

**Agenda**  
Board of Zoning Appeals

Published: June 2, 2026  
To: Board of Zoning Appeals  
From: Mark A. Easterling II, Interim Planning & Zoning Administrator  
Re: **Items for the June 8, 2026 Meeting**

1. Call to Order - 6:00 PM
2. Roll Call
3. Approval of May 11, 2026 Meeting Minutes
4. Administer Oath
5. Zoning Permit Obligation
6. New Business

**APPLICATION 14-26**

LORI UDOWSKI IS REQUESTING A VARIANCE TO CONSTRUCT A FENCE. THE PROPERTY IS LOCATED AT 1561 WATERMILL LANE AND IS ZONED R-2 (SINGLE FAMILY RESIDENTIAL). THE PROPERTY HAS TWO FRONT YARDS (ALONG WATERMILL LANE AND FORT MEIGS ROAD).

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

R1-R3 ZONING:

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

1. THE APPLICANT IS REQUESTING A VARIANCE TO CONSTRUCT A SIX (6) FOOT FENCE ACROSS THE FRONT YARD ALONG FORT MEIGS ROAD.

**Recommendation:**

The Interim Planning & Zoning Administrator recommends denial of the variance request, having found that the application does not satisfy the minimum four conditions required under Chapter 1275.02(c)(3). The subject property is one of 31 residential properties sharing frontage along a city-maintained drainage ditch, representing in excess of a half mile of continuous rear yard frontage classified as a second front yard under the zoning code. The recent clearing of overgrown

vegetation from the ditch, while necessary, is a city maintenance action that applies equally across all 31 properties and does not constitute a unique condition specific to this parcel. Granting a variance for a six (6) foot privacy fence along this frontage would establish a basis for relief that is neither unique nor limited to this property, and approval could reasonably be expected to prompt similar requests along the entire shared corridor, fundamentally altering the character of the neighborhood streetscape. This finding is supported by conditions B, C, and F, each of which is not satisfied.

The requested height of six (6) feet represents a fifty percent increase over the four (4) foot maximum permitted by right in a front yard, making the variance substantial under Condition B. The potential cumulative impact of approval on the essential character of the neighborhood along this corridor does not satisfy Condition C. The applicant also has conforming alternatives available. A green screen planting of arborvitae or comparable vegetation carries no height limitation on properties with multiple front yards and would address the applicant's stated privacy concern without variance relief. Additionally, the applicant currently maintains a permitted six-foot fence along another property boundary, further demonstrating that privacy needs can be addressed through means other than the requested variance. Because feasible alternatives exist, Condition F is not satisfied. The applicant further retains the ability to maintain the existing permitted four-foot split rail fence. For these reasons, the Interim Planning & Zoning Administrator recommends denial.

The Interim Planning & Zoning Administrator encourages the applicant to reapply following the completion of the drainage ditch clearing project. The clearing began directly behind the subject property, and the full extent of rear yard exposure across all 31 affected properties will not be determinable until construction is complete. Should the clearing result in conditions uniquely impacting this property relative to the broader corridor, that distinction would materially strengthen the basis for variance relief and better support the findings required under Chapter 1275.02(c)(3). The current request is premature in that regard, and a future application supported by those conditions would receive full consideration.

#### **APPLICATION 15-26**

DESI VARSEL WITH SIGNS UNLIMITED, ON BEHALF OF ACE HARDWARE, IS REQUESTING TWO ZONING VARIANCES TO REPLACE THE NAME PLATE ON A SIGN AND TO REPLACE, REDUCE AND ENLARGE SIGNAGE ON A SECOND FREESTANDING SIGN. THE BUSINESS IS LOCATED IN A MULTI-TENANT COMMERCIAL CENTER LOCATED AT 1175 LOUISIANA AVENUE AND IS ZONED C-3 (COMMUNITY SHOPPING).

**NOTE: CHAPTER 1250.32(A) PERMANENT FREESTANDING SIGNAGE (20' OR LESS)**

ZONING DISTRICT: C-3

MAXIMUM HEIGHT: ≤10'  
MAXIMUM SIZE: 72 SQUARE FEET  
MINIMUM SETBACK: 10' SETBACK  
QUANTITY: 1 PER FRONTAGE (2 FRONTAGE MAXIMUM)

ZONING DISTRICT: C-3  
MAXIMUM HEIGHT: 10'<20'  
MAXIMUM SIZE: 48 SQUARE FEET  
MINIMUM SETBACK: 40' SETBACK  
QUANTITY: 1 PER FRONTAGE (2 FRONTAGE MAXIMUM)

**NOTE: CHAPTER 1250.39 VARIANCES**

THE BOARD OF ZONING APPEALS MAY GRANT A VARIANCE ONLY IF IT FINDS THAT ALL OF THE FOLLOWING APPLY:

(A) THAT THE LITERAL ENFORCEMENT OF THE REQUIREMENTS OF THIS CHAPTER WOULD INVOLVE PRACTICAL DIFFICULTIES BASED ON THE PRESENCE OF SPECIAL CONDITIONS AND CIRCUMSTANCES WHICH ARE PECULIAR TO THE LAND OR STRUCTURE INVOLVED AND WHICH ARE NOT APPLICABLE TO OTHER LANDS OR STRUCTURES IN THE SAME ZONING DISTRICT. A FINDING OF SUCH SPECIAL CONDITIONS OR CIRCUMSTANCES SHALL BE BASED ON A REVIEW OF FACTORS INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

- (1) EXCEPTIONAL NARROWNESS, SHALLOWNESS OR SHAPE OF A SPECIFIC PROPERTY ON THE EFFECTIVE DATE OF THIS CHAPTER OR AMENDMENT; OR
- (2) EXCEPTIONAL TOPOGRAPHIC OR ENVIRONMENTAL CONDITIONS OR OTHER EXTRAORDINARY SITUATION ON THE LAND, BUILDING OR STRUCTURE; OR
- (3) THE IMPACT ON THE PROPERTY OF USES OR DEVELOPMENT OF IMMEDIATELY ADJOINING PROPERTY OR PROPERTIES.
- (4) WHETHER THE APPLICANT WAS AWARE OF THE RELEVANT CODE LIMITATION WHEN THE PROPERTY WAS SOLD OR LEASED TO IT.
- (5) WHETHER THE PROPERTY IN QUESTION WILL YIELD A REASONABLE RATE OF RETURN IN THE ABSENCE OF THE PROPOSED VARIANCE, OR WHETHER THERE CAN BE ANY BENEFICIAL USE OF THE PROPERTY WITHOUT THE PROPOSED VARIANCE.
- (6) WHETHER THE ISSUE COULD BE RESOLVED BY SOME OTHER METHOD, EVEN IF THIS ALTERNATE METHOD IS LESS CONVENIENT OR MOST COSTLY TO ACHIEVE.

(B) THAT GRANTING THE VARIANCE WILL NOT CAUSE A SUBSTANTIAL ADVERSE EFFECT TO PROPERTY OR IMPROVEMENTS IN THE VICINITY OR WILL NOT MATERIALLY IMPAIR THE INTENT AND PURPOSES OF THE REQUIREMENT BEING VARIED OR OF THIS CHAPTER AND IS THE MINIMUM VARIANCE NECESSARY TO PROVIDE RELIEF.

(C) THAT THE VARIANCE WOULD NOT ADVERSELY AFFECT THE DELIVERY OF GOVERNMENTAL SERVICES (E.G., WATER, SEWER, GARBAGE).

(D) THAT THE VARIANCE AS GRANTED WOULD NOT CONFER ON THE APPLICANT ANY SPECIAL PRIVILEGE, OR DEPRIVE THE APPLICANT OF RIGHTS, WHEN COMPARED WITH THOSE RIGHTS COMMONLY ENJOYED IMMEDIATELY ADJOINING PROPERTIES;

(E) THAT THE VARIANCE REQUEST IS NOT ONE WHERE THE SPECIFIC CONDITIONS PERTAINING TO THE PROPERTY ARE SO GENERAL OR RECURRENT IN NATURE AS TO MAKE THE FORMULATION OF A GENERAL REGULATION FOR THOSE CONDITIONS REASONABLY PRACTICABLE.

SIGN 1 (LOUISIANA AVENUE)

1. THE APPLICANT IS REQUESTING A VARIANCE TO REPLACE A NAMEPLATE ON AN EXISTING SIGN THAT HAS A SETBACK OF SIXTEEN (16) FEET FROM THE PROPERTY LINE.
2. THE APPLICANT IS REQUESTING A HEIGHT VARIANCE TO ALLOW FOR A SIGN HEIGHT OF SEVENTEEN (17) FEET.
3. THE APPLICANT IS REQUESTING A SIZE VARIANCE OF 430 SF.

SIGN 2 (E. SOUTH BOUNDARY STREET)

1. THE APPLICANT IS REQUESTING A VARIANCE TO ENLARGE A NAMEPLATE ON AN EXISTING SIGN THAT HAS A SETBACK OF EIGHT (8) FEET FROM THE PROPERTY LINE.

**Recommendation:**

The Interim Planning & Zoning Administrator recommends approval of both variance requests. The existing monument sign along Louisiana Avenue is a legal nonconforming structure that predates the current sign standards established in the 2006 code rewrite. The applicant is not proposing any structural modifications, height increase, or expansion of the sign area. The request is limited to the replacement of a nameplate to reflect the current business occupant within the existing sign face. Approval does not expand or intensify the existing nonconformity and is consistent with the reasonable continued use of a legally established sign structure.

The existing multi-tenant monument sign along E. South Boundary Street is legal nonconforming with respect to the setback, sitting eight (8) feet from the property

line where ten (10) feet is required. The sign is otherwise compliant in height and total area at ten (10) feet and seventy (70) square feet respectively, both within the applicable C-3 standards. The applicant is not proposing any structural changes or increases to the overall sign area. The request is limited to an adjustment of the proportional sizing of two existing nameplate panels within the current sign face. No expansion of the nonconforming setback condition is proposed. Requiring full setback compliance would necessitate complete removal and relocation of an otherwise compliant structure, which is not proportional to the minimal nature of the proposed change and would not serve the intent of the sign regulations.

#### **APPLICATION 16-26**

JAMES CHANDLER IS REQUESTING A ZONING VARIANCE TO CONSTRUCT A FENCE IN THE FRONT YARD. THE PROPERTY IS A CORNER LOT LOCATED AT 2013 KENTON TRAIL AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

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

R1-R3 ZONING:

4' MAXIMUM IN FRONT YARD

4' MAXIMUM IN SIDE YARD

6' MAXIMUM IN REAR YARD

1. THE APPLICANT IS REQUESTING A VARIANCE TO CONSTRUCT A SIX (6) FOOT FENCE IN ONE OF THE TWO FRONT YARDS.

#### **Recommendation:**

The Interim Planning & Zoning Administrator recommends approval of the variance request, having found that the application satisfies conditions B, C, D, and G of Chapter 1275.02(c)(3). The subject property has two front yards, one along Kenton Trail where the primary entrance is located and one along Bishopswood Lane. The Board previously approved a variance last month to permit an accessory structure in the secondary front yard along Bishopswood Lane. The applicant is now requesting a height variance to install a six (6) foot fence in that same yard to screen the approved shed from view and allow functional access to the structure toward either the rear of the property or the pool area. The four (4) foot maximum fence permitted in a front yard is insufficient to screen the shed, making the height variance a practical extension of the relief already granted. The proposed fence will enhance the appearance of the secondary front yard, further maintain the character of the neighborhood, and presents no safety, visibility, or utility concerns.

#### **APPLICATION 17-26**

SETH & ELLEN MCLAUGHLIN ARE REQUESTING A VARIANCE TO

CONSTRUCT A FENCE. THE PROPERTY IS LOCATED AT 326 W. SEVENTH STREET AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

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

R1-R3 ZONING:

4' MAXIMUM IN FRONT YARD

4' MAXIMUM IN SIDE YARD

6' MAXIMUM IN REAR YARD

1. THE APPLICANT IS REQUESTING A VARIANCE TO CONSTRUCT A SIX (6) FOOT FENCE IN THE SIDE YARD BEYOND THE HALFWAY POINT OF THE PRINCIPAL STRUCTURE, THIRTY-FIVE (35) FEET INTO THE FRONT YARD.

**Recommendation:**

The Interim Planning & Zoning Administrator recommends approval of the variance request, having found that the application satisfies conditions B, C, D, and G of Chapter 1275.02(c)(3). The applicant is requesting a six (6) foot fence along one side of the property, extending thirty-one (31) feet into a forty-eight (48) foot deep front yard, to screen the bedroom windows of the residence from the adjacent property. The applicant has documented a legitimate safety concern regarding the neighboring property that warrants additional privacy measures beyond what a compliant four (4) foot fence would provide. The four (4) foot maximum permitted in a front yard is insufficient to achieve the necessary screening given that the applicant's home sits thirty-one (31) feet behind the neighboring residence, creating a direct line of sight into the bedroom windows. The requested height is the minimum necessary to address that condition. The proposed fence presents no safety, visibility, or utility concerns and is consistent with the character of the surrounding neighborhood.

**APPLICATION 18-26**

LAUREN BORER WITH FASTSIGNS, ON BEHALF OF SALON HAZELTON, IS REQUESTING A ZONING VARIANCE TO REPLACE A FREESTANDING SIGN. THE BUSINESS IS LOCATED AT 131 W. INDIANA AVENUE AND IS ZONED C-2 (CENTRAL BUSINESS).

**NOTE:** CHAPTER 1250.32(A) PERMANENT FREESTANDING SIGNAGE

ZONING DISTRICT: C-2

MAXIMUM HEIGHT: 6'

MAXIMUM SIZE: 24 SQUARE FEET

MINIMUM SETBACK: 30' SETBACK

QUANTITY: 1

**NOTE:** CHAPTER 1250.39 VARIANCES

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(1) EXCEPTIONAL NARROWNESS, SHALLOWNESS OR SHAPE OF A SPECIFIC PROPERTY ON THE EFFECTIVE DATE OF THIS CHAPTER OR AMENDMENT; OR

(2) EXCEPTIONAL TOPOGRAPHIC OR ENVIRONMENTAL CONDITIONS OR OTHER EXTRAORDINARY SITUATION ON THE LAND, BUILDING OR STRUCTURE; OR

(3) THE IMPACT ON THE PROPERTY OF USES OR DEVELOPMENT OF IMMEDIATELY ADJOINING PROPERTY OR PROPERTIES.

(4) WHETHER THE APPLICANT WAS AWARE OF THE RELEVANT CODE LIMITATION WHEN THE PROPERTY WAS SOLD OR LEASED TO IT.

(5) WHETHER THE PROPERTY IN QUESTION WILL YIELD A REASONABLE RATE OF RETURN IN THE ABSENCE OF THE PROPOSED VARIANCE, OR WHETHER THERE CAN BE ANY BENEFICIAL USE OF THE PROPERTY WITHOUT THE PROPOSED VARIANCE.

(6) WHETHER THE ISSUE COULD BE RESOLVED BY SOME OTHER METHOD, EVEN IF THIS ALTERNATE METHOD IS LESS CONVENIENT OR MOST COSTLY TO ACHIEVE.

(B) THAT GRANTING THE VARIANCE WILL NOT CAUSE A SUBSTANTIAL ADVERSE EFFECT TO PROPERTY OR IMPROVEMENTS IN THE VICINITY OR WILL NOT MATERIALLY IMPAIR THE INTENT AND PURPOSES OF THE REQUIREMENT BEING VARIED OR OF THIS CHAPTER AND IS THE MINIMUM VARIANCE NECESSARY TO PROVIDE RELIEF.

(C) THAT THE VARIANCE WOULD NOT ADVERSELY AFFECT THE DELIVERY OF GOVERNMENTAL SERVICES (E.G., WATER, SEWER, GARBAGE).

(D) THAT THE VARIANCE AS GRANTED WOULD NOT CONFER ON THE APPLICANT ANY SPECIAL PRIVILEGE, OR DEPRIVE THE APPLICANT OF RIGHTS, WHEN COMPARED WITH THOSE RIGHTS COMMONLY ENJOYED IMMEDIATELY ADJOINING PROPERTIES;

(E) THAT THE VARIANCE REQUEST IS NOT ONE WHERE THE SPECIFIC CONDITIONS PERTAINING TO THE PROPERTY ARE SO GENERAL OR RECURRENT IN NATURE AS TO MAKE THE

FORMULATION OF A GENERAL REGULATION FOR THOSE CONDITIONS  
REASONABLY PRACTICABLE.

1. THE APPLICANT IS REQUESTING A VARIANCE TO INSTALL A  
FREESTANDING SIGN ONE (1) FOOT FROM THE FRONT PROPERTY  
LINE.

**Recommendation:**

The Interim Planning & Zoning Administrator recommends approval of the variance request, having found that the application satisfies all applicable conditions under the sign variance provisions of the Codified Ordinances. The subject property presents a practical difficulty peculiar to this parcel. The primary structure is set back approximately thirty-one (31) feet from the front property line, and the applicable C-2 district sign setback requirement of thirty (30) feet would effectively force placement of any freestanding sign directly against the building's facade. At that depth, the sign would have no meaningful visibility from either direction of approach along the street, rendering it functionally useless and depriving the property of signage rights commonly enjoyed by immediately adjoining properties in the historic district whose freestanding signs are placed at comparable locations. The requested variance does not confer a special privilege but rather places this applicant on equal footing with neighboring properties.

7. Other Business
8. Adjournment

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

cc: Media