

**ZONING BOARD OF APPEALS  
MEETING MINUTES**

Wednesday, October 1<sup>st</sup>, 2025  
4:30 P.M.

**VIRTUAL MEETING:**

Live Streamed @ <https://www.cityofoberlin.com/city-government/streaming-video/>

**In-Person Meeting:**

Oberlin Enrichment and Activity Center, 36 S Prospect St. Oberlin, OH  
44074

**1. Call Meeting to Order and Roll Call**

This meeting was called to order at 4:35 P.M.

**Roll Call:**

**Present:** Greggor Mattson; Chair, Gerald Findlain; Member, Catherine Oretel; Member and Alan Campbell; Member and Chris Yates; Staff Liaison.

**Guests:** Jack Ford; Chair of the Oberlin Planning Commission, Bryan Burgess; Member of The Oberlin Planning Commission, Peter Crowley; Member of the Oberlin Planning Commission, Amy Maliza; Member of the Oberlin Planning Commission, Carrie Porter; Planning and Development Director, Ian Anderson; Planning Assistant, Joe Waltzer; City Council Liaison, Aaron Appel; Bram Hall, George Webb; Bram Hall, Ryan Kozak; SLK Capital Holdings, LLC, Michael McFarlin; City Council Liaison for the Oberlin Zoning Board of Appeals and Nolan Nicaise; ZoneCo.

**Absent:** Greg Wilson; Vice Chair and Michael McFarlin; City Council Liaison.

**2. Joint Review of the New Draft Zoning Code by the Planning Commission and the Zoning Board of Appeals - Nolan Nicaise from ZoneCo, LLC.**

Porter informed this commission that this will be the first review of the amended zoning code. She added that many of the amendments are based on language and suggestions as stated in the Comprehensive Plan that outlines future land use plans. Much of the work that the Planning Commission participated in, such as daycare regulations and signage regarding the Comprehensive Plan, is represented in this draft of the amended zoning code. Porter then introduced Nolan Nicaise, Project Manager for ZoneCo. Nicaise stated that this current update process began over a year ago and that he considers this presentation as the adoption phase of this project. The adoption phase is step 3 of this process as stated by Nicaise. He then outlined these steps. Step 1 according to Nicaise is the Introduction Phase. Step 2 is titled, "Where are we in the Zoning Update Process?" Step 3; Introduction, 4; Using the Comment Tool, 5; Using the Change request Tool and 6; Cliff Notes of Proposed Code, Including Processes. Nicaise added that the contract for his entity to begin the update process of the Zoning Code began last August. This began the Diagnostic Phase upon where the existing zoning code was compared with the goals set forth in the Comprehensive Plan. Upon completion of this phase, the Calibration and Codification Phase was set in motion. This saw the creation and amendment of districts, their uses and use standards such as fence regulations, signs, parking nonconformities, definitions and the addition of graphics. This led to the last and current phase, Project Adoption, where the Planning Commission upon review of the amended zoning code, would recommend a list of any changes they deem relevant. Nicaise then stated that he would need at least 1 month to add any changes or recommendations after approval by this commission. Then the code would be forwarded to City Council by the Planning Commission for final approval and adoption. Nicaise then brought attention to a presentation regarding the amended code. First, he addressed the Comment Tool. This tool allows readers to pinpoint areas that they may want amended and leave a note under the language in question. This tool also allows users to delete language in the amended version. That is why, according to Nicaise, why this draft should not be made public, being that someone may inadvertently delete large portions of the code. Editing this code through the comment tool will be visible to anyone that possesses this version of the amended code. Nicaise then prompted attendees for questions. Crowley stated that he had difficult time navigating this draft. He added that he would like to see an interactive table of contents. Nicaise affirmed Crowley's idea and stated that he would install hyperlinks to the table of contents as suggested by Crowley. Oretel questioned if there was an executive summary of changes linked to this draft.

“No,” replied Nicaise. Porter added that the changes were so extensive, being that this project saw the overhaul of the entire code, that it would have doubled the content. Ford questioned if there was a copy of the map linked to this project available. “Yes,” replied Porter She added that the map would be available to commissions before this plan is presented to Council. Nicaise added that the map will be a part of this conversation.

Nicaise then brought attention to the Change Request Tool linked to the amended draft of the zoning code. This Microsoft Excel document will allow the user to download the amended code with revisions or comments made while using the Comment Tool. He then recommended that this commission use this tool to supply PDF versions of the amended code to the public if need be. This tool could also be used to correct typos or incorrect page breaks. The Change Request Form also updates the existing document for all users. This helps supply users with the same document after a lengthy update while allowing them to vote on proposed changes. Changes will not be made to this document if they are not approved on the change request form. Meliza questioned if there will be time to review changes via the change request form and discuss them amongst commission members. Nicaise stated that he would like to see this commission vote to make a recommendation to City Council regarding this topic tonight, but the timeline regarding this project is in the Planning Commissions hands. Burgess questioned if the document sent to commission members has the excel link. Nicaise stated that he believes it does. Ford stated that the link is not present. Porter stated that she will send the link as soon as possible. She added that she feels that this commission will need one more meeting before passing this on to City Council. She added that the scheduled meeting for November already has several topics of discussion. She then encouraged attendees to review the draft code in its entirety if possible before the next meeting. After a brief deliberation, it was decided that the Planning Commission will hold a special meeting on October 15<sup>th</sup> at 4:30 P.M. for a second review of this document. Nicaise then brought attention to the Cliff Notes portion of this document. These notes explain the basic concepts of the proposed code as well as a reworked table of contents that include 8 proposed districts instead of the 13 districts that the current code represents. The cliff notes also state the effective date of the code, applicability, severability, rules of measurement, district maps, annexations and land use standard definitions among others. Nicaise then brought attention to the District Maps represented in the amended code. He added that this map was not ready for submittal when this commission received the amended version of the code. The main amendment to the proposed map will see all areas

that are designated as Planned Development remain as such. The reasoning behind this according to Nicaise is that once a district is deemed as such, it is difficult to legally change a district's designation and therefore enforce and implement new uses and standards that the new district may represent. References linked to this map in the amended code will lead the user to standards that may not exist in the amended code but will refer them to where they can find them. Crowley questioned if this map and its references can be justified being that the standards that the district map is based on are not represented in the code. Furthermore, does this map create two planned development districts with different sets of uses and requirements. Nicaise stated planned development districts have been used and abused by local governments due to the inadequacies of their existing zoning ordinances. The justification for this, according to Nicaise, rests in the previous approval of this type of district by a former planning commission. With this being the case, the city has vested rights in allowing and maintaining this use. Porter added that there will be no new planned development districts, but the existing ones will be identified and codified into the proposed district map. Kendall at Oberlin would be an example of this. Porter further added that there is an amendment process that planned development districts can utilize for minor changes to this designation. Standards will not be adopted to create new planned development districts. Instead, the existing standards will be adopted to represent planned development districts. Crowley then questioned if a builder would be able to force the city to rezone a property as planned development, due to the absence of standards from the proposed code. Nicaise directed Crowley to Section B of the Planned Development District chapter in the proposed code that reads, "It is the intent of this planning and zoning code that no lot or tract of land be converted from any other zoning district to a plan development zoning designation." This requirement according to Nicaise would allow the Planning Commission to decline such request. Furthermore, as stated by Porter, the amended code will allow multi-family use, which will lessen the need for a planned development district. Traditional Neighborhood, Mixed Neighborhood and the Downtown District will all allow multi-family use under the amended code. Nicaise added that the College and Institutional District will be combined into one use. The verbiage regarding the current Institutional District will largely remain the same as stated by Porter. Nicaise stated that the new districts will be identified as Downtown, Neighborhood Mixed Use, Institutional, Traditional Neighborhood, Suburban residential, Parks and Open Space, General Commercial and the Innovation District. Nicaise added that each use is represented by a chart that breaks the proposed

districts down into categories such as Land Uses Allowed, Required Approval Process and Applicable Use - Specific Regulations. These categories govern the type of structures that the proposed district allows, the approvals needed to construct such structures and the regulations used to govern that use. This chapter also covers development standards that dictate lot dimensions, parking standards and performance standards. A portion of this chapter of the proposed code has a section titled "Other Standards Applicable to the Suburban Residential District." Every chapter in this code has a variation of this title. This section according to Nicaise, is to inform the reader that there are other standards that may be listed in a different area of the code that govern uses linked to the chapter in question. This section also informs the reader that they may also have to consult the Ohio Building Code regarding construction and uses in the district represented. Burgess questioned if the East College St. development would have been allowed under the proposed code. "Yes," replied Porter. Nicaise affirmed Porter's answer and stated that the footprint of the buildings that exist in this development are under the allowable footprint of 30,000 Sq. Ft. Findlain questioned the authority of this code. His concern revolved around being sued by a developer, thus forcing the city to allow uses that are not compatible with the vision and goals that the proposed code states. Nicaise stated that it is his objective to produce a code that reduces the chance of any lawsuit. Mattson questioned the reasoning behind the requirement stating that single-family housing be subject to administrative review. Nicaise prompted Mattson to list this comment in the change review section of the proposed code. Nicaise then brought attention to the Institutional District guidelines. He stated that this chapter is formatted differently than others being that it does not provide a table of uses. Nicaise added that this chapter is narrative in context. The reason behind this is that this chapter will be grandfathered from the existing code. Nicaise then brought attention to the General Commercial District. He pointed out the existence of residential uses in this non-residential district. He informed attendees that this caveat in the proposed code would allow certain residential use under the approval of a Conditional Use Permit. Nicaise added that the design standards listed in the General Commercial District will mirror the design standards as listed in the Innovation District. Nicaise then discussed the Innovation District. Nicaise described this district as employment oriented. This district will represent what is known in the current code as the Industrial District. Nicaise pointed out that this district does not allow residential use of any form or fashion. Burgess questioned the proposed prohibition against data centers that exist in this chapter. Porter stated that the city's current power

grid would not support such a use. Furthermore, if a data center were to produce their own power, the emissions created by such would be substantial. This as stated by Porter, goes against initiatives stated in the city's Climate Action Plan. Porter added that one data center would need at least 150 megawatts. They also have a large building footprint and do not create a significant number of jobs. Nicaise affirmed Porter's statement and added that this commission should be more conservative when dealing with this type of use. Findlain questioned if it would be rational to require an escrow holding for these types of uses. His concern revolves around the city having to foot the bill for the future demolition of large commercial properties that have become obsolete. Nicaise stated that this risk presents itself in multiple uses and that he does not feel that pinpointing one use for an escrow requirement is feasible. He added that an escrow requirement may ward off prospective investors and inadvertently hinder development. Mattson questioned the necessity of a requirement in the Innovation District that prohibits prefabricated metal and concrete walls. Mattson feels that this requirement is not needed. Ford affirmed Mattson's statement. Nicaise agreed with Mattson and Ford and prompted them to add this comment to the recommendation section of this draft of the proposed code. Nicaise then brought attention to the Parks and Open Space District. He added that commercial uses will need to obtain a Conditional Use Permit to operate in this district. Crowley questioned the requirement needed to facilitate a change of use. Porter informed Crowley that a site plan approval by the Planning Commission would be needed to grant this use. Nicaise stated that if a change of use was requested for a structure that operates under a conditional use, it would need a second conditional use approval. Waltzer questioned if excluding schools from the downtown district would be feasible. "Yes," stated Nicaise. Nicaise then brought attention to the chapter governing Use Standards. This chapter presents charts that state district uses. This chapter also provides links to specific sections of the code pertaining to such. Also present in this chapter are definitions to uses that exist in the proposed code. Nicaise then brought attention to Accessory Uses and Accessory Structures. This chapter covers required setbacks for accessory structures, information on accessibility ramps, accessory dwelling units, home occupations, home daycares and child daycare facilities among others. Nicaise then discussed the chapter governing General and Applicable Standards. This chapter covers parking, trees, vision clearance triangles, performance standards, fence and outdoor lighting standards, dumpsters, solid waste storage and signs. Nicaise then discussed the Administration and Procedures portion of the proposed code. This chapter has a chart that

states what commission or city staff are responsible for certain approvals. This chapter also identifies the types of permits linked to these approvals. Process for appeal, administrative determinations and public hearing protocol also exist in this chapter. Crowley questioned if the Planning Commission could recommend changes by themselves. "Yes," replied Nicaise. Burgess stated that this chapter should incorporate Citizen's Initiative. This is where the public could intercede or prompt the passing of a plan with a certain number of votes. Nicaise affirmed Burgess's request and stated that he will add this statute to this chapter. Nicaise then brought attention to Nonconforming Uses. This chapter covers ways of continuing nonconforming uses upon passage of the new zoning code. This chapter also provides examples of such. According to Nicaise, this chapter will help the public understand the removal and navigation of nonconforming uses that will take place upon adoption of this code. He added that the verbiage in this chapter states that if a nonconforming use is abandoned for a period of six months, the nonconforming use will not be reestablished. Burden of Proof and Specific Applications of Nonconformities are also discussed in this chapter. Nicaise then discussed the Glossary of Terms chapter. This chapter was formatted to reduce inconsistencies in the code regarding definitions and amendments. Burgess questioned how annexation will be handled as represented in the proposed code. Porter stated that annexation will involve consulting the future land use map provided by the comprehensive plan and determining the district that aligns with that plan. Other than that, according to Porter, land will be deemed suburban residential when it is adopted by the city. Campbell questioned the process revolving around the abandonment of a residential home and what could be done to address such an issue. Porter stated that abandonment of a residential structure would fall under the 2018 International Property Maintenance Code or the Ohio Building Code. Campbell then questioned if there was verbiage represented in the proposed code that would govern the design of a home in a residential setting. Yates stated that this also would be governed by the Ohio Building Code. He added that design requirements currently exist in the commercial district. Nicaise added that if the planning commission wanted to implement such standards, that it may be possible but who would implement this process, what would be the qualifications of the person implementing this process and what are the social implications of such a procedure. Ford questioned Mattson regarding variance applications. "What is the application that you see most regarding the Zoning Board of Appeals?" "Decks and Sheds" replied Mattson. He added that this is because of the 12 to 15 Ft. side yard setback for accessory structures that currently exists in the code. Mattson

added that this draft of the code will significantly decrease variance applications and that he feels that it will also encourage things to happen the way that we want them to happen. Meliza added that the photos and illustrations are very helpful. Attendees thanked Nicaise for his presentation and work regarding the amended code.

**3. City Council Communications - Michael McFarlin**

McFarlin was absent from this meeting.

**4. Adjournment**

This meeting was adjourned at 6:56 P.M.

Drafted by Chris Yates  
Code Administrator  
City of Oberlin.

A handwritten signature in cursive script, appearing to read "Chris Yates", is positioned below the typed name and title.