor license for the facility if they were planning on selling alcohol. Mr. Henkle stated the applicants would better be able to speak to that. Mr. Henkle stated that as far as he is aware Quest did not have one as they did not serve alcohol.

Mr. Kash asked Ms. Goss to approach the podium for a chance to respond to questions.

Mr. Gross relayed to Ms. Goss his concern with the ability to obtain a valid liquor permit. Ms. Goss state she would still operate the facility even if she was unable to obtain a liquor license. Ms. Goss has not started the process to obtain one as she does not own the property yet.

Mr. Heidenreich asked Ms. Goss if there are any improvements anticipated. Ms. Goss stated she plans to repaint, refloor, and fix the plumbing in the facility.

Mr. Kash asked if anyone else wished to speak in favor of the variance. Hearing none, Mr. Kash asked if anyone wished to speak in opposition. With no additional public wishing to

speak, Mr. Kash closed the public hearing.

Mr. Kash asked staff if the number of parking spaces are governed by the square footage of the building. Ms. Fetters stated that parking requirements are split out by use type and that she would look into it. Ms. Fetters stated that when we aren't constructing a new building or adding onto an existing building, the certificate of occupancy process is what will drive parking.

Mr. Mentel stated his support of the variance citing the purpose of O-1 district providing non-retail, commercial uses, supporting community needs within small scale developments fits the request. Mr. Mentel stated his concern for the lack of use of the building or property without significant redevelopment.

Mr. Kash asked the board members if they knew where the property was located. Everyone agreed they were familiar with the property. Mr. Gross stated the building was used as the Armco Girls building.

Mr. Kash stated he does not have concerns, but notes the lack of turn lane into the property. Mr. Kash stated events are typically held at a set time and an increase in traffic density would mostly occur at the beginning of the event and not the end.

Mr. Mentel stated his concern regarding the potential increase in U-turns.

Mr. Kash stated the property is similar to the dental office use variance case in where you have a property with such a unique location that you run out users if it's limited to the O-1 zoning district.

Mr. Wannamacher stated that in his professional opinion that is the best use of the property. Mr. Wannamacher was hopeful when the property came on the market that this use was in its future. Mr. Wannamacher states when looking at the use variance criteria, he thinks the property and variance request would meet all of the criteria.

Mr. Wannamacher motioned to approve the variance; Mr. Gross seconded the motion.

Mr. Heidenreich asked if there were any employees involved in the business and expressed concern of how the building would be maintained. Mr. Gross stated it would depend on the applicant's business model. The motion was approved with conditions through a roll call vote, with a 6-0 vote.

David Kash – Yes to Approve

Stefan Wannemacher – Yes to Approve

Gary Gross – Yes to Approve

Jerry Heidenreich – Yes to Approve

Thomas Evans – Yes to Approve

AJ Mentel – Yes to Approve

OLD/NEW BUSINESS

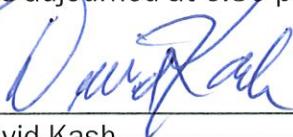
Ms. Fetters discussed the opportunity for training with the City's new legal counsel, Frost Brown Todd. Ms. Fetters suggested scheduling a working session with the board members not on their regular meeting days. Ms. Fetters asked the board if there were any days or times that did not work for the board members within the upcoming months. Ms. Fetters stated the training would most likely occur would be in the evening time. Mr. Kash stated the only day he is unavailable is Monday. Mr. Mentel stated he would need to look at his schedule. Ms. Fetters emphasized the importance of having everyone present. Ms. Fetters stated she would share dates with the board.

Ms. Fetters reminded the board that when an email goes out, to please only reply staff and legal and do not reply all.

Ms. Fetters announced that Ms. Dean, the City's new Zoning Administrator, would be taking over the position of staff liaison to the board of zoning appeals starting in June.

ADJOURNMENT

With no further business to conduct, Mr. Kash motion to adjourn the meeting. The meeting was adjourned at 6:30 p.m. The motion passed unanimously.



David Kash
Board of Zoning Appeals Chairman



Claire Fetters
City Planner

*Full Meeting Recording Available on the City's YouTube Channel.