

City of Upper Arlington Board of Zoning and Planning – September 19, 2016

Concepts that we discussed in class, like zoning, police powers, and growth management, and the importance behind those ideas, were on display at the Upper Arlington Board of Zoning and Planning Meeting on September 19, 2016, held at the Council Chambers in the Municipal Services Center of Upper Arlington (3600 Tremont Road, Upper Arlington, Ohio, 43221).

Upper Arlington itself is a first-ring suburb to the immediate northwest of the Ohio State campus, covering 9.77 square miles. It was incorporated in 1918, and 34,000 residents currently live in the city. The Board of Zoning and Planning (BZAP) consists of a seven-member volunteer commission of Upper Arlington residents who are appointed by City Council to serve four-year terms. The Board reviews all planning and zoning related applications, such as variances, signage plans, subdivisions & site plans. The BZAP ultimately has a lot of authority in regards to the City's built and planned environment, and typically meets on the first and third Mondays of the month – with the third Monday meeting being the more formal gathering where votes are taken on all items on the month's agenda. Their overall goal of the board is to ensure proposed developments are appropriate for Upper Arlington.

The BZAP meeting that I attended was a “BZAP Regular Session,” which occurs on a monthly basis. This was a unique meeting, in that in addition to some fairly normal business regarding requests from homeowners for the BZAP to approve home-improvement projects of theirs that could potentially come into conflict with the zoning code, there was a “big-ticket” item as well at this meeting that drew many citizens into the chambers to sit in on the BZAP gathering (more, in fact, than I expected to see at a meeting of a board of zoning and planning).

First, attendance was taken, with one absence being recorded. The first item on the agenda (also a formality) was the approval of the minutes from the past BZAP work session on September 9th, and the most recent regular session, which took place on August 15th.

The first real item of business (but second on the formal agenda) followed – a request by a home-owning couple to permit the construction of a 757-square foot third story addition, in violation of allowed story and height allowances permitted under the current city of Arlington ordinances. The architect of the home renovation project spoke on behalf of the family seeking to do the renovation, acknowledging that the family had revised several plans because they would obliterate the backyard, and provide a less pleasing aesthetic. The family asked to keep the design they were requesting to implement, and noted that they had support of neighbors around them, that with heavy tree cover surrounding the home privacy wouldn't be a problem, and that the family wanted to remain in Upper Arlington and invest for the future. Finally, a member of the family spoke, and explained that the reason for the addition was to provide space for their growing family. Ultimately, this item on the agenda seemed to be an issue of impact to public wellness, and a demonstration of the potential police powers have for a municipality to regulate seemingly small details. This request by the homeowners, however, passed with little fanfare.

The next three items discussed by the board of zoning and planning were similar in nature to each other and to the previous item, in that they consisted of individual homeowners' requests for the board to approve construction and renovation requests pertinent to their own lots, that brushed up against existing variances. Again, both cases dealt with the nitty-gritty of zoning – the board in essence had to determine if the individual construction projects would

impact public wellness in the surrounding area (what the zoning ordinances in place were designed to ensure), in this instance the aesthetics of the surrounding properties.

One of the proposals (item three on the formal agenda) dealt with a request by the homeowners to build a covered porch onto the side of their house. This was a problem because it would result in 32.4 percent building cover for the property, over the 29 percent maximum limit allowed by the city of Arlington. In an example of the detail of the zoning ordinances and variances governing properties in Upper Arlington (and surely other municipalities), a permit was also being sought by the homeowners to permit a second chimney to project into the side yard setback. After a little negotiation between the board and the architect working on the project for the homeowners, the project was allowed to proceed as long as the architect removed 18 square feet of excess development coverage to avoid violating one of the potential variances.

Item four on the agenda involved homeowners looking to install a circular driveway on their property. Again, this violated a detailed variance in the city of Arlington zoning code allowing a maximum of 25% of the front yard being covered / developed (as the circular driveway would increase that number to 36%). This point was negotiated between the homeowners and the board, which believed that the driveway could cover less of the yard. The homeowners argued that they had consulted with numerous designers, and believed it to be as small as reasonably possible. The board agreed to postpone the matter until the October work session, with a goal set for the homeowners to attempt to reduce the coverage percentage to 31.4%.

Finally, item five on the agenda dealt with a property owner's request to amend the setback line for his property to accommodate a swimming pool. This issue, which had been discussed at previous meetings, was decided in favor of the homeowner (in terms of a positive recommendation to action from the board to city council).

Item six, as mentioned previously, was the "big-ticket" item of the evening. This was the issue that most of the citizens in the chamber came to discuss, and the agenda item which no doubt took the most time (at least as much as the other issues combined). The discussion centered around a new proposed development for a four-story, 76-unit apartment complex with 119 parking spaces, by a developer called "Preferred Living." While the development had been discussed at previous board meetings, final development plans were being presented. A majority of the citizens who spoke, however, did so as to oppose the project as a whole.

The discussion about the development dealt in several areas - site access, the overall design of the building and the sanitary sewer issues. Preferred Living, in their testimony, noted that the Ohio Department of Transportation and city engineer of Upper Arlington had approved the site access plan after a transportation study, and that the city engineer was in the process of drafting a plan for sewer infrastructure improvements. The developer sought a special variance for the 119 parking spaces for the unit (1.5 spaces per unit), as any parking lot with more than 5 spaces needs in Upper Arlington. Preferred Living's presentation to the board also included landscaping and lighting plans for the property, and it was noted that the design of the building would be based somewhat on the developer's nearby (recently completed property), Berkley House.

Numerous citizens followed the testimony of the developer, and each expressed concern about the development. Citizens expressed concerns about the effect of the development on the aesthetics of the area and on traffic, potential changes to the general quality of life for the current residents of the area, and the proposed design of the building itself. In this section of the meeting in particular, I could relate what the citizens were saying to many topics of discussion we've talked about in class, including police powers of a municipality and growth management, not to mention the importance of citizen input into big planning decisions. Many of the concerns the citizens brought up, like ensuring a desirable pattern of land development for the future, preserving an existing lifestyle / community ambiance, and environmental concerns were exactly what we talked about when discussing growth management, and seeing the residents' real concerns re-emphasized that these issues are important. Personally, I was surprised that the city didn't use its leverage to move to address common housing problems, perhaps by requiring affordable housing units in the development.

Despite the citizens' concerns, however, the board decided in large part to move forward with the development, and granted several of the variances needed for Preferred Living to move forward with the project, with conditions meant to address citizen concerns. Those conditions (seven in all), included requirements that Preferred Living come up with a sanitary sewer improvement plan, that the project be eligible for LEED certification, and that the final landscaping design be approved by the City Forester.

There was one final order of business – the city of Upper Arlington requested amendments to the parking, outdoor lighting, and development standards for a specific district, which was approved by the board.

The meeting, which started at 6:30pm, ultimately adjourned at 9:35pm – a long, but ultimately productive meeting for the Upper Arlington Board of Zoning and Planning.