

BOARD OF ARCHITECTURAL REVIEW
Regular Meeting
Tuesday, December 17, 2002

Mr. Graham called the meeting to order at 7:30 P.M.

Attendance: Mr. Charles Graham; Mrs. Laverne Stebbins; Ms. Heidi Miller; Mrs. Martha Sheley; Mr. Jack Gramann; Absent: Mr. James Treffinger; Mr. John Carr. Also present: Mr. Ryan Shrimplin, Planner; Mr. Steve Feverston, City Planner; Mr. Norbert Hoffman, City Engineer.

Excuse Absent Members:

MOTION: Mrs. Sheley moved to excuse Mr. Treffinger and Mr. Carr as each gave prior notice of their absence to staff. Mrs. Stebbins seconded the motion. The motion was approved unanimously 5-0.

Approval of minutes:

MOTION: Mrs. Sheley moved to approve the minutes of October 22, 2002, Board of Architectural Review meeting, as written. Mr. Gramann seconded the motion. The motion was approved unanimously 5-0.

NEW BUSINESS

Simply Sculptured Mega Salon - Board of Architectural Review Special Approval

Mr. Shrimplin reviewed the Special Approval application submitted for Simply Sculptured Mega Salon located at 121 South Main Street in the Architectural Preservation District. The request is to construct a new parking lot at the rear of the property to satisfy their nine (9) space parking requirement. Currently, seven (7) spaces exist in the front yard on the site, by virtue of a variance approved by the Planning Commission, and five (5) new spaces are proposed to the rear.

Mr. Shrimplin outlined the history of the property stating it had been converted to a hair salon in 1999, and at that time, provided the required number of parking spaces. Later that year, the garage space was converted to office space which required an additional two (2) parking spaces. The applicant was obligated to provide those additional spaces on the site or execute a long-term lease agreement to provide those spaces on a neighboring property. An agreement was executed with the property owner at 131 South Main Street which contained a clause that the City was to be notified of any change in the status of that lease.

In July of this year, the property was sold and occupied by Simply Sculptured Mega Salon. In August, it was brought to the City's attention that the Salon had moved into the building and opened without an occupancy permit or a sign permit. When the City contacted the owner, Karla DeShayes, the City was informed the lease agreement had been terminated prior to the sale of the property. Ms. DeShayes made several unsuccessful attempts to obtain a lease agreement for the two (2) required spaces and, as a result, is now requesting approval to construct a small parking lot in the rear of her property.

Since August, the City has received numerous complaints from the Walden Place Condominium Association concerning parking on Westerly Lane. Westerly Lane is a private drive that is partially located on Ms. DeShayes property and serves as the access for her business as well as that of the condominiums directly behind her property. An easement has been recorded with Montgomery County that permits access to the condominium via Westerly Lane. The City Attorney has issued his opinion that the matter is strictly private as the situation involves no public streets, and therefore, the City has no jurisdiction.

Staff recommended approval of the Special Approval application subject to the following conditions:

1. Final grading and stormwater drainage plans shall be subject to approval by the City Engineering Department in accordance with the City Stormwater Drainage Control Ordinance.
2. A landscaping plan shall be submitted for the new parking lot subject to approval by the City Planning Department.

Mr. Harold Nace, 43 Stubbs Drive in Trotwood, spoke representing the applicant. He stated if the proposed parking lot is approved it would alleviate the parking problem. There are currently five (5) employees and it is not unusual for seven (7) clients to present at any given time, therefore, they determined a total of twelve (12) spaces would be necessary. Further, Mr. Nace stated access along the west side of the Walden Place condominiums has a gate that restricts any access and suggested it be opened to alleviate the problem.

Mr. Feverston stated at the time Walden Place was reviewed by the City for approval, the neighbors west of that proposed development were concerned with increased traffic volume. The site plan was approved limiting access from the west to emergency access only.

Mr. John Schilling, resident of 13 Westerly Lane and current President of the Board of Trustees for the Walden Place Condominium Association, stated the properties situated along South Main Street were sold off in 1945 from the farm where the condominiums are now located. In order to maintain access to the farm, a permanent easement was established by the property owners that measured 21.5 feet at its widest point. When the remainder of the farm was developed as Walden Place in the 1980's, that access drive known as Westerly Lane was paved. The condominium association is totally responsible for the maintenance of Westerly Lane. Mr. Schilling stated the current facility at 121 South Main Street has had 2 to 3 cars parked on each side of Westerly Lane and with each car using a minimum of 6 to 7 feet in width each, there is not adequate space for another vehicle to pass. Their main concern is that emergency equipment will not be able to gain access from Main Street to the condominiums if needed, as well as the inconvenience the homeowners are experiencing. He stated the amount of existing as well as proposed parking will not provide the adequate number of spaces the magnitude of business this facility seems to generate.

Mr. Feverston explained the facility in question is considered speciality retail and based on the square footage of that building, requires a minimum of 9 parking spaces.

Mr. Schilling stated when this house was converted into a hair salon originally by a different owner, there was some provision that indicated a maintenance agreement would be entered into between that owner and the homeowners' association for Westerly Lane. Before that was achieved, the business was vacated until Ms. DeShayes purchased the building and established her existing business.

Mr. Shrimplin stated that in reviewing the minutes of the original process, the attorney representing the applicant indicated a maintenance agreement had been reached with the Walden Place homeowners. He stated the City has no knowledge of whether that agreement was completed, however, it is a private issue in which the City has no jurisdiction.

Mr. Gramann asked Mr. Hoffman to comment on the traffic situation.

Mr. Hoffman stated there would most likely be a problem with parking on both sides of Westerly Lane. He stated if parking occurred on the entire length of Westerly Lane and a vehicle would be exiting the site, traffic could be congested on South Main Street.

Ms. Miller stated most of parking problem should be solved with the addition of the 5 spaces as proposed.

Mrs. Stebbins asked if additional parking could be extended to the existing parking area.

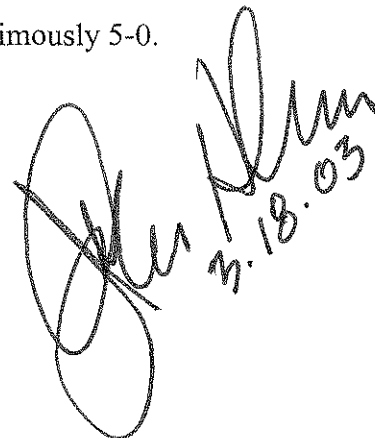
Mr. Feverston explained that at the time Planning Commission approved the variance for front yard parking on this property, they made it very clear they did not want the parking area to expand further into the front yard. If at some time additional parking is needed, the Planning Commission stated a new variance application would have to be submitted for consideration. He encouraged the private owners of the properties involved to determine their responsibilities concerning access, maintenance, parking, etc., and come to an agreement that is acceptable.

MOTION: Mrs. Sheley moved to approve the Special Approval application submitted for Simply Sculptured Mega Salon, 121 South Main Street, to construct a parking area subject to the following conditions:

1. Final grading and stormwater drainage plans shall be subject to approval by the City Engineering Department in accordance with the City Stormwater Drainage Control Ordinance.
2. A landscaping plan shall be submitted for the new parking lot subject to approval by the City Planning Department.

Ms. Miller seconded the motion. The motion was approved unanimously 5-0.

There being no further business, the meeting was adjourned.



A handwritten signature in black ink, followed by the date "3.18.03". The signature is stylized and appears to be "John Miller".

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