

**BEREA MUNICIPAL PLANNING COMMISSION**  
**October 2, 2008**

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The Berea Municipal Planning Commission met on October 2, 2008 in the Berea Room located downstairs in the Berea Municipal Building and was called to order by Mr. Madzy, Chairman.

Present: Borowski, Draves, Fay, Madzy, Rump, Sawyer. Absent: None.

This meeting was held in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and Chapter 109 of the Codified Ordinances of the City of Berea.

Moved by Draves, seconded by Borowski to approve the minutes from the August 21, 2008 meeting. Vote on motion was all ayes; no nays. The minutes were approved.

Moved by Draves, seconded by Borowski to approve the minutes from the September 4, 2008 meeting. Vote on motion was all ayes; no nays. The minutes were approved.

Moved by Draves, seconded by Borowski to approve the minutes from the September 18, 2008 meeting. Vote on motion was all ayes; no nays. The minutes were approved.

Witnesses were sworn in.

Mr. Madzy recommended that Item #1 on tonight's agenda, #08-09-02 – United Methodist Church's application for approval of variances for addition be moved to the last item on this evening's agenda. Also, the four appeals on this evening's agenda will be moved to the end of the agenda, prior to the United Methodist Church application. Moved by Fay, seconded by Rump to amend this evening's agenda. Vote on motion was all ayes; no nays. The motion carried.

**REQUESTS FOR VARIANCE/APPEALS**

**Application #08-09-02**

**Approval of Variance for Garage (Side Setback)**

**Stephen K. Schaberg – 199 Waverly Street, P.P. #364-15-044**

Mr. Madzy read the Administrative Review. Mr. Sawyer reported that this application came before the Heritage Architectural Review Board (H.A.R.B.) on September 25, 2008 at which time the H.A.R.B. unanimously recommended that the proposed project be approved.

The owner, Stephen K. Schaberg, was present this evening. Mrs. Draves asked if there were any neighbors present this evening and no one came forward. She asked Mr. Schaberg if he has spoken to any of his neighbors and are any of them opposed to this being approved. Mr. Schaberg explained that no one has addressed any opposition to him. He has spoken to the neighbors and his neighbor's to the east were granted a similar variance approximately ten years ago. This is a duplication of what that neighbor did on his property. Mr. Rump asked if the garage would be vinyl sided and Mr. Schaberg indicated that the house is currently brick, however, the new garage will be vinyl sided. Mr. Madzy noted that the H.A.R.B. raised concerns regarding the peak of the house and trying to match the garage siding with the peak. Mr. Schaberg stated that it is his intent to match the garage siding to the peak of the house.

Moved by Draves, seconded by Fay that the variance be approved for the garage, as submitted. Vote on motion was ayes: Borowski, Draves, Fay, Madzy, Rump, Sawyer. Nays: None. The motion carried.

### **NEW BUSINESS – GENERAL PLANNING MATTERS**

#### **Application #08-09-07**

#### **Approval of Lot Split and Consolidation**

#### **Mary Beth Golinski – 149 Wellington Street, P.P. #362-12-036**

Mr. Madzy read the Administrative Review.

The owner, Mary Beth Golinski, was present this evening. Mr. Madzy reminded the Commission members that they have the lot split and consolidation map as well as the legal descriptions of the current lots as well as the proposed consolidated lots.

Moved by Rump, seconded by Sawyer to approve the proposed lot split and consolidation, as submitted. Vote on motion was ayes: Draves, Fay, Madzy, Rump, Sawyer, Borowski. Nays: None. The motion carried.

#### **Application #08-09-08**

#### **Approval of Patio**

#### **Treehuggers' Cafe – 1330 W. Bagley Road, P.P. #361-32-012**

Mr. Madzy read the Administrative Review. He reminded the Commission members that they have received the Application for an Outdoor Patio/Deck which was completed by Mr. Fugo. This completed application references size, liquor issues, operational hours, etc. of the proposed deck/patio. The agent, William Fugo, was present this evening.

Moved by Draves, seconded by Borowski that the deck/patio application be approved, as submitted. Vote on motion was ayes: Fay, Madzy, Rump, Sawyer, Borowski, Draves. Nays: None. The motion carried.

**Application #08-09-09**

**Approval of Business Identification Sign**

**Famous Hair – 38 Park Drive, P.P. #364-09-017**

Mr. Madzy reported that the applicant, Famous Hair, was to appear before the H.A.R.B. regarding this sign application and they were unable to do so prior to tonight's meeting. This application will not be heard this evening.

**REQUESTS FOR VARIANCE/APPEALS - continued**

**Application #08-09-03**

**Appeal of a Decision of the Directors of Public Safety & Service to not**

**Allow More than Three Unrelated Tenants Reside in a Leased Dwelling**

**RDG Beech Street, LLC – 312 Eastland Road, P.P. #364-16-027**

Mr. Madzy read the Administrative Review.

The agents, Chris Larson and Don DiGeronimo, were present this evening. Mr. DiGeronimo stated that they were approved for most of the leasing inspection and then at the end, they were declined to have more than three unrelated tenants and it really did not explain why. Mr. Fay noted that the County Auditor information has this house listed as a three bedroom house. Mr. DiGeronimo replied that when they first applied for the leasing permit, they included all of the bedrooms that are in the house including the basement. They originally applied to have five unrelated tenants but they came to understand that people could not live in the basement so they are now asking for four unrelated tenants to live in this house because it has four bedrooms. Mr. DiGeronimo reported there are four bedrooms present upstairs, not including the basement. Mr. Fay asked where the extra bedroom is located because on the market information, the house is described as a three bedroom house. Mr. DiGeronimo explained that when they purchased this property, the house had four bedrooms present.

Mr. Larson displayed the 2007 Leasing Inspection Report and it shows the inspector's findings which states "this dwelling has four bedrooms present". Mr. Rump pointed out that the County Auditor information shows this house having one full bath. In response, Mr. Larson stated that there are two bathrooms present in this house and Mr. DiGeronimo indicated that on the inspector's findings, it shows two bathrooms.

Mr. Fay inquired about parking at this property and stated that they have received permission to park four cars in the driveway. Mr. Sawyer asked if the driveway was a single or double driveway and Mr. DiGeronimo said it was a single driveway. Mr. Sawyer questioned why the tenants double park on a single driveway. Mr. DiGeronimo reported that this property has a two-car garage as well.

Mr. Fay explained that it is a four bedroom house but the City code allows no more than three unrelated people to live here. Mr. DiGeronimo explained that the City had told them that they could apply for more than three unrelated tenants based on circumstances such as the number of bedrooms, parking places and if all of the violations were corrected. He reported that they have passed all of these, however, they were still rejected by the City to have more than three unrelated tenants. Mr. Larson added that he understands that the Auditor's information reflects one bathroom, however, he has photographs of two bathrooms at this house which they recently remodeled.

Jeff Neeper of 320 Eastland Road reported that he has lived next door to this house for 40 some years. It was a residential house up until four years ago when it became a leasing house. Ever since it has been a leasing house there have been more than three people living there. There have been six living there every year for the last four years. Mr. Neeper said he was wondering who the three tenants are that are living there now because he has a list of six people living there with their phone numbers. He emphasized that there are six individuals who are currently living in this house.

Mr. Neeper pointed out that there are four bedrooms but the owner is asking for five tenants to live in this house. He asked where the fifth tenant would reside. Mr. Neeper said he knew the porch has been used as a bedroom, in the past. This was an outside porch until a storm knocked a tree down and the previous owners enclosed the porch over an open crawlspace. He was unsure if the porch was heated. Additionally, one of the six tenants is currently living in the basement. Mr. Neeper was concerned that this is a fire hazard due to someone occupying the front porch where the front door is located. This makes the door off of the kitchen the only exit out of the dwelling. He noted that this is a century home with old wood and if there were a fire, he was afraid for the lives of the additional people living here.

Barbara Neeper of 320 Eastland Road raised additional concerns regarding glass block windows in the basement and said they know that young people are living down there. She prays nothing happens but you hear about terrible things happening at other campuses. There are six wonderful people living there and she does not want to lose any of them. She feels this is a real danger. They are young people who are having a good time with drinking and cooking, etc. and she feels this happens in other cities in old houses with a lot of students, a fire can occur. There are six students that she knows of, that

live there but often they will have a big party and they will have many more people spend the night (30, 40, 50 occupants, sometimes more) for a party. They spend the night and you do not know if they are going to be careful about fire.

Mrs. Neeper felt that if college students are going to live in this house, another exit out of the basement must be created. There is currently only one exit out of the basement and they would not even be able to get out of a window because of the glass block. The only exit for them is through the kitchen and if a fire were in the kitchen, those kids would be trapped. Mrs. Neeper reported that the people that lived there prior to this becoming a rental property did remodel the basement into an apartment with another bathroom and their child lived down there. They should not have done this but they did. The whole downstairs is finished off and they could sleep “slews” of people down there if they wanted to. Mrs. Neeper said she is a scared grandma.

Tom Emling of 326 Eastland Road reported that he has lived in his house for 52 years and he said this rental is a known party house. It has the makings of the movie “Animal House”. If you go by there anytime at night you will see there are more than four or five cars parked there. There are constantly more than three people living there. The nice thing about this property is right across the street is a parking lot and all of the people who come to the parties are college kids who have parking passes. They have plenty of places to park.

Mr. Emling reported that he has never had any problems with the kids but they are here having their college experience right in the middle of their neighborhood. He discussed a college rental property on University Street that came before the Planning Commission a few months ago. The owner painted a pretty picture but the first night they were there it was a Friday night – party central. Saturday night was not as bad because it was raining but they had just as many kids there but they were all inside the house.

Mr. Emling stated that the bad thing for the neighbors who live near 312 Eastland Road is the abundant parking that this property has access to with the BW parking lot right across the street. A hundred cars can be parked over there and nobody knows if they are parking there for classes or attending a party at 312 Eastland Road. The Neepers live next door to this house and they are retired. On the other side of them is a lady who is also retired. Mr. Emling reported that he can be getting out of his car at 11 p.m. just when the parties are getting going and he can hear kids swearing. This is what happens when you have a party with alcohol. He emphasized that this house has a history of being a college party house.

Mr. Emling stated that he was off duty and was not here this evening representing the Fire Department. He stated that once in a while you can read about them or see them on television, the tragedies that happen in a college town. Typically, these tragedies do not occur on the college campus but in houses like the one we are discussing this evening. These tragedies happen off campus and are always alcohol-related problems.

In response, Mr. DiGeronimo stated that he hands out monthly safety sheets to his tenants and he agrees that these things are scary. He felt that he does a better job than other landlords in this town. He said he had been a college kid himself and had lived in a house at Ohio State. This is a scary thing but he noted that this was not the issue tonight. He felt there would be a partying issue if one or two people lived in a house. He said they were here tonight to determine if they can safely have four tenants live in this house but he did not believe the partying would be any different if there are three people living here or four people living here.

Ellen Kuntz of 285 University Street asked how many people are currently living in this house and Mr. DiGeronimo said, "honestly, to my knowledge, three". Ms. Kuntz asked Mr. DiGeronimo if the house is currently for sale and he stated that because of "all of the proceedings, the hassle, this has been a pain" he was considering selling this property. Ms. Kuntz emphasized that it is hard for Mr. DiGeronimo to manage his tenants and Mr. DiGeronimo replied that he has a great relationship with his tenants. Ms. Kuntz told Mr. DiGeronimo that he takes good care of this house, however, the kids are tearing it apart and she knew he had been cited for a lot of violations last year.

Ms. Kuntz described incidents that she has seen occur between the male tenants at 312 Eastland Road and the female tenants who live at a house on University Street. In response, Mr. DiGeronimo reported that he does not own the house on University Street. Mr. Madzy reminded them that we are here this evening to discuss 312 Eastland Road. Ms. Kuntz said she just recently became handicapped and needs to watch how much rest she gets. There are also five widows and two families who live on University Street. This is becoming too much for them. She said if one more kid is allowed to live there, it would "throw it over the edge".

Pamela Heinberger of 276 University Street told Mr. DiGeronimo that he does not live here and he does not see what is going on. She asked him if he lived next door to this house would he want to raise a family there. She reported that she has two pre-teens and the college kids use swear words when they start drinking. Even in the middle of the afternoon her neighbor cannot allow her little girl to go up and down the sidewalk because of this house. Ms. Heinberger stated that there are three families with young children on her street, including hers. One of these families wants to move out because this is

getting to be too much for them. She said she knew other families who want to move out also. She raised concerns regarding the City losing tax money if this happens and also good people will be gone and property values will go down.

Ms. Heinberger emphasized that the City has passed a law so no more than three unrelated people can live in a house and she asked the Commission, "What happened to it. You keep on breaking this law. You make it sound good but now you want to get rid of it". She said she was sure that they could talk to other residents on other streets and they would feel the same way that she does. She said this was ridiculous. She indicated that she has a nice house but they do not want to live next to this and to have their children near this.

Mrs. Draves emphasized that the Planning Commission must look at the safety of it. She stated that one more student in the house would mean one more stereo, one more microwave and one more curling iron. It would mean these kinds of things and this is what they have to look at. Mrs. Draves said the parties are going to occur with three kids or six kids living there but the Commission must look at the safety of having more than three people living in this house.

Mrs. Heinberger asked about a law that had been mentioned in the past where an owner would get fined if there were three complaints against a property. Mr. Madzy gave an update on this ordinance and said it has been written and it has been circulated to the City attorneys for their review. It has also been circulated to the members of Council and will be proposed to Council hopefully this fall, sometime in the month of October. Mrs. Heinberger asked how they could push this ordinance through and Mr. Madzy advised she could attend the council meetings and speak up in support of such a law.

George Capellas, Ward 4 Councilman, asked Mr. DiGeronimo where the second bathroom and the fourth bedroom are located in this house. Mr. DiGeronimo displayed photographs of both bathrooms that are on the main floor, one by the front porch section and one near the rear entrance. The bedroom that the other residents were speaking of is located downstairs and he said they were willing to have no one down there and will lock that door if need be. All other bedrooms are located upstairs. In response to Mr. Capellas, Mr. DiGeronimo clarified that there are two bedrooms upstairs and two bedrooms on the main floor. The two full bathrooms located on the main floor have showers. Mr. Capellas emphasized that he was under the impression that one of the bedrooms was located in the basement and he said he opposes this.

Mr. Capellas said his concern is the safety of the people who live there. The City does not want anybody living in an area where there is no means of egress in case of a fire. This is not a very big house and with two bedrooms and two bathrooms on the first floor he questioned what the rest of the living

space looks like. He reported that many rental properties have been altered and reconfigured so that landlords can benefit the most financially from them.

Mr. Capellas stated that he and Mr. Madzy worked very close on the leasing ordinance and their primary concern has always been for the safety of the community and for the safety of the people who live in these rental properties. He pointed out that this house was originally designed with three bedrooms and one bathroom and he felt that four or five unrelated people would be a stretch. He said it becomes a safety issue and he knows this is foremost in the minds of the Planning Commission members when they make decisions. He said the City tries to be consistent in implementing the leasing ordinance.

Mr. Capellas commended Mr. DiGeronimo and Mr. Larson for having well-kept rental properties and noted that their four rental properties were probably some of the best-kept rental properties in the City. Mr. Capellas emphasized that the number of rentals in the City is reaching an epidemic level and he would like to see more owner-occupied homes. He would like to make the whole rental concept less attractive to property owners because he believed owner-occupied was the way to go. Mr. Capellas reiterated that the main concern of the leasing ordinance has always been for the safety of the people and when you start putting four or five people in a 1,600 square foot home or if you reconfigure it to put more bedrooms in there, it poses a concern for the residents that live in the house.

Mr. Larson asked what would be the difference if a single-family homeowner with multiple children purchased this property and they would occupy the basement bedroom. He pointed out that the house does structurally have five bedrooms. He felt that there would be the same issues with a family living in this house as there are for unrelated people living here. In response, Mrs. Draves stated that ideally a mother and father have control over their children. She hoped that parents would be more sensible then to put their children in a basement bedroom with no way for them to get out. Using the upstairs bedrooms would make more sense for a family with young children.

Sally Winter of 112 Beech Street discussed the time she personally spent helping pass the leasing ordinance a few years ago. She said she felt quite strongly about no more than three unrelated people. She noted that when you have four people living in a house, you have four hair dryers, four curling irons, you have more and more of everything. One additional person also has a whole other set of friends. There is much more traffic going through a house. She emphasized that this law was passed, in part, because they did not want dangerous things to happen like what other college campuses have experienced. Ms. Winter also mentioned that jamming more people into a house only causes problems for the neighbors.

Ms. Winter discussed the advantages of having owner-occupied property or long-term tenants who will be contributing members of the community. She did not feel college students do this and the owners of these rentals are not there on a day-to-day basis to monitor the kids who are behaving badly. Ms. Winter questioned the procedure for requesting and approving more than three unrelated tenants.

In response to Ms. Winter, Mr. Madzy explained that when a special approval is issued from the Director of Public Service and the Director of Public Safety's Designee, some of the things they look for are the number of sleeping rooms and the number of off-street parking spaces. But they also look at the general building codes and what the general condition of the home is such as, can it support four hair dryers and things of that nature.

Ms. Winter said she did not understand this. She did not believe the ordinance was passed saying if the house is up to code then it can have four people living there. Mr. Madzy clarified that this guides them and they are supposed to look at these things when making a decision. He explained that there is discretion built into the ordinance and this discretion comes from whoever is reviewing the application. Ms. Winter asked if this would be the Planning Commission and the Heritage Architectural Review Board (H.A.R.B.) and Mr. Madzy noted that the H.A.R.B. does not review these. The ordinance is written that these special requests are first reviewed by and at the discretion of the Director of Public Service and the Director of Public Safety or their designees. They are to review the special request and look at the number of sleeping rooms, the number of off-street parking spaces and also look at the general code sections, the building code and the national electrical code.

Ms. Winter urged the Planning Commission to think carefully about allowing these special requests for more than three unrelated tenants. She emphasized that history has shown that they have had huge problems with this. Mr. DiGeronimo explained that when they purchased their first two rental properties, they talked to a couple of people from the City and they asked the City how many people could they put in these houses. He pointed out that they purchased these properties prior to the leasing ordinance going into effect. He stated, "Obviously we made a bad bet, I guess. So, my point is, those houses, I mean one house we own is almost 3,000 square feet. Would it be fair to not allow us to have three people in there when you could safely put seven or eight?". Ms. Winter replied, "Yes, that's my opinion".

Pete Finefrock of 169 Beech Street pointed out that the County Auditor's information shows this to be a three bedroom, one bathroom house. He asked if there are building permits issued by the City for the addition of the fourth bedroom and the second bathroom. If there are no permits for these modifications, then they were made illegally without permission. In response,

Mr. DiGeronimo and Mr. Larson both reported that they only renovated the second bathroom. They never added any rooms and this house was advertised as a four bedroom house when they purchased it.

Ken Martin of 63 E. Grand Street said he agreed with Mrs. Draves and felt that these houses must be looked at from a safety point of view. He said ironically in the older homes the windows are not large enough for the Fire Department to assist people in getting them out of the homes during fires. He discussed an incident that occurred on Seminary Street where two children died in a fire. He wondered if the people who live in these rental homes overtax the electrical systems, overtax the water system, overtax the sewer system. He asked at what point to you look at these landlords as technically being in business in a multi-family situation.

Mr. Martin explained that apartment buildings and dorms have certain safety features. Rental homes probably do not have these same safety features. Mr. Martin indicated that the City of Berea passed the leasing law because they thought it was the correct thing to do, not only to save people from their own demise but also to support the tax base of the City of Berea. It only makes sense to pass these kinds of rules and laws for houses where there are no adults living, no supervision and parties that are out-of-control. He emphasized that if the Planning Commission grants these special requests that something bad will happen here in Berea. He did not feel this makes sense.

Mrs. Draves asked Mr. Madzy how many violations were found on the leasing inspection of 312 Eastland. Mr. Madzy replied that the inspector did the inspection January 18, 2008 and found the following violations: four tenants were living in the dwelling ; downstairs bathroom had no ventilation fan present – must be installed and vented to outside; kitchen GFCI receptacle not working – must be repaired or replaced; downstairs bathroom GFCI receptacle not working – must be repaired or replaced; cold air returns on first floor are covered with wood – must be opened and grills installed; holes found in foundation which are leaking must be repaired; basement must be cleaned out; basement floors, walls and ceiling must be hosed down; plant and weeds are overgrown. Mr. Madzy noted that all of these violations were corrected. Mr. Rump pointed out that Mr. Madzy commented on a downstairs bathroom yet the owners stated there are two bathrooms on the first floor. Mr. Madzy apologized and realized that he had read the inspection findings for 190 Beech Street.

Mr. Madzy read the inspection findings for 312 Eastland which was done on March 6, 2008: Smoke detectors; additional trap for the washer drain; re-strap the pipe to the wall; no railing present at top of the stairs – need to add railing; trim around the outside windows needs to be painted; there are no gutters or downspouts present; need to repair soffit; more than three unrelated

tenants living there. Mr. Madzy reported that these violations were corrected by May.

Mr. Rump indicated that he would like to call the question. Mr. Madzy replied that he wanted to allow more people to comment and asked Mr. DiGeronimo to go ahead with his question or comment. Mr. DiGeronimo pointed out that he can understand everybody's feelings and he said he did not know if he would want to live next door to a college house because he has two babies at home. However, he felt like he did his due diligence before buying these properties, talking to people, talking to neighbors, trying to figure out if they could put this many people in a house and then the Leasing Ordinance was passed by the City.

Mr. DiGeronimo said he felt like he was here this evening for a different reason rather than appealing the denial for more than three unrelated tenants. His properties have passed all of the leasing inspections for safety. He has received the notice from the City that he has passed the inspections, however, tonight he is hearing people say they do not want this in the City. He stated, "I can understand that but I guess let's say we don't want this in our City instead of you guys didn't get the violations". Mr. DiGeronimo added that if he would have known he would have all of this grief six, seven, or eight years ago, he would not have attempted to have rental properties.

Mr. Madzy explained there is discretion within the ordinance. If the code were written as an automatic trigger where if there are four bedrooms then four unrelated persons are permitted to live there, then the code would have been written in this manner. However, as the code was written, there is discretion given first to the Director of Public Safety or his/her designee and the Director of Public Service or his/her designee and then to the Planning Commission. It is not an automatic if you have the bedrooms, you have the violations fixed and you have the parking, that you automatically can have more than three unrelated tenants.

Mr. Madzy reported that a lot of issues that have been brought up this evening are safety related. Turn the news on and approximately every six months, or so, you see something about a college fire in a different city. Mr. Madzy indicated that five unrelated people are permitted anywhere in the City and the maximum allowed in the non-leasing permit areas of the City are four unrelated people. He told Mr. DiGeronimo that his request for five unrelated persons is above and beyond what is allowed. Three or four unrelated persons does not seem like a big difference, however, when you use the multiplier – four people does add an extra hair dryer, an extra television, an extra computer. It does put a tax on electrical systems and it puts a tax on the house itself. It puts a tax on the ability to leave the house in case of a fire. Mr. Madzy explained that these were all points that came up with City Council and the

Committee that worked on the leasing ordinance and who decided that it would be no more than three unrelated people.

Jennifer Germaine of 176 Beech Street reported that she is 30 years old and is frequently mistaken for a college student who is renting these homes. Her biggest concern with having five unrelated people living in a house is that those five have boyfriends/girlfriends that stay over and then you have ten living there. When there is a party, these ten people each invite three friends and then she is cleaning up their beer cans every day. These are the kids that urinate in her yard. These are the times that she sees drunk people on her front porch. She said she has been there but there is a time and place for this.

Ms. Germaine explained that she chose to live in Berea because she works for the College. She enjoys living in Berea but felt there is a time and a place for the partying. She added that besides the safety issues, it is obvious that five unrelated people in one house are way too many. She reported that most of the college tenants do not have parking passes and the City does not ticket their vehicles. Ms. Germaine told Mr. DiGeronimo and Mr. Larson that she understands that they are out to make money but she felt they are making a killing because they probably have a mortgage less than \$800 a month with each kid paying \$400 a month – this is a 200% profit. She stated that she was here this evening to speak for the youth and she just does not agree with this.

Rick French of 101 Seminary Street reported that he has owned his house for more than 20 years. He is a lawyer admitted to practice in Ohio, California, New York and Washington D.C. He is a real estate agent in Ohio and a real estate broker in New York. He has been involved in investment real estate for more than 30 years and controls a portfolio of more than \$25 million worth of real estate. Mr. French reported that when he went to USC, he lived in a house with five bedrooms and five people lived there. It was a great way to go to college. It was the only way he could afford to go to college and get his education.

Mr. French stated, “The economics of these old houses in our wonderful City, by the way, this college was here before any of us were born. We all moved to Berea knowing full well that it was a college town. We all moved to this college town and one of the reasons I moved here is the college and these young people that I came here to support tonight to keep our community alive and vibrant. What is a college? A college is a gathering of a bunch of young people seeking education from older, wiser people that we call professors. We have a couple of blocks from this house and my comments relate to all of the houses at issue tonight. A few blocks from this house, we have sororities, dormitories and fraternities. These are groups of many, many unrelated people living together. This community has shown its hostility to these young people that want to live and have their college experience in our town and I can’t imagine why because the college is the cornerstone of our community”.

Mr. French continued, "I've heard comments about all kinds of things unrelated to the number of people living in these houses. I have heard comments about alcohol abuse. Enforce the alcohol laws if that's the case. I've heard comments about noise abuse, enforce the noise laws. I've heard comments about parking abuse, enforce the parking laws. Don't make these people kick people out of their homes and not let a landlord do what he wishes with his real estate. These are big old houses requiring tons of maintenance. Most of us live in old houses. Mine is 130 some odd years old. I pour money into it nonstop and I'm sure these landlords do too.

Mr. French stated, "We've heard about these violations that they promptly fixed. He is pouring money into his houses too. To pour money into your houses and keep them alive and well, you need income coming in if you're a landlord. If it's a negative cash flow you sell the house. If you can't sell it, it goes vacant. Vacant houses are a plague on our community. If landlords can't rent out the houses, these houses are not necessarily going to owner occupants who will take care of them. A lot of them will go empty. It will attract vandals. It will attract arson. That's what happens when homes go empty and can't be sold.

Mr. French said, "This entire prohibition on having more than three people live in a house in a small area of Berea doesn't make a bit of economic sense to me. None at all. It was ill-conceived when it was passed and enforcing it is ill-conceived. These young men should be granted their variance. None of the things I've heard tonight by any of my esteemed community members, deals with the issue at hand. How many people live in this house? Do any of you remember the First Amendment, Freedom of Assembly? A single person can live there and have 100 people over at his house every night legally. If you start violating other laws noise, alcohol that's a different story entirely. But having a certain number of people in a house that's not what the cause of these problems is. There's other causes and we have other laws to address them. Don't overburden our community with regulations. Let the free-market determine who gets to live where. Let these landlords take care of their properties like they are trying to. Let them lease it out to how ever many people they wish.

In response, Mr. DiGeronimo commented, "Berea is a great community and I have been privileged to be here for five or six years. I really don't have anything to say. Whatever you guys choose to benefit the best for your community, that's fine with me".

Moved by Rump, seconded by Draves that the application for more than three unrelated people be approved. Vote on motion was ayes: None. Nays: Rump, Sawyer, Borowski, Draves, Fay, Madzy. The motion did not carry and this application was not approved.

**Application #08-09-04**

**Appeal of a Decision of the Directors of Public Safety & Service to not Allow More than Three Unrelated Tenants Reside in a Leased Dwelling  
RDG Beech Street, LLC – 190 Beech Street, P.P. #364-06-007**

Mr. Madzy announced that this application has been withdrawn from this evening's agenda by Mr. DiGeronimo and Mr. Larson.

**Application #08-09-05**

**Appeal of a Decision of the Directors of Public Safety & Service to not Allow More than Three Unrelated Tenants Reside in a Leased Dwelling  
DFD, LLC – 196 Beech Street, P.P. #364-06-006**

Mr. Madzy announced that this application has been withdrawn from this evening's agenda by Mr. DiGeronimo and Mr. Larson.

**Application #08-09-06**

**Appeal of a Decision of the Directors of Public Safety & Service to not Allow More than Three Unrelated Tenants Reside in a Leased Dwelling  
Dig Cuz, LLC – 106 Jacob Street, P.P. #364-06-022**

Mr. Madzy announced that this application has been withdrawn from this evening's agenda by Mr. DiGeronimo and Mr. Larson.

At this time in the meeting, Mr. Madzy announced that there would be a five minute break. The meeting was adjourned and Mr. Madzy called the meeting back to order.

**OLD BUSINESS****Application #08-05-02****Approval of Lot Consolidation**

**United Methodist Church – 170 & 188 Seminary Street,  
P.P. #364-05-058, 060, 061, 062**

Mr. Madzy read the Administrative Review. He reported that the Commission members have the legal descriptions and consolidation map. The agent, Tom Ziska from Ziska Architecture, was present this evening.

Moved by Rump, seconded by Draves to approve the proposed lot consolidation, as submitted. Vote on motion was ayes: Sawyer, Borowski, Draves, Fay, Madzy, Rump. Nays: None. The motion carried.

**REQUESTS FOR VARIANCE/APPEALS - continued****Application #08-09-01****Approval of Variances for Addition****United Methodist Church – 170 & 188 Seminary Street,  
P.P. #364-05-058, 060, 061, 062**

Mr. Madzy read the Administrative Review. The agent, Tom Ziska from Ziska Architecture, was present this evening. Mr. Ziska introduced Chuck Dixon from the United Methodist Church. Mr. Dixon reported that he is the Co-Chair of the Building Committee for the Berea United Methodist Church. Prior to the Ziska's presentation this evening, his Co-Chair, Margaret Proctor, will make a brief introductory statement which will lead into the Ziska's presentation.

Margaret Proctor discussed the history of the United Methodist Church of Berea. It has been at the corner of Spring and Seminary Streets for 108 years. The Church has been a part of Berea's history longer than that. In 1828 James Baldwin arrived in Berea from Bradford, CT. After being here for about three or four years he and his wife Mary, started the first Sunday school in Berea, in their home. In 1843, the Berea Church organized as part of the Brooklyn Circuit and this became the Berea Methodist Church. In 1857, the former church on the south side of Berea was dedicated and that's the original Methodist Church in Berea. And in 1900, the first Methodist Episcopal Church was dedicated on the corner of Spring and Seminary Streets.

Ms. Proctor explained that the German Methodist Church was founded in Berea in 1855 and the German Methodist Chapel was built in 1872 and that is the chapel that is on Baldwin-Wallace's campus. In 1913, the German Methodist Church became the Emanuel Methodist Episcopal Church. In 1947, these two congregations, the First Methodist Church and the Emanuel Methodist Church merged and in 1948, the Methodist Church of Berea was organized. Their sanctuary, at the corner of Spring and Seminary Streets, was dedicated in 1952. Their chapel, education building, offices and parlor were completed in 1960. Finally in 1968, the Evangelical United merged with the Methodist Church forming the United Methodist Church of Berea.

Ms. Proctor said this is the history of some of the buildings and structures that have come along and the only other thing that has been added of significance to the church is the sanctuary pipe organ in 1974. She emphasized that the Church has been a part of Berea for quite a long time. As the community's congregational needs have changed there has been a need to add structure or change structure to facilitate the needs of the community and the needs of the congregation. She introduced Tom Ziska.

Tom Ziska introduced himself and his son, Richard Ziska, to the Commission. Mr. Ziska explained that he has been working with the Church's Building Committee for almost four years. Mr. Ziska said he recently found a copy of a letter that he had written to Rev. Palmer in 1996 informing him that he was an architect and had heard the church was looking to expand. In this letter he requested that the Church consider his firm for the expansion project. Many years later his firm was contacted by the Church and for the past four years he has been working with the Church on the proposed expansion.

Mr. Ziska reported that although he is not from Berea, he certainly respects our beautiful community. He has read the letters that everyone has written and he appreciates their consideration and kind thoughts in regards to this church. Mr. Ziska stated that he would first describe the building to everyone. He would discuss the aesthetics of the building, the layout of the building on the site and also discuss the six variances they are requesting.

Mr. Ziska explained a color-rendering of the proposed addition. He explained that the brown color indicates the existing building - the three-story classroom building that was built in 1960 and the remainder of the existing building that was built much earlier than 1960. The goal for the addition is to add a large space (fellowship hall) where everyone can gather in at one time. He discussed the difficulties that now exist for the church when they have functions such as banquets, etc. He discussed how young people are shopping churches today. They look for amenities such as large-muscle activities (basketball, volleyball, etc.). The church also serves elderly members who like to get together and this building has a lot of steps, however, this project will make the church barrier free (same level) throughout the building. Not only will this serve the congregation at large but also serve the young people and seniors as well.

Mr. Ziska reported that the Ohio Building Code requires them to separate this building and create a barrier. This is for purposes of fire safety. He pointed out that the idea of renting this space as a hall has never come up and really is not the intention of this new facility.

Mr. Ziska described difficulties that currently exist at the church. The parking lot is across the street and elderly members have difficulty getting into the building. They currently have to get out of their cars across the street and go into the church through the red doors. They want to make this more friendly to them and they want to create a drop-off area and handicapped parking. Currently all handicapped parking is across the street which really does not meet any building code today. The idea of handicapped parking is let it be easily accessible and have an accessible route into the building. This is the reason for the turn-around and the reason for the small number of parking spaces in front of the building.

Mr. Ziska discussed the old house on the property. They respect the community's desire to keep that house and they will work very hard to give the house a good use. They are still talking about how the house will be used and are not 100% sure what they will do with the house. The plans show a connection between the church and the house so everyone will be able to use it. They will work around the house.

Mr. Ziska reported that in addition to the main area, they will replace the parlor and move offices as part of a redesign involving working with the community and with the administration to try to reduce the number of variances that they were originally seeking. There will be a parlor, nice entryway, new handicapped-accessible toilets which are essential and then a small kitchen area which brings elderly and young people together where they can cook. They find the kitchen is extremely important. There will be an access for service. There will be an enclosed space for trash and they will have storage facilities. In the rear of the building (alley side) there are currently six parking spaces back there. They are requesting to replace or reuse these existing parking spaces so these spaces will remain. At the back of the alley they are going to provide a service area, an area where deliveries can be made off of the alley. The rest of the building will pretty much stay the same.

Mr. Ziska stated that they are going to enclose the courtyard because right now the building is kind of "fractured". He explained that when you come in the main entryway, you must walk up and down steps and walk through hallways to get to gathering areas of the church. They are trying to create a "grand avenue" that no matter what entrance you come from, it connects the whole building. Within this area there will be an elevator that goes to all three floors. Any person will be able to use the entire building without taking stairs. There are a lot of good things that will be solved with this addition.

Mr. Dixon added that the biggest events they have in the church are typically funerals and they are frequently not for members of their own church. Their church is one of the biggest spaces in town and people turn to them and ask to use their space. They believe that they will be able to provide this type of service that much more with the new space. He emphasized that this is more than a building, this is about serving people.

Mr. Richard Ziska stated that the core principles of his architectural firm guide him through every project. They strive to build community while constructing buildings (i.e. churches, libraries, nursing homes) and you find the same ideas coming through. Mr. Ziska explained that they want to meet their client's needs but at the same time make the building speak to the community because it is in a residential community. They are paying close attention to the massing and the detailing of the building so that after this is completed it's going to look like it was always there and always should have been there.

Mr. Richard Ziska described the layout of their plan and pointed out that they are taking a lot of cues from the existing building. “The main focal point of this block of course is the existing church and if you notice we’re almost about the same width but the existing roof on the church comes up to a nice peak and we need to respect the surrounding community and not be higher than the house that’s in front. You can see that right here this is the existing house and our roof is not going to be higher than that roof which is about 27’ tall. That’s going to give us all the space we need as well as accommodate the client’s needs but not make a building that is going to overwhelm the property”.

Mr. Richard Ziska continued, “You can see that at the main entry and around the parlor we broke up the forms to kind of resemble a neighborhood feel so you don’t have a large building. It’s a smaller more articulated building in front with the larger part almost being hidden in the back. Even when you are looking at it in perspective, the new building is going to look smaller than the house. The house is more up front and the new addition will be set further back. We also picked up a lot of the design cues of the walls and nice detailing around the eaves - almost a gothic arch around the doors. We’re picking that back up and again picking up these nice details around. Now on the side of the building where we are facing a neighbor, we don’t want them to see a big blank wall. We want to respect our neighbor and know they have a nice place next to us. We’ve actually decreased the size of the building over the kitchen so the eave line will start at 12’ and we will have a sloping roof and the sloping roof will stop to hide all the mechanical units so that the neighbors will not be seeing or hearing these units going”.

Mr. Richard Ziska explained that this is just conceptual right now and they will fully design the elevation after they get through this process. “We have a couple of simple massing elements back here. This is the side facing the neighbor where you can see the nice articulated forms of the parlor and back here the canopy entry and the space behind it and this would be what the neighbor would be looking at. It’s not very imposing. We kept the roof down low and probably will introduce some windows and some articulated brick work along that to make it more palatable to the neighbors”.

Mr. Richard Ziska stated, “In the back we have not introduced any fenestration but we were thinking that we would have these large living fences back here which would mask a lot of that rear elevation. These living fences would be some type of woven wire mesh where vine plants could grow on and really soften the alley view of that. Again, you can see how we have lowered the mass of the building to accommodate the proximity to the neighbors”.

Mr. Tom Ziska discussed the materials that would be used on the addition. They will try and match the brick to the existing building. Although the existing building was built almost 60 years ago, they are going to come as

close as they possibly can to matching the brick and the shingles on the building. The existing building has a kind of a cayenne color and kind of a slate feel to it. He reiterated that again, they do not want this building to shout out. They want it to sit quietly in the neighborhood.

Mr. Tom Ziska discussed the landscaping and said that their goal is to be simple and straight forward. They would landscape the area in front of the building and try to use plants that are easy to maintain and in essence would blend in with the remainder of the plants on the site. One important feature and again in trying to respect the neighbors to the north, they are proposing a living fence constructed with 6' high live arborvitae that will grow rapidly and create a solid green separation between the properties. This will afford the neighbors the privacy that they are due.

Mr. Tom Ziska described the detention basin. In this community as well as in most communities they are required to retain storm water on-site and then release it slowly into the sewer. In the event there is a severe storm, the detention basin which normally would be dry with essentially shallow sides (approximately 3' deep and 20' wide) will receive the storm water, hold it like a bathtub and then release it slowly into the sewer over a period of time. The goal is that they do not flood the sewers quickly. This is done in all communities today with much less flooding reported. He reported that they have seen detention basins that never fill up with water even in the most severe storms. The goal is to have it dry. It will be mow-able and will look like a depression in the lawn. They may even put stones at the bottom of the basin to ensure that it stays dry. The idea is that it is not intrusive and does not saturate the soil in any way. Even if the water were there 24 hours or longer, it would not saturate the soil because the water is just not there long enough.

Mr. Richard Ziska added that they are obligated by State codes to not allow any water from their property to run onto any other adjacent property. They are required to keep all storm water running off of the building or off of the site on their own property and into their own drainage system. Mr. Tom Ziska reported that they have been working with the City's Engineering Department who feels on a preliminary basis, that this idea is sound so they think they can work this out without too much difficulty.

Mr. Tom Ziska indicated that he had seen a letter that someone had written regarding flooding in both the neighbor's backyard and on the church's property. By depressing the detention basin they are creating a place for the water to go. Berea is very flat so by creating this depression it will allow water to flow into that area. He pointed out that this may not solve the neighbor's problem, but it certainly will not add to the flooding problem. They are hopeful, however, that this will help solve the problem. He reiterated that the Engineering Department and State law requires that they must keep their own

water on their property and not allow any of the water to flow to adjacent properties.

Mr. Tom Ziska asked if there were any questions before moving into the next phase of the project. He reported that Zoning Code Section 807.3 asks them, as building owners, to explain the variances that they need. Mr. Madzy explained that he had a long conversation yesterday with Mr. Martin who brought up a few things that were not in the City's review regarding parking along the front and the back as well as the height of the side of the building. Mr. Madzy stated that it was his understanding that Mr. Ziska was now going to alter his plan for the parking in the rear along the alley and to keep this parking as it is now and not make any changes to it. Mr. Madzy said that Mr. Ziska was now looking at possibly a second plan for the parking on the front which would include landscaping which was a concern of somebody who did not want to be looking at a parking lot from their property. Also, possibly look at putting a driveway in the back. Mr. Madzy asked Mr. Ziska if he would be submitting the parking plan to the Planning Commission at a later date and that they were strictly here today to discuss the building. Mr. Ziska stated, "That's correct".

Mr. Madzy added that with the issue of the size of the building, the code requires the setback to be 20'. However, if the building is higher than 20' on the side property line, then the setback has to be one foot for every foot of building height above 20'. He reported that the side wall of the building will be 18 feet and the front section is going to be 27 feet and where it is 27 feet he asked Mr. Ziska how far it would be from the side property line. Mr. Ziska stated, "30 to 40 feet".

Mr. Sawyer inquired if there are any openings on the walls that encroach on the side setback such as windows or doors, and he asked if this would be a fire hazard because there are certain setback requirements for fire protection. In response, Mr. Ziska explained that they do have openings but they are far enough away from the property line in the front and would not need this by height or by distance. In the back, the only situation might be the back exit door and he said, "Frankly, we haven't gone that far to look at that. If that has to be a fire-rated door, that is not a problem".

Mr. Tom Ziska stated that the biggest variance is the percentage of building that covers the lot. Back when the three-story classroom addition was constructed in the 1960's, this is where the property line was. So the building filled that property pretty much. Mr. Ziska stated, "It is interesting to note, more by chance than calculation, that after we added this and we added the two lots, that the percentage of lot coverage is exactly the same, 63% from the original to what we are proposing today". This actually meets one of the code requirements for variance requests. You cannot make it a worse situation than what is existing. Mr. Ziska said this is a benefit and they are very fortunate

that it works out this way. What they are doing today is exactly the same thing that was done in the 1960's in terms of filling the lot with building. The code requires 35% lot coverage and they are at 63% lot coverage.

Mr. Tom Ziska reported that the code also requires a 35-foot setback from a right-of-way line but if you have property behind you, that setback requirement is much less. But because this property is bounded on three sides by right-of-way lines this means that they have three front yards by code definition. On the alley side they have 28 feet instead of 35 feet. They do meet the requirement in the front where the building is well beyond the 35 feet, however, they would like to encroach and reach out with a canopy. This will help people get out of their cars and under cover as quickly as possible.

Mr. Tom Ziska explained that there will be no side-yard setback variance needed. There will be a variance at the back of the building where it gets close to the property line. They are within actually 2-1/2 feet of the property line and it is right in line with the existing building. Mr. Ziska noted that they started out planning to extend the building out along the back property line. However, in trying to work this out, doing the back property line this way will reduce the number of variances required. He pointed out that this actually helps the building in many ways. It gives them a loading/unloading area off of the alley and it will help them keep the alley open a bit easier. In this case, he felt they were ending up with a better solution doing it this way. Mr. Madzy pointed out that the variance for the square footage of the parking spaces is no longer needed due to the Church no longer pursuing this.

Mr. Tom Ziska stated that he would review the Church's hardships which they are required to do when requesting variances. He reported that his architecture firm has had well over 100 church clients in the past 30 years. Some of these clients involve churches that are growing and are building a brand new church building and some of these clients have been failing congregations with declining membership and increasing costs of maintaining their building. He said that once a congregation begins to decline, it is very difficult to reverse that decline. Churches must do something special to infuse members to come back to their congregation. Young people are shopping for new places to go for their spiritual needs. They are looking for spaces that are going to be good for them and good for their children.

Mr. Tom Ziska explained that communities should be thinking about how important an asset a church is to them. He discussed several studies that have found that religious institutions/churches stabilize communities and they increase property values. Churches are an asset to the community and a healthy, vital church in a community is truly an asset. The Cleveland Plain Dealer is currently running a story about Cleveland churches that are closing and how they are concerned that these neighborhoods are going to collapse because they are losing their churches. What the Berea United Methodist

Church is proposing here and what their congregation has concluded is that this project is essential to the vitality of their membership. This is why this is so important to them and hopefully it is important to the community.

Mr. Tom Ziska discussed the special conditions that exist for the Church to ask for a variance. The Church is between a rock and a hard place. They have three sides bounded by public right-of-ways. They have a house to the north that they do not own and they have a house they cannot remove due to community requirements. So that, in itself, there is no way for them to expand. They have purchased land that has come available to them but are faced with these issues. Mr. Ziska reiterated that they feel expansion of this church is essential.

Mr. Tom Ziska reported that the Church has been reviewing this the past four years and have considered purchasing property in the suburbs where they could grow and do whatever they need to do. However, this worshipping community decided that they love this community and they want to serve this community and continue serving the college and the college students. This parish has many ministries and they serve in so many other ways. They are committed to this community and they want to stay here.

Mr. Tom Ziska stated that if these variances are not approved, it will cause the eventual demise of the church and it would really deprive this institution of the full use of their land. He indicated that there has been a change in the demographics of this community. Folks are getting older and they need to attract younger people. These are circumstances beyond their control as a church. The next issue is whether or not this institution is being granted special privileges that others have not been granted. They have a special condition here and by not granting these variances, they are actually singling out this property and saying, "Well it's your fault you bought the property surrounded by right-of-ways so we can't help you". Mr. Ziska pointed out that this is just not what the code is intended to do. The code is intended to be interpreted and that is the purpose of the Planning Commission.

Mr. Tom Ziska indicated that they have discussed the variances that they are asking for and they have changed the plan several times to try and adjust it to meet the code and reduce the number of variances. They feel they have done this. They have worked with the community and have reduced the variances as much as possible. They want to continue to work with the community to solve any problems and make this a win-win situation for everyone.

Mr. Tom Ziska reported that it is important to understand that by adding this building it does not mean they are going to double their membership. They are going to take the existing members and will be able to put them in one room rather than scattered all throughout the first floor of the building. They

are hoping that they will grow but they are not going to double in size. Mr. Ziska said, "Hopefully we will grow modestly and this will cause growth and add vitality to this church. But we are not going to increase membership by any great amount by adding this facility. The facility will be used by the people who are using the building right now". In terms of increasing usage, the Church will still have banquets and functions but this will be a much better way to do it. He reiterated that this building is not intended for rental.

Mr. Tom Ziska discussed the front drop-off area. He said they are willing to look at this and make adjustments in the plan like add some plantings in the front to help hide some of the pavement. Mr. Ziska discussed inconveniences to the neighborhood. Sometimes church members will park on the street and sometimes they will park in front of neighbors' houses but this is usually for relatively short durations of time. They have been in this location for a long time but they go out and seek additional parking. They have purchased land and built a parking lot. They have worked with the funeral home. They have an agreement where the church and the funeral home share each other's parking lots. There are additional parking lots down the street that their members use.

In response to Mr. Ziska, Mr. Chuck Dixon clarified that the church currently can seat 400 to 500 people in their sanctuary. This is their main meeting place so they need 100+ parking spaces. Mr. Tom Ziska noted that currently they show approximately 250 parking spaces, some in parking lots and some on the street. Mr. Ziska thanked the neighbors for their patience and for their letters which, for the most part, have been kind and considerate. The church appreciates the neighbors expressing what is on their minds. The Church believes they have been a good neighbor and they will continue to be a good neighbor.

Mr. Fay asked since this is a preliminary design, what will the follow-up to this meeting be. Mr. Madzy replied that in this instance, it would be appropriate this evening to look at the variances and whether or not this building can actually be built. After this, then they would look at the aesthetics. Mr. Tom Ziska reported that they have appeared before the Heritage Architectural Review Board (H.A.R.B.) where they brought material samples. At that time, they promised H.A.R.B. that if they are able to proceed with this plan, they will finalize the design and come back to both boards at a later date. Mr. Madzy noted that this item was reviewed by the H.A.R.B. on August 28<sup>th</sup> and was approved.

Mr. Fay inquired about the grassy area between the existing sanctuary and meeting room and asked for more detail about what is happening in this area. Mr. Tom Ziska explained that this is a gathering area which they refer to as an avenue or connector. It will connect this area with the rest of the building. He used the drawing to show where the worship space, offices,

meeting rooms, chapel and classrooms are located. This grassed in area will be covered and will become the point where they can have an elevator which will connect all three floors and is centrally located in the building. He pointed out that this is really the key to tying the whole plan together.

Mr. Sawyer asked how vehicles would enter the parking lot on Seminary Street after pulling out of the front drive-thru area. Mr. Dixon explained that when you pull out of the church you would have to turn right away from the church and either go around the block to Beech and back down Spring or down Liberty and come back to the Baker's Funeral Home parking lot or the church's lot which is on Spring Street. Mr. Sawyer asked about the vacant lot located on the west side of Seminary Street. Is there a drive-in off of Seminary or do you have to go all the way back to Spring Street to get into this parking lot. Mr. Sawyer suggested that this drive be located further south on Seminary Street and Mr. Ziska said they could look at this. Discussion ensued.

Mr. Rump reported that he and Mrs. Draves went out to the property today and talked about that very thing. They would probably have to move the drive approximately 50 to 60 feet south on Seminary Street. The other option would be if the City were to do like they have on Beech Street by the College Health Center. Make it a two-way street on Sunday mornings until about noon. Mr. Madzy stated that he understood where Mr. Sawyer was coming from but he felt that doing this would only increase the amount of pavement in front of the church which is green right now. Mr. Madzy felt the submitted plan was the best option.

Mrs. Draves indicated that this defeats the whole purpose of the canopy where elderly people could be dropped off and under cover and it also brings up safety issues because it does not flow. In response, Mr. Ziska explained that they even looked at moving that entrance and using the red doors for the entrance to the church but the trouble with doing this is they would lose handicapped parking which they feel is very important. Mr. Ziska asked if it would be possible to make a section of Seminary Street two-way on Sunday mornings. Mrs. Draves pointed out that this has been done by BW on Beech Street. She asked everyone to think outside the box to make this work for everybody. Mrs. Draves commented that the alley is in terrible condition. In response to Mrs. Draves, Mr. Dixon reported that they are proposing to pave the existing gravel area off of the alley.

Mr. Fay inquired why they are asking for a turn-around area in front of the fellowship hall when the bulk of the traffic on Sundays will be going into the vestibule area. Mr. Ziska replied that they have looked at this, however, they would lose the handicapped parking spaces. Mr. Fay commented that they would be able to maintain the entire green space in front of the parlor area and still be able to put in a few parking spaces. Mr. Ziska responded that they could look at that, however, he did not feel there was enough room to do this.

Mr. Madzy reminded everyone that the Church would be coming back at a later date with a parking plan. Mr. Ziska stated that they would be happy to re-study this.

Dominic Franklin of 181 Seminary Street reported that as a point of reference, the proposed turn-around area will be right in front of his bedroom window. He does not like the idea of two-way traffic from 8 a.m. to noon on Sundays. He feels this will exacerbate an already busy traffic situation and potentially make it worse. He said he respects the church, the longevity of the church and the history of the church, however, he does not necessarily feel that their neighborhood can support a “big box being dropped down into our neighborhood and excessively using the lot space that is there”. Mr. Franklin stated that he can appreciate that the church needs some room to grow and to allow space for their congregation to congregate.

Mr. Franklin stated, “I have some apprehensions as to whether or not the statements made about the fellowship hall not being used for other rental purposes. It would seem to me that this is a large financial undertaking and the possibility of not garnishing back some of that revenue from interested parties who may want to do wedding receptions, funerals and any other purposes that they would find useful. Personally, I really question whether or not that is a factual situation. I question whether and I’ve heard a lot about the community and taking the community into consideration. With all due respect, we, as a community, have had very little input on what is being proposed. What I have experienced, we are being told what is good for us, how it’s not going to impact us, how financially we’re not going to suffer any setbacks. We are being told that our quality of life is not going to be impacted whatsoever. I don’t necessarily buy that. I think our quality of life is going to be impacted greatly”.

Mr. Franklin continued, “And I’m one of the people in this neighborhood. Again, Mr. Ziska mentioned that he loves Berea and the church loves Berea. As a resident I love Berea too. I have lived here 20 years. I have taken a small house that cost me \$60,000 and put \$125,000 into that house and improved the neighborhood, improved my house. There are other neighbors that have done exactly the same thing and now I am being asked to swallow the fact that I am going to have a turn-around driveway in front of my house. I’m going to have a big box that potentially could be housing large events on a Friday night, a Saturday night, a Sunday, whatever the time period, and I’m being told that it’s not going to impact me at all. I have a hard time swallowing that, I really do. I’m sure there are other people here, I will grant you, that what is being proposed is going to have a different impact on me and have a different impact on other people based on their proximity to the project”.

Mr. Franklin added, “I think in my estimation this is just a huge, huge undertaking that is being plopped down in the middle of our neighborhood and

not everyone is being considered. Not everyone's concerns are being considered. I would hope that this body would take a look at this project objectively and render a responsible decision based on what the residents would need, what the church needs and I would also go as far to say that the residents do not have a problem with the church expanding. We understand that it needs to change over a course of time. The problem I have is that the decision should be rendered based on a responsible and responsive impact on how it's not just going to impact the church but how it is going to impact the neighborhood at large. I would seriously ask you to consider that and also consider tabling any of these items until which time the neighborhood can actually be brought more into the process".

Mr. Franklin reported, "Mr. Ziska mentioned a few seconds ago that there are possibilities of possibly moving and shifting some things around. Let's take a full 360 degree view of my opinion and the opinions of other neighbors who are here tonight and let them say how it is going to impact them and maybe the solution would be, again, let's go back to the drawing board. Let there be a full level of cooperation between the Ziska's, the United Methodist Church, the neighborhood at large and let's really act responsibly to truly make this a win-win situation for everyone involved".

Jill Bush of 26 Fourth Avenue indicated that she has lived in Berea for about 14 years and is not a member of the church but she is the Servicing Director for the Berea Girl Scouts". She stated, "I would like to say that almost all of our Girl Scout troops meet at the United Methodist Church. They do that because no one else will accommodate us. The School District cannot accommodate us. We are not allowed to meet in the school building after 4:00, ever. St. Mary's will not accommodate their own troops. The St. Mary troops meet at the United Methodist Church of Berea except one troop meets at St. Mary's once a month. I have to add that as a disclaimer. St. Adalbert's does not accommodate their three Girl Scout troops but every other Girl Scout troop is accommodated by the United Methodist Church of Berea. We do have service unit events where all the girls in Berea meet together. There's about 230 girls registered in Berea Girl Scouts".

Mrs. Bush stated, "It is very difficult for us to find a place to meet but the United Methodist Church has always accommodated us for the 13 years I've been involved in scouting. They accommodate us for our monthly leader meetings, our spaghetti dinners, council trainings. We have a cookie kickoff dance every year there. I think if we had a big hall there, that would be a wonderful place for our Girl Scouts to meet. We already do it there in tight quarters or we have to share several rooms. So it would be just a great place for us to meet and I can also speak on behalf of the Cub Scouts because I was committee chair for the Parknoll Pack and we had met there for nine years and when the school's closed their doors the entire Fairwood pack came to the United Methodist Church because that was the only place that would

accommodate them. Their own church that sponsored them had no space to accommodate them. And even the churches that have space, like St. Mary's and St. Adalbert's - St. Mary's accommodates their own Cub Scout troop but St. Adalbert's doesn't even have one. I would like to say on behalf of the Girl Scouts, we find the United Methodist Church to be most accommodating and we are all for this and think this is a great plan".

Amelia Caldwell, a member of the United Methodist Church of Berea reported that she is 22-years old. "Our generation does, in these days, shop for churches. I grew up in Brecksville and have my membership there growing up in high school. But I was drawn to the United Methodist Church of Berea because of the members of the community and their gracious hearts and their actions were not just confined to the church's red doors. They come out to the community in Berea and northeast Ohio as a whole. I think the church has enabled me to grow as a person and now it needs the opportunity for it to grow its walls and reach more people. So I would like for you to encourage it, to grow the church so that we can grow more people's hearts, minds and spirits".

Ms. Caldwell stated, "And as a 22 year old I have seen the progression of the past four years in different stages of this process. And I think it's not just the old people anymore who want the church to grow. I was on the Steering Committee and the Capital Campaign and to go out and get money for this. I know there was an issue raised about how we are going to pay for this and therefore will have to rent out the facilities. But we have done our best to get the funds in through capital campaigning. I'm passionate about how we've gotten the money and found the energy but we can only maintain this so long if we can't get a yes vote at some point from the committee. So once again, I encourage our motto is open hearts, open doors and open minds and so I hope tonight you will have an open mind when you consider voting on this".

Jonathan Williams of 24 W. Grand Street is currently a member of the United Methodist Church of Berea. "I first arrived at the United Methodist Church of Berea 11 years ago as a freshman at Baldwin Wallace. I attended, when I attended church anywhere, for four years at the United Methodist Church. It was home. It really did feel like home and that was mostly because of the people that were there. I am currently the Chairperson of the Church's College Council which means I'm responsible for coming up with the crazy hare-brained ideas to get more college students involved. What I found when I showed up originally was that there was a little bit of interest expressed directly to me about getting college students involved".

Mr. Williams continued, "And the lunch that they serve every Sunday to college students is something that they have been doing for years. It pre-dates my arrival there by at least five, I'm sure. We would generally have in the neighborhood of five to maybe ten students who would show up on an average Sunday for lunch. Well, I graduated and I left and I moved back to the area

knowing this church was here and knowing I could be a part of it again because I remembered it when I was a student and I've been working to build the relationship with the students on the campus. As of basically the month of September, the lunches that we are serving, two college students with a little bit of publicity added and an extra push to try and get them involved more, we are now serving an average of 20 to 30 and we are sending invitations out every week to about 45. This is a list of names we gathered from simply talking to the students and saying can we have your name so we can send you information and see if you want to be a part of this family".

Mr. Williams stated, "This, to me, is crucial, both the building plan and working with the college students. Because I know from my own experience, I came back. I felt at home, I came back. Berea is my home now. I came back because of what I found when I was a student. I look at the way this church is growing in its ministry to the college students. I'm glad to be a part of that. I intend to keep working as hard as I can to get more of them involved and I look at this as a wonderful thing because it will give them more space. A place where if we happen to get in five or ten years, 100 students walking through the door on a Sunday morning, we don't have to look at the place we are feeding them and say we can't fit all of you. We just can't serve lunch anymore. I don't want that to happen because I know how important it is as a student to have a church home and to have a place where you really do feel at home going there. And in a lot of cases, yes, you leave and you may come back because you remembered that. I did. I know that I'm far from alone in the membership of this church of students that have graduated and left and come back to be a part of this church now. So I really look forward to this happening and seeing this church grow in that direction.

Judith Poole of 144 Seminary Street said, "I'm two houses directly south of the front door and certainly the presentation was great and we have no question that it will be a beautiful architectural piece. That it is going to be aesthetically pleasing. That's not the issue. My issue is not that the United Methodist Church is warm and welcoming. The door is open whether you are Methodist or not. I'm there often for Cub Scouts and use the facilities and we certainly appreciate that. However, I think it's going to come down to the issue of this is an enormous addition. And even with a row of arborvitae is going to hide your home and a little green wall in the back to hide the people behind. No offense, my first impression was if it is going to be this gorgeous why are we hiding it? I understand that you are trying to do that to take the consideration of gee, we don't really want to see parking in the front. Gee, we really don't want to see a loading dock in the back and that sort of thing. But I'm sorry, but this is in a residential neighborhood. There are neighbors north, south, east and west of you. There are 8 to 15 kids on the street now that are running around all over the place that we have to watch out on Sunday mornings for the alley and for the street and e-gads if that goes two ways or any part of that, that's a concern".

Mrs. Poole stated, "But to put parking on the front, to put a turn-around on the front. The front door is 15 or 10 feet from the sidewalk and now we have a huge parking lot across so now we have to worry about cars in the front. But again these residents that I speak for and for myself, we live in our house 24/7 and you are looking at a usage of maybe 30 times a year. Am I being under/wrong on that? But I know the Cub Scouts, we fit in that. I know the Boy Scouts, we fit in that. So, how often is this going to be used compared to the residents who are directly behind you, in front of you and around you who live here 24/7. We want to be able to ride our bicycles, want to be able to walk our dogs, want to be able to talk to our neighbors without over the living fence and the retaining block. I don't want to cut off the Molmen's behind 20 feet of arborvitae. You know I don't want to have to hide behind a green thing. So I just feel it is too imposing. I'm thrilled with the church. They are very warm. I've been welcomed there but I have to live here too and I hope that is taken into consideration".

Dave Thureau of 191 Dorland Avenue stated, "I'm Chair of the Church Council so guess which side I'm on. I'm a teacher so I brought handouts. There's no homework here though. Basically I just want to touch on a couple of things real quickly because I know it is late. People probably want to go home and see the last half hour of the debate. Inside your folders I have a couple of sections I would appreciate you taking a look at. The first section is basically what we have done for this community for over 100 years. I know it has been said many times but we have very serious connections with the Berea Children's Home, BW Bach Festival, Southwest Community Chorus, AFS, AA, Promise Keepers, Boy Scouts, Girl Scouts, Camp Forum, Family Life Center, IHN, 4H, Kiwanis, Heidelberg Boy's Choir, so on and so forth. Just take a look. There's also letters from some of those organizations in support of the church and this renovation project. Some of those groups you have already heard from. This has been a church that is truly a part of the living history of this community. We have married thousands of Bereans. On the other side of that coin, we have also buried thousands of Bereans. So it is an extremely important part of this community. In fact, behind that wall there is a map and on that map is the Methodist Church in 1884 so you can see the Methodist influence has been in this community".

Mr. Thureau continued, "The second part of the handout that I have is we have a lot of people here this evening obviously, but we have even more people who could not be here this evening. So they signed a petition in support of the renovation project so I hope you would take a look at that also. Lastly, I think the bottom line here is this has become much more than just a building. This is really about a mission and we hope you vote in our favor but this mission will continue for the community, for the City and God. Thank you very much".

Chaplain Karen Wolcott, Pastor to the Agency at Berea Children's Home said she moved into the Berea community 10 years ago and began attending the church at that time. She reported that in 1864 the Berea Children's Home and the Methodist Church began forming its connection. She discussed the growth of the Berea Children's Home over the past ten years. "You kind of look and you say there's no room to put it. And yet, now that we've had our chapel for over a year now, it feels like it belonged the whole time. Fits in beautifully with the architecture. Serves a need. Sure we have plenty of space on our campus to do important kind of work and yet when you're in the chapel it's a real chapel for the kids to worship and for the adults to be and for the staff to learn and yet we still as staff, come over to the Berea Methodist Church to have our learning classes and to have our continuing education classes". She noted that this proposed addition to the Berea United Methodist Church would not necessarily bring in new people to the church but it would serve the people they already have.

Jennifer Darling of 24 W. Grand Street said she is a Baldwin-Wallace College student and prior to attending here she listened to a few friends who lived in the town and she visited the church. Within two or three visits she felt "at home" at the church. As a college student, she sees the connection that the church has with Baldwin-Wallace College. She discussed how on the first day of classes, church members stand on the corner of Seminary and Spring Streets and hand out fruit, pop tarts, orange juice, etc. to the college students as they walk to their classes. The church is there from day one for Baldwin-Wallace College students. They are a presence that serves and makes a difference for not only the college students but for all of the Berea community. She raised concerns about this project being denied and that it could lead to not having enough room for all of the college students. They would find other places to worship and for entertainment. Any monetary or camaraderie benefit the community receives from them will leave because there is no place for them to go. She stated, "I hope that you vote in favor of the United Methodist Church and I do understand all of the concerns but as a college student, I would love to see this church which is a strong affiliation of my college, be able to expand to its needs".

Pete Finefrock of 169 Beech Street reported that his property is adjacent to the church property across from the alley. Mr. Finefrock stated, "Just a brief aside about the statement about the two-way street on Beech Street being seemingly not a problem. It has dramatically increased the amount of wrong-way traffic on the upper section of Beech Street in front of our house because people assume that the whole street is two-way. So, ironically that short segment, albeit very short, has dramatically increased the amount of wrong-way traffic on Beech Street at Jacobs and Grand because of this assumption. So, it has not been a good thing for us. It may be a good thing for the access to the BW parking lot but it has not been a good thing for us".

Mr. Finefrock said, "But back to the issue at hand. Absolutely none of us in the neighborhood have anything against the church and we could have 1,000 people come up and say about the operance that the church does and it's marvelous and it's what churches do. The Boy Scouts and the Girl Scouts, that is all extremely appropriate and we have no issues with that. And the issue with the BW campus and the BW students being involved. We have no problem with that either. Our problem is the size of this expansion. Our problem is the process. There's all this outreach for the Cub Scouts and the students and everything else that they do. If the neighborhood had been engaged at a much earlier process, we all could have been working together on this thing. The neighborhood was sort of kept out of this very, very late. If Ziska has been working on this project for over four years, the neighborhood was engaged at a very, very late date when things were moving quite fast. And that caused some problems for the neighborhood".

Mr. Finefrock added, "Still the issue of the percentage of the building space is a tremendous issue for us. The parking is still a big issue for us. We don't mind the fact that no one can come and see us on a Sunday because they certainly can't park out front. We don't mind that this happens when you're on a college campus. Where when Berea has a home football game, the Browns are in town, people can't park in front of our house and come and visit us either. Those aren't the issues. The issues are about the process and the plan. When you see a significant part of the new design covering that small green space, that becomes basically a large hallway which is an access for an elevator for the three stories that they need to do. But that whole space, when I seen the drawings, it's basically a large hallway. That's a lot of space not to use. I mean, it's open space. I know it is a connector but it's a big connector. If you take a look at the footprint of what's been covered up. That's based on what we are seeing design wise, that's, I would have to guess, but it looks like it's almost that little connector with nothing in it and a reception desk. Unless the designs have changed, that's what we're seeing. That's a lot of space that is just covered over and ruined".

Mr. Finefrock stated, "It's the plan. It's not the church. We're not against the church. We're not against their outreach. We're against how big it is and how big of a footprint it puts on the land - the effect that it will have on the surrounding neighborhood. The church is obviously a boon to the neighborhood but a church that large may not be. You can get to a point where you are going to exceed the bounty that we have been told that the church can provide. And if it gets that large of a footprint, we may get to that point. Regardless of that, the Molmen's property is further, the one property left on that street, is further isolated. You have a retention pond or a detention pond adjacent to their property line now which obviously is divided. But still their lot is even more isolated so from a property value situation for us and the surrounding properties, it's not a workable situation for them. We've finally seen a northern view to see what it looks like from their house and even with

the dressing up, it's not the greatest view in the world. Now their view is trees and the backyard of the Neely house. But to have a retention pond, to me it's a retention pond retaining water, to have that out their back window that's just not a great solution. It is required obviously by the square footage but once again it is required by the square footage. The plan we saw before. This almost looks larger than the plan we saw before. But those are the issues with the neighborhood. You can have another 20 people up here and I hope they do, about how great the works are of the church. It's not about the works of the church. That is not an issue here. It's about the process, how large this is, how it's been handled, and as I said, that's the issues for us".

Vivien Swaddling of 240 Fair Park Drive stated, "I'm one of those people that Jonathan mentioned earlier that came here to college and stayed. I came in '59 and have been here ever since. I taught here for 30 years. My current position is the Director of Children Ministries at the United Methodist Church and the Facility Manager and that's what I'm speaking on behalf of the facility. Several people mentioned the fact that a larger hall might cause extra rentals. Well, we have two things that will definitely restrict that. One is the Discipline of the Methodist Church. It's like the Constitution that rules the Country, well the Discipline of the Methodist Church rules what we can do. If we are to maintain our tax exempt status, we cannot rent to make profit so that's one item. But the biggest item that is overriding is that no alcohol is allowed on our property so most wedding receptions, as soon as they hear that, that's the end of it. So those are my two reasons why I know as the Facility Manager, this is not going to increase rentals and profiting".

Ken Martin of 63 E. Grand Street reported, "I also brought a handout and this is the information that I reviewed with Mr. Madzy. What it is, is a review of the variances that would be required in order to have this addition approved. I think you should go over these requests that are actually or in reality, necessary in order to approve the process. First of all, I think that what you are not perceiving is, in kind of a nice way of saying, well we're just doing what we did before. What happens with that kind of process is that when eventually it runs out of space and what occurs is that the variance requests increase by virtue of this large expansion. No one today has said that that building is larger or someone has said well no it's not. Well I can assure you that it is".

Mr. Martin stated, "The previous plan was 35' from the Molmen's and now it's only 20. Item #1, it says basically they are asking for a variance of 18,534 square feet. That's almost equal to the size and the space of what is there now. That just seems extremely large and we're dealing with different drawings now but even on their plan that they put before the H.A.R.B. Committee, they said that there was actually a buildable area within the confines of the two lots and I think that was simply not correct. And it's not correct on the basis of when you have a given area and you have, excuse me,

when the existing building already exceeds the minimum requirement, you can't build anymore without a variance. It's just that simple. Their asking for, I believe, 67% for a variance and that is almost twice of what is normally required. The building heights with respect to the side yard, these are new drawings and essentially the definition of height in the building code is from the grade level to the highest point of the roof. One could say that well, there is another roof in front but technically the height of the building is from the grade level to the highest point of the roof and that means it is 27 feet no matter how you get to it".

Mr. Martin continued, "The problem here is that again, the Molmen's are being so dramatically affected by this wall that is 65 feet long regardless of whether it is 12 feet high and they are saying it's 12 feet high, but what is the actual height of the roof from the side elevation. You have to look and you have to take a scale and you have to put it right to the drawing and is it 12 feet or is it 27 feet? In definition, according to the code, it is 27 feet. Therefore, it shouldn't be 20 feet from the north property line but actually 27 feet. That may seem little but again that would be when we're granting a variance, that's what you grant or at least that's what I think you should grant".

Mr. Martin went on to say, "The portion of the new building that was talked about where the toilets are going to be, that is this section right here that further extends to the north and what happens is that there is a garage immediately opposite that. So, what you are effectively doing is by putting the structure here blocking the ability of that car pulling out of that garage. And that is significant. What would happen then is that you have referred to it as a front yard setback and that is certainly the Planning Commission's choice. If it is a setback, it is 35 feet minus 2.8 feet and that's like a variance of 32 feet or so. That, you know, is significant and it will indeed affect the house at 173. In terms of 179 there has been, well, it comes up to that again, would be the variance that I discussed in item #3 which would indeed be larger than the 17 feet but again that is Planning Commission's choice".

Mr. Martin stated, "The new parking area along the alley essentially what we were told to us today, or at least the plans that were submitted, indicated that there were 10 cars along the alley and Mr. Madzy and I have discussed it and now they are going to "hard surface" this. What is currently there right now is the fence that is approximately where the existing cars are parked, is a fence about 30 feet in from the property line. And what that enables a car to do is to pull in straight. You're able to back out of the alley and then proceed away as you back out. But the problem with this particular arrangement is what they are showing here is that this parking space is 20 feet deep, is no longer the 30 feet up to the fence and what will happen will be that cars will back up across the alley which is only 16 feet wide and then project 6 more feet into the properties to the east. In other words, these cars have to back up and I believe that's the Molmen's garage and I think that they would then be

crossing the property line and why is that. Because the zoning code basically says that if I have a 90 degree parking space like this is that that aisle, the ability to go either way, has to be 22 feet wide and if one says well I have 20 feet for the parking space and I have 16 feet from the alley I still need 6 more feet. So, cars again, will be backing across private property and I think that is not permissible as a variance and I'm not certain what it is. It's either an easement or purchase".

Mr. Martin indicated, "The problem with this arrangement is that what is normal to the zoning code in the City of Berea and requirements is that if I have a parking lot which has a street frontage and I am supposed to set that parking lot back from that street frontage, and if I have a side yard it's supposed to be setback 10 feet and it's supposed to be landscaped. If I have a front yard and it's across Seminary, I'm supposed to be back 20 feet actually from the property line and have that landscaped. Where I would only see the two access aisles one going in and one going out, in terms of what I should visually expect, and because of that situation, one is able to maneuver cars better and not affect cross traffic that could get in the way of these cars. It's just that simple".

Mr. Martin continued, "So, then the new canopy of course you have already discussed in item #6 and that requires a setback. Item #7 the front parking area, again we are referring to Seminary Street, should be setback again 20 feet before you can even begin the parking area. And, what is indicated on the drawing is that there is no setback from Seminary Street. The distance from, again, and that would require a variance all by itself, you would have to say I grant you, the Methodist Church, a variance of 20 feet and by the way, you don't have landscaping. The problem with that is that the drawing is simply not correct. This sidewalk here is within 1 foot, 8 inches of the front property line. The way that this is indicated is about 7 feet and the issue around that is that vehicles when they back up they tend to have a larger trunk and they will overlap the curb at the front of the property which will be along here and then by backing up they will overlap onto the sidewalk so that becomes a significant safety problem for this kind of layout".

Mr. Martin said, "Then the aisle, unfortunately, this aisle is 16 feet and the zoning code simply says that if I have a 90 degree aisle or 90 degree parking space instead of 20 feet per aisle. Then the next section of the zoning code says that if I have a 60 degree angle then I'm supposed to have 18 feet and one would then have to interpret this as, this is 75 degrees therefore, it would be 20 feet as an aisle for these particular spaces. Unfortunately, it is 16 feet so what will happen is these people, again, will not only be backing out to the curb but they will have the propensity to drive over the curb and onto the sidewalk. That is how tight the front of this area is. It's almost if one moves, by drawing the sidewalk closer to the property line you can hardly negotiate the

car around and turn into that lot. So there are significant problems in terms of vehicle flow on this particular site and why is that? The building is too big”.

Mr. Martin remarked, “Of course the parking requirements have been addressed and not addressed, but if one were saying I have more space, if anybody were to build a building anywhere you would say you got square footage and the zoning code says you know obviously the square footage requirements for the cars and all that stuff. It basically says I’m adding 299 cars. You have 299 seats you divide by four it gives you 75 cars. Before then what you would do, you count these cars and subtract and say I am granting you a variance of whatever the difference would be and that would be basically a correct form to grant variances”.

Mr. Martin added, “Then the use of the house is still unknown and quite frankly the Molmen’s or the whole neighborhood and myself might find that a little touchy because there are so many houses in Berea that are vacant and that is a real problem and ironically from the zoning code problem one says if I’m going to use this as a conditional use within a single family district then it may require its own set of criteria and variances, versus a residential piece of property if someone were living in it that they would require let’s say for instance a garage. So one doesn’t know the way in which to describe this, the house that is to remain and I have some problem in understanding what is.....what is apparent here is an angle of the roof and it lines up with the front of the canopy and what this roof is indicating that it is being 11 feet high. The problem that I see is that what they are trying to do is to cover this much roof of the fellowship hall about 65 feet wide. So, one then says that if this slope of this roof is so tall, basically 12” horizontal, 12” vertical, a 45 degree angle, that if one were to go from here to here for 65 feet, lift that sloped angle, one would then have a roof ridge that is 11 feet off the plate in the horizontal. It would be 33 feet off of the plate which would then make the roof extremely large or tall. And the way that it’s drawn, is that it implies that there is a flat roof somewhere across the top of this. Now, I wasn’t privy to the other elevations that have been presented but you have to say to yourself well that to me would need clarification. By looking at this I look at the grade line here at the top of the roof is 27 feet and that is incurred by definition the height. So those setbacks are supposed to come in from the side and the rear yards and be affected by that section of the conditional use code that says that from a side or rear yard, if that building is more than 20 feet tall at its highest point, then I’m supposed to start adding a foot for every foot that I travel in”.

Mr. Martin went on to say, “So, I can only say that in a planning point of view and every city that I have at least been in for the purpose I have always been presented, it is not necessarily the building that you are putting on a piece of property. You are to reflect space that previous city planners, city council, the Berea administration that set up the zoning code. That said, this is what you need in order to have some degree of compromise with your

neighbors when you come under these situations. And unfortunately, you know this plan doesn't do it. It's too close to the other properties. It blocks off views. It blocks off the simple wind. It blocks off and will indeed block off the natural flow of water across the land as we discussed and it becomes extremely problematic".

Mr. Martin stated, "I think before you tonight, your saying I want to approve the building. Well, I say to you, if you can't resolve the front parking and the setbacks and the way cars get on and off the site, I say that would not be a wise thing to do tonight. And I say the same thing for the back parking, across the alley. This is not existing parking. They said they are going to hard surface it. It has moved and it has gotten smaller, the depth of the parking spaces themselves and I think there will be impacts on other parcels of land that need to have the building addressed in terms of its physical size before you can make the decision or make a future decision on the surrounding properties and, excuse me, the parking in those areas".

Mr. Martin said, "And my heart goes out to the Molmen's who have invested heavily in their property and improvements to their property and Dominic and anyone else and just say you are being overwhelmed, being consumed by this large addition. It hasn't gotten smaller. I can tell you that for sure. I can show you by square footage. I can show you by anything else that it isn't smaller. To the architects benefit, they are reacting more in scale than the original proposal and quite frankly I think they are capable and creative enough to take a plan that is required, that has these basic requirements, and I think they, those two guys, are able to manipulate, push, shove and make work a solution that works for the City, that works for the neighborhood and works for the church and I think we could all be happy with your input, so I give you that and thank you for the effort.

Don Booty of the United Methodist Church of Berea reported that he just joined this church about six years ago. "The reason I'm up here, I know what the ministries that this church has done, not just here in Cleveland, but elsewhere. I want to tell you that the United Methodist Church of Berea is looked upon by other United Methodist Churches as a leader, as progressive, as being out in front, being active in ministries. I really encourage you to think about the leadership role that this church has. It's very much looked upon in the conference as a leader church as a church that goes out, above and beyond in all that it does. It's not just you. It's just various types of ministries that this church is involved in. It's an area where this church is on the cutting edge. When something new comes along this church wants to be up there, be up front, be involved. Many of these people have gone to UMC Corp which is our Methodist relief farm down in New Orleans. The Youth Work Mission has gone out every year to do something for the youth and putting the youth out in the mission field to understand what a church is about. The United Methodist Church is a mission church. We're not just worried about what we're doing

here in Berea. We're out in the conference. We're out in the world. I want you to keep that in mind because this church is very vital and one of the primary functions of this church is to be out ministries".

Mr. Booty stated, "I don't know a whole lot about parking. I don't know a whole lot about architecture but I do know the church has a vision, what it wants to be, where it wants to go, what it wants to do. In order to do that, it needs to grow physically. It can't stay in the confines that it is now and have ministry gone on to college students as they report from BW, as Karen said about the Children's Home. It's a vital ministry that needs to be out there and needs to be shared. I just hope because of the length of time in this community that the church and the history of the church would have some kind of clout. In fact, we did vote to stay here about six years ago. I was one of the few that voted to leave because I thought maybe we need to go out and go to another place and build another building. Many people here felt that this church is important and it's important to be here and it's important to be a ministry. Thank you".

Roy Miller said he has lived here for 40 years, he loves Berea and he loves this church. He voiced his support for this project. He discussed St. Adalbert Church's recent addition of a fellowship hall with handicapped drop-off, etc. and he stated that they need this sort of thing too. He discussed the church possibly moving somewhere else and he stated that the church is too connected to this town, to Baldwin-Wallace College and to the Berea Children's Home to move elsewhere. He reminded everyone that the Church of Christ will be closing down in the next year or so and many of their members will be joining the Berea United Methodist Church. Mr. Miller discussed the large number of activities that go on at this church on a monthly basis. He emphasized that this is a very busy church and they need the Planning Commission's wisdom and their good will and help them by approving this application.

Bob Graham a member of the church for 55 years stated that it is disturbing to him to hear some of the comments that he has heard tonight. "In 1960 I was one of the chairmen of the building that is now the educational part and the chapel and I don't recall, I'm upset by the reaction that I hear from the people in the neighborhood. We didn't hear it before 1960 and I think the product that has come out of the educational enterprise speaks for itself. I had children that went through the Sunday school at this church and I don't live in Berea, I live in Fairview Park. My wife and I chose this community in terms of what it offered and I was so impressed by the leadership, the spiritual leadership that this church offered. It was a pioneer in the racial issues of this area. It took courageous stands on justice for poor people. Some of the things that we are talking about right now nationally in our political lives. And so it's a little bit discouraging to an old man to hear this kind of talk and to talk about feet and inches and so forth".

Mr. Graham explained, "To put a huge box that sits like you see on a train, we gathered up hospital equipment and sent it down to Africa to Zimbabwe to start a new clinic and the church raised almost an instant \$40,000 to enable that project to get started. And people who were here in Berea and Baldwin-Wallace College for a time, were the starters of that program. And following the start of the clinic the people from the church went to Zimbabwe to see how this was operating. I don't know your task but you got a real problem in terms of value and in terms of legalisms about variances and so forth. But I hope you are courageous and you see the difference between those things and what can be done in a church. And this church has a vision, a vision, it's always had a vision".

Mr. Graham continued, "And as someone had reported, this is a church that is recognized not only in this area, but in the State and the Nation for its leadership in the Methodist Church. So, I sympathize with people that are living near us but I hope, and I'm kind of appalled that they don't feel that we are good neighbors. And I think we are trying to be, we're trying to be and I don't know how we can involve everybody in these decisions because we've been working real hard for four or five years or more on what to do to go forward in the future. So, I guess it's a problem. You have a great one to deal with".

Mr. Madzy announced that the hour is getting late and it is just before 11:00 p.m. He felt it would be appropriate to allow these ladies to speak, "Mr. Molmen if you want to speak as well, I would want you to come back here but we need to start to get a batting order put together so we can finish this meeting. Ok, then we will go to Mr. Shurrell, then come over here to Mr. Wargo, Mr. Mills and Mr. Dixon, sound reasonable?" Mr. Madzy stated at that point, once the comments from the audience were done, then the Commission members would speak. He asked if everyone could each make their points in three minutes and everyone agreed that they could.

Terri Finefrock 169 Beech Street said that her property was the one with the telephone pole. She stated, "I am struck by a couple of things that I would want to applaud because for me what it means to be in a community it is very different then living in a community. But to really be in a community is to sit here until 10:55 trying to do this. So, we are very much in community with you. We are very much in partnership with the Methodist Church. I am also a BW graduate and had my wedding at the church. But the point back here is what strikes me is that this footprint of 60 some odd percent being ok once upon a time, isn't the rationale for making a 60% footprint a good one. The hour is late. I'm struck by the fact that in this day of community development projects and partnerships, the challenge at hand is sustainability. I haven't heard a whole lot about that incorporated tonight and I know it was mentioned in the minutes of the May 1<sup>st</sup> meeting and I applaud the council for talking

about it. I also applaud the council for being cautious about this footprint may not be the best one. In the day of sustainability, bigger is not always better. I want it to be better. I want it to be the best. I want it to be the best for the church and the best for us”.

Mrs. Finefrock explained, “I think the neighborhood is pretty clear that we understand why you need to expand and at some point in time there is going to be an expansion plan that we are going to be very supportive of it. I don’t think, like Mr. Martin said, that you are there yet. But don’t be surprised if the neighborhood pushes back because when the project started had we not been pushing back or trying to build partnerships, what would have been approved is something that would have gone all the way down the alley. So we have pushed back. Please don’t be surprised if we are pushing back a little. In my pushing back because I also work on some committees with other members of the church, what I was most moved by was the willingness to be heard and the willingness to say ok we are going to stop. We also had to because there are variances. There are variances for very good reasons. It makes Berea what it is. We are zoned what we are because it makes Berea what it is. So I don’t have lots of facts and numbers to present either but the same challenge to the Planning Commission in its wisdom on May 1<sup>st</sup> and continuing to move forward is that we are moving in the right direction and I simply submit I’m not so sure we are all there yet”.

Mrs. Finefrock stated, “We have seen problems on Beech Street as a result of the two-way block and it’s as far at the end of the block that you can get. It does create problems. I think all of these things really need to be exhausted as part of the solution. I’m impressed by the fact that today at some point in time the Planning Commission is on the ground walking the streets, and they are looking at that and they are thinking outside of the box. I want to continue to do that with you. However we can continue to do that, then please let us know. I don’t think that a rubber stamp on this is what we want to do yet but I certainly want to be a part of the solution”.

Marcie Molmen of 194 Seminary Street stated, “Now, if I understood you right Mr. Ziska, I understand that we owe you a note of thanks because you quoted a study that said the closer houses are to a church the more they are worth. Well, you have just brought the church something over 100 people to tour our house. So, now I am wondering who do we talk to, to get it in writing that our house is going to appreciate. But seriously, we were worried about being flooded with water because of all of this roof and all the new paving and as you know we submitted a letter to the Planning Commission members. Mr. Ziska directed his reply to that and based on what he said that it would be dry 99% of the time, the detention basin, I’m starting to wonder if our problem is going to be at the opposite end that this is going to be draining so thoroughly that we are no longer going to have enough water in our yard to grow our perennials and the bulb plants that we put in and so forth. It seems a

question that can't be answered right tonight. We would like to find out what the truth of it is".

Mrs. Molmen said, "I'm sorry to say that is rather typical of the relationship with the church this past year. Up to that it was wonderful, but this past year to be informed at a public meeting that their solution for damage to our trees because of their project, is to take down our trees. Take down our 100-year-old silver maple and trees that they regard as scrub trees but which we like, frankly. And to replace them with Honey Locust which if I remember right, are the trees with lots and lots of thorns that they plant where strip mining has been done because that's the only thing that will grow there. I could be wrong about that, but seems to me that is where I have heard about Honey Locusts before. So, but they seem to acknowledge that our trees are going to be gone and we like our trees. And there is no doubt that most of the trees on the church lot are going to be gone. They said that the addition wasn't so very big. This picture happens to be taken looking right toward the church and most of this is what's going to be covered by the addition and it looks big to me. Pass that around. Think about the neighborhood here".

Mr. Madzy noted that this has been a long meeting and he is aware that everyone has had a long day, however, he felt this was an important issue and wanted to hear from everybody. He wanted to hear everybody's points.

Mrs. Molmen continued, "Remember the earlier discussion about rental homes being a problem in the neighborhood. I also want to point out from this aerial shot here's our home, here's the church, Seminary Street, look at all the open spaces for parking lots, baseball diamonds, tennis courts and so forth. There are really very few concentrations of big trees, mature trees and they are talking about taking the heart out of the ones on this block. And here's just a closer view so that you can see more clearly the trees that would be lost. And if the building doesn't work out, you can't put a 100-year-old tree back. You walk onto our block now and it's 8 or 9 degrees cooler than the blocks around that don't have big trees. Taking these trees down is going to make a big difference in the quality of life in our neighborhood in terms of sense of community, in terms of temperature, and I think our lot is going to be very seriously affected either by being swamped or turning it into a desert. I'm not sure who to believe. Or by getting too much sun. Thank you for listening and I know you will do your usual careful decision making".

Randy Molmen of 194 Seminary Street indicated that he would be as brief as possible. "I really think that the problem is partly process. I realize that variances are necessary in an old neighborhood when you are revamping for a new space. We needed to get variances for our house too. But the process was different. We took our plans to all of our neighbors and we said how does this look to you and because of the comments of the Neely's who lived at 188, we moved our garage further to the north requiring another variance

and requiring us to pave somewhat more of our own lot because the driveway had to come in at an unusual way. We got all of that done in meetings with the neighbors before the council meeting. I really regret that we are spending this much time talking about details in front of you. The meetings have become interminable. Three minutes or whatever it is, it's still interminable".

Mr. Molmen added, "When we've had contact with the church before in the planning process it has been very controlled and very one way. I'd like the chance to sit down and talk about the issues like can we move the parking in some way to meet the problems. Can we shift these things a little bit here to change how close it comes to this property or that property? Can we ensure that you can still park in these garages and we ensure that you can get out of these parking lots without running into someone? How can we come to that solution? And, we have not, at the last community meeting, we issued an invitation but, so anyway, I just regret the process".

Mr. Molmen said, "I do think that the church building, as it is drawn now, will have a significant negative effect on the entire neighborhood not just because of the houses around there but as part of sustaining the viability of the neighborhood. It has been protected by strict zoning codes by the R-SF-A agreement and by Ordinance for 30 years. It has given us the confidence, those who live there, to remodel our houses and many of us have spent over \$100,000 remodeling our houses because we knew what kind of neighborhood we were living in and what it was going to look like. Without that confidence, without the protection of those things, what happens? So, the zoning codes are there for a reason, variances need to be approved for reasons but they should be hard to get and the options should be exhausted before we get to that point".

Rob Shurrell of 132 Seminary Street stated, "I was just going to talk just a bit about the R-SF-A. I think you all are familiar with that and you know the intent. The intent was to protect the single-family houses in that neighborhood. We see on their plan if you could bring that back up, thankfully you saved this home but of course in a neighborhood, you know, it's not a home. What's makes a neighborhood are neighbors. What we really need here is to have a single-family residence here. We need this to be a viable single-family residence. And they're not saying that and they won't. And you may think let's put that off to a later time to decide that. But we know, and I think you all from the church have heard, that you may look at it as being not so nice people but I can tell you that no feather in your cap that they refused to communicate with us and work out this stuff in a civil kind of way. The only way you have allowed us to talk with you is here in this forum. And that's a shame, that's too bad. We have invited it many times and have been rejected so I have no trust that in the future they are going to have any interest in listening to our neighborhood so we have to rely on you guys to protect us here and protect this zone. And you know, I think you know, that having a single-

family home here and giving it a conditional use is pulling the rug on the protection that this neighborhood has had for 30 years. It's really critical that we save this as a single-family home. So link it up, anything you do, my request is if you are going to think about what kind of configuration you're willing to support for this church, make sure that you link it up to that being a viable single-family home. It can be done. You can easily see how it can be done. Don't let that slip by".

Mr. Shurrell added, "On a bigger scale than that and what has been of interest to the neighborhood is the question about why is that they haven't thought about doing this inside their existing space. And they won't talk to us about that. But we do know there is such a plan. And I was just wondering if I can hear why it is that the plan was rejected. I've got a copy of it here, I don't know how old it is, maybe you can look at that and pass that down and ask them why is it that they need to build this big structure.

Jack Mills of 179 Beech Street reported, "I actually am a member of the United Methodist Church and I had Chuck Dixon and Margaret Proctor in fifth or sixth grade and went to Sunday school there and obviously I am also in the immediate neighborhood and I am opposed to the current plan and offended might be a strong word, but I just wonder why, if this has been in the works for four years, I was away at school for four years undergrad, and three more years law school, but the first I heard of it was maybe two weeks before the first meeting. If I didn't hear about it as a member of the church as well as living a stone's throw away, I don't know how anybody else did and I had to hear it through Dominic Franklin. I think it just shows that this has been done by two different sides that haven't gotten together and haven't met for whatever reason and to accept the plan as it is, would just be a travesty because it sounds like a lot of money and a lot of time have been put into it and Ken points out several things that if what he says is true, you can't back out of that parking lot if I pull my car in there and I sure as heck not coming out there every time somebody wants to be there. It's just not physically possible".

Mr. Mills stated, "Some people have to sit down in a room and figure out the plan that is actually going to work and be viable based on footage and what not. My worry and I think a lot of people in the neighborhood's worry, is that you accept this plan as it is with conditional changes and what not. What guarantees are there that any of this is going to change? There's no guarantee except with the plan today that any of these things are going to be fixed. And it's nothing against the church members, they're great people and I've known them for 28 years now and many of them, some are new because I've been away but the church may feel like home to you people but you are actually talking about our homes. You're actually talking about, so the church feels great and it's nice to be there but these are actually our homes. I guess all I ask for then is to put this aside. I don't think another month or however long it takes to sit down and talk about this. I know we spent a long time here but

again, some of this could have been worked out if people would have sat down in the first place and you have to do it right. I mean there's too much money and too much at stake and too many people involved".

John Wargo, Attorney here in Berea said, "I have been here for 50-some years too and I've been going since 6:00 this morning too. I talked to Chuck Dixon and said to him tonight, the way this plan is and having been in your position back when Jack Kafer was Mayor, I said I don't see how the board can pass this tonight because there are problems and I think Ken Martin was eloquent in pointing those problems out. If you pass what has been requested, I don't know, aside from that, before the meeting started I had a chance to sit in the corner and talk to Chuck and Margaret and I said rather than be here, then why don't we call this off, ask the board, ask, you ask it's your petition, your request, to have the board table this, set up a meeting with the architects, and Ken Martin. What Dominic had said, table it, have these people get together, you can use my office if you want, whatever is available. I'll help. I don't know what I can do it's up to you guys but he has some great ideas. Table this. Don't act on this at this hour, it's late. Sure the church wants it done and I've heard what a leader your church has been and a worldwide leader not just in Berea. For a church that can be such a leader in a worldwide community and especially Berea take that leadership and put it together with your neighbors. I think my client and as a member of your church, put it together so it's done and come back here with a plan and sail through here so fast it will make your head spin".

Chuck Dixon said, "I have also been going since pretty early this morning so I will try to do it in three minutes. I just want to do one detail and then some general statements. The variances, my understanding, that we are asking for tonight are here, here, the canopy and the lot coverage. Correct? Ok, one detailed comment. From the garage that is directly across from this is 27-1/2 feet to our side of the alley and another 2-1/2 feet to the building so about 30 feet. I have 28 feet on my L-shaped drive between my garage and the far side of my drive. Every time I back out of my garage I have to make that same 28 foot requirement or I'm hitting a tree in my yard. There is no access problem for that garage to get out into the alley".

Mr. Dixon continued, "R-SF-A District was formed to protect the homes, to protect the neighborhood. The people who passed that had the wisdom and the intent to ensure that religious facilities were included in the R-SF-A zoning. If you look at the zoning code, religious facilities are allowed. Well, why is that - because they know what they do for the community. The local immediate neighborhood, the greater community and they knew we were there and they wanted us to stay there and that's why that zoning code was passed the way it was.

Mr. Dixon reported, "When the Mayor sent his letter to the Planning Commission that said 'I am ready to inform you of my support for the latest proposal for the expansion of the United Methodist Church', he knew that we had put a lot of effort into trying to make this work to minimize the variances. He, and I'm going to quote his letter, 'since that time the church has made every effort to change their plans' and the time that he is referring to is May. When we were told you can't take the house out, so we incorporated maintaining a house into our plan. 'Since that time, the church has made every effort to change their plans in order to meet the standards that were asked of them. I believe in the current proposal the church achieved the balance between their desire to expand and the preservation of the residential character of the neighborhood'. Pretty strong words from our leader here in town. In wrapping up the letter, besides reiterating once again that he was in favor of our proposal, he just reinforces our value to the neighborhood. 'I am expressing to you my support that the members of the church have shown concern and respect for the demands placed upon them by my Administration and by the Planning Commission. In doing so, the members of the church have demonstrated that they are good neighbors and have a genuine concern for the public's good and not just their own private interests'".

Mr. Dixon concluded, "I urge you to vote in favor of the variances that are before you tonight. We have parking issues that we have to work through. We will be back here to deal with those at a future date. We've been at this for a long time and the delaying tactic does tend to get a little old so we ask you to vote for it".

Mr. Madzy said at this time he wanted to open the floor up to the Commission members. Mr. Sawyer discussed "haves and have not's" regarding somebody else telling a property owner what they can or cannot do with their land. He also talked about compromises and prioritizing the haves and the have not's. The church has agreed to keep the century home in place but they are asking for the neighbors to compromise on other items. Mr. Sawyer suggested that everyone sit down and talk about this. He stated, "There's got to be a middle-ground in there for everybody". In response, Mr. Madzy pointed out that it sounded like Mr. Sawyer was volunteering to be a part of these said meetings.

Mr. Dixon reported that he forgot to address one more point this evening. "In terms of what our needs are - why is this the plan? Because the constituency we serve today is a wider age range. Young adults, college students, little kids in our education building, students like Jack was all those years ago when he was in my 7<sup>th</sup> and 8<sup>th</sup> grade class and all the way up to now, my age or older. This facility has to be on the ground floor and we can't put it in here on the ground floor without losing lots of other function that we can't afford to lose".

Mr. Dixon continued, "It is my understanding that as part of the Mayor's vision for the City is that we are going to do a better job of serving senior citizens and that we are going to do a better job of attracting young families. Well guess what, that's what every church in Berea says they need. We need a fellowship hall that can seat a worshipping congregation. We don't have one today. We need a fellowship hall that is at ground level so people don't fall going down the steps into the existing fellowship hall like sometimes happens today. And if you kid yourself into thinking that the elevator is going to solve that falling problem, no way. The people that fall on steps are the people that shouldn't be walking on steps. Steps are inherently dangerous, one level, especially when you have 250 to 275 people".

Mr. Dixon stated, "And as several of the people that presented about scouting, about our children program, we need a space where kids can play inside. So it's fellowship of the congregation. It's fellowship for programs that serve the elderly. It's fellowship for the young people that we serve. It has to be on the ground floor. I told the neighbors that back in February. You can't build it into the ground over here and if we build it at ground level here, we basically destroy one end of our education building trying to build it. That's why this is the plan".

Mr. Fay explained, "Two things – one, I think we have to face that something is going to happen with the church. It's going to grow. Vice versa, I think the church needs to look at some form of compromise. I'm not an architect either but looking at some of the things like what Mr. and Mrs. Finefrock brought up about backing out of their place where the bathrooms are, that can be moved. Looking at where the kitchen and the storage area are - why do you need that much area for that when there are two other kitchens in there? In response to Mr. Fay, Mr. Wargo stated, "Again, I'm not an architect but I do think going back to what Mr. Sawyer said, the three of you have to get together. You've got to get together and sit down. You've got to figure out, if the Methodist Church is extremely important to this town, but the community, the historical neighborhood is equally as important".

Mr. Fay said he would like to table this if the three groups are willing to get together and look at it again. If they do not want to get together then they will have to vote on this tonight. Mr. Dixon inquired, "Are the groups willing to allow us to build a ground level fellowship hall?". In response, Mr. Madzy indicated that he has sat back and listened to what everyone has been saying and, "I know there has been a lot of clapping when if somebody you came with and you support that side and they're done speaking you clap and if the other side speaks you sit with your arms folded. That's unfortunate that this is the position we're in. I don't say that to say hey, I support one side or the other. I say it to both sides. I mean, we're Bereans, all of us. And I think that's what makes us strong as Bereans. We are willing to take the time to talk about things and take the time to do things right and if it means we have a plan and

we go over it. What I summarize in my mind when I hear people speaking is I hear Chuck Dixon, I hear Mr. Graham, I hear some of the other people, Ms. Darling who goes to BW, but I hear what you are saying. The church is strong. The church is a leader. The church is my beacon. The church is a place that is a home away from home for BW students and for people coming to our area. I heard the lady that was speaking about the Girl Scouts. This is definitely, the expansion of the church is going to serve needs and the church needs to expand everybody. And I think I hear the people from the United Methodist Church saying, we need it and I agree. And I hear the people from the neighborhood say, you need it, we agree. So there are some similarities there. And although we have kind of drawn ourselves as pole opposites and we're upset about this or upset about that and we're clapping for this side or that side, I think there's more common ground here than we think". Mr. Madzy recommended that if the groups are going to meet, small groups usually work out better.

Mr. Martin pointed out that the City has history with this type of resolution. "We can look back and say that we had a real issue with BW's gym expansion. What happened was BW, the neighborhood, Andy Fay, Sue Adams was there and for some reason it worked itself out. One cannot say that will occur now but wasn't it wonderful? It was just like, wow. And what happened immediately after that was it came to the Planning Commission and it went through so fast, it amazed everybody. And that's simply how it happened".

Mr. Franklin stated, "That can work here. All we have to do is sit down and work towards that. Like Matt just said a few seconds ago, we all have common ground. Let's just work on the issues that we don't have common ground on and see if we can come up with some compromise on both sides".

Moved by Fay, seconded by Draves to table this application. Vote on motion to table was all ayes; no nays. The motion carried.

There being no further business to come before the Planning Commission, moved by Draves, seconded by Rump that the meeting be adjourned. Vote on the motion was all ayes, no nays. The motion carried.

(signed copy on file in the office of Secretary to Planning Commission)

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Matthew Madzy, Chairman

(signed copy on file in the office of Secretary to Planning Commission)

Attest: \_\_\_\_\_

Karen A. Ortiz, Acting Secretary

**CERTIFICATE OF COMPLIANCE**

The meeting of the Planning Commission held this 2<sup>nd</sup> day of October, 2008, has been conducted in compliance with all legal requirements, including C.O. Chapter 109 and Section 121.22 of the Ohio Revised Code.

(signed copy on file in the office of Secretary to Planning Commission)

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Karen A. Ortiz, Acting Secretary