

Agenda
Board of Zoning Appeals

Published: March 4, 2026
To: Board of Zoning Appeals
From: Mark Easterling, Deputy Planning & Zoning Administrator
Re: **Items for the March 9, 2026 Meeting**

1. Call to Order - 6:00 PM
2. Roll Call
3. Approval of February 9, 2026 Meeting Minutes
4. Administer Oath
5. Zoning Permit Obligation
6. New Business

APPLICATION 02-26

MATTHEW HALL IS REQUESTING A ZONING VARIANCE TO CONSTRUCT A FENCE. THE PROPERTY IS A CORNER LOT LOCATED AT 656 HUNTERS RUN AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1250.42 FENCES, WALLS, STRUCTURAL SCREENS, HEDGES, AND SCREEN PLANTINGS:

R-3 ZONING:

- 4' MAXIMUM IN FRONT YARD
- 6' MAXIMUM IN SIDE YARD
- 6' MAXIMUM IN REAR YARD

1. THE APPLICANT IS REQUESTING A VARIANCE TO CONSTRUCT A FOUR AND ONE-HALF (4.5) FOOT FENCE IN ONE OF THE FRONT YARDS OF THE PROPERTY.

Recommendation:

The Deputy Administrator recommends approval of the variance request, having found that the application meets the criteria for variances B, C, D, and G of Chapter 1275.02(c)(3). The property is located on a corner lot with two front yards. The applicant proposes to replace the existing four-foot split rail fence with a 4.5-foot iron rod fence, which is the only height available for this style. The

requested increase in height is minimal, and the new fence will be installed closer to the residence than the existing fence. This adjustment reduces the degree of nonconformity and demonstrates the applicant's effort to minimize the impact of the variance. The proposed fence will not adversely affect sight distance or traffic safety at the intersection and, therefore, remains consistent with the intent of the zoning regulations.

APPLICATION 03-26

MARK RICH, ON BEHALF OF MARK RICH REALTY, IS REQUESTING A ZONING VARIANCE TO REDUCE THE SIDE YARD SETBACK TO ALLOW FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE. THE PROPERTY IS LOCATED AT 154 BARTON CREEK DRIVE AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1230.01 INTENSITY AND DIMENSIONAL STANDARDS

R-3 ZONING:

FRONT YARD = 35'
REAR YARD = 35'
SIDE YARD MIN = 8'
SIDE YARD TOTAL = 20'

1. THE APPLICANT IS REQUESTING A SIDE YARD SETBACK VARIANCE TO CONSTRUCT A NEW HOME. THE VARIANCE WOULD PLACE THE STRUCTURE FOUR (4) FEET FROM THE SIDE YARD PROPERTY LINE.

Recommendation:

The Deputy Administrator recommends approval of the variance request, having found that the application meets the criteria for variances C, D, E, and F of Chapter 1275.02(c)(3). During excavation for the home's foundation, a trench was discovered on the property. Avoiding the trench would have required shifting the home's location, as the trench measures approximately eight (8) to ten (10) feet wide and fifteen (15) feet deep, making relocation impractical. Strict application of the setback requirement in this case would impose a practical difficulty that is not typical of other lots and would unreasonably burden the property owner's ability to construct a home in a standard manner.

APPLICATION 04-26

SARAH PENNER, ON BEHALF OF THE JDI GROUP, INC., IS REQUESTING A ZONING VARIANCE FOR A PARKING LOT TO BE CONSTRUCTED. THE ADDRESS OF THE PROPERTY IS 25818 N. DIXIE HIGHWAY. THE PROPERTY IS ZONED C-4 (HIGHWAY COMMERCIAL) AND IS IN THE CORRIDOR OVERLAY DISTRICT.

NOTE: CHAPTER 1230.02(G) ACCESSORY USES; OFF-STREET PARKING; MATERIAL STORAGE IN FRONT YARD: NO ACCESSORY USE OR STRUCTURE, OFF-STREET PARKING FACILITY OR MATERIAL OR EQUIPMENT STORAGE SHALL BE LOCATED IN THE REQUIRED FRONT YARD WITHOUT THE APPROVAL OF THE BOARD OF ZONING APPEALS.

1. THE APPLICANT IS REQUESTING A VARIANCE TO CONSTRUCT A PARKING LOT WITHIN THE REQUIRED FRONT YARD.

Recommendation:

The Deputy Administrator recommends approval of the variance request, having found that the application meets the criteria for variances A, C, D, and F of Chapter 1275.02(c)(3). The proposed parking lot in the front yard does not present visibility or safety concerns and will be screened by landscaping and a masonry wall. The lot's unique shape and size create design limitations that justify the variance. Requiring the parking lot to meet the standard setback would increase the number of variances needed for the overall development and reduce the number of required parking spaces compliant with the zoning code. The combination of screening, safe design, and accommodation of required parking demonstrates that the variance upholds the spirit and intent of the zoning code while allowing reasonable use of the property.

APPLICATION 05-26

LOIS SMITH IS REQUESTING A ZONING VARIANCE TO CONSTRUCT A SHED IN THE FRONT YARD AND A FREESTANDING CARPORT IN THE SIDE YARD. THE PROPERTY IS LOCATED AT 522 W. SEVENTH STREET AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1250.61(A) ACCESSORY BUILDINGS AND USES: NO ACCESSORY BUILDING OR USES SHALL BE LOCATED IN ANY FRONT OR SIDE YARD SETBACK EXCEPT UNDER UNUSUAL CIRCUMSTANCES WHERE SUCH ACTIVITY WILL NOT CONFLICT WITH THE INTENT AND PURPOSES OF THIS ZONING CODE OR WHERE ENFORCEMENT WOULD RESULT IN EXTREME HARDSHIP. EITHER EXCEPTION SHALL REQUIRE APPROVAL OF THE BOARD OF ZONING APPEALS.

1. THE APPLICANT IS REQUESTING A VARIANCE TO INSTALL A SHED THAT WILL BE LOCATED IN THE FRONT YARD.
2. THE APPLICANT IS REQUESTING A VARIANCE TO INSTALL A PERGOLA/PAVILLION-STYLE CARPORT IN THE SIDE YARD.

Recommendation:

The Deputy Administrator recommends approval of the variance request, having found that the application meets the criteria for variances B, C, D, and F of Chapter 1275.02(c)(3). The primary residence was originally constructed as a garage and later converted into a home. As a result, the building is set farther back than other primary structures on the block, leaving little to no rear yard area. This condition prevents the placement of an accessory building that meets the required ten-foot separation from the primary structure, since no variance exists for that distance. The proposed carport, designed in the style of a pergola, is a typical residential feature, but the home's placement and the narrow lot width provide limited options for compliance without a variance. The unusual configuration of the existing structure and lot, which is not generally found elsewhere on the block, creates a unique condition that justifies relief without undermining the zoning district's character.

7. Other Business
8. Adjournment

The next meeting is scheduled for April 13, 2026 at 6:00 PM in the Municipal Building, located at 201 W. Indiana Avenue.

cc: Media