

Agenda
Board of Zoning Appeals

Published: July 8, 2026
To: Board of Zoning Appeals
From: Mark A Easterling II, Interim Planning & Zoning Administrator
Re: **Items for the July 13, 2026 Meeting**

1. Call to Order - 6:00 PM
2. Roll Call
3. Approval of June 8, 2026 Meeting Minutes
4. Administer Oath
5. Zoning Permit Obligation
6. New Business

APPLICATION 19-26

GEOFFREY BUDDIE & CHRISTINE ROM ARE REQUESTING A ZONING EXCEPTION TO REDUCE THE REAR YARD SETBACK. THE PROPERTY IS LOCATED AT 462 DELAWARE 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 ZONING EXCEPTION FOR REAR YARD SETBACK RELIEF TO ALLOW FOR THE CONSTRUCTION OF A DECK ON THE REAR OF THE HOME. THE EXCEPTION WOULD REDUCE THE SETBACK FROM THIRTY-FIVE (35) FEET TO TWENTY-FIVE (25) FEET.

Recommendation:

The Planning and Zoning Administrator recommends approval of the exception request under Chapter 1275.02(b)(9). The subject parcel is encumbered by easements along three sides and borders a city-controlled drainage ravine that further restricts the buildable area of the lot. These conditions are inherent to the

property and are not of the applicant's making. Strict application of the 35-foot rear yard setback requirement would, in combination with the existing easement constraints, severely limit the developable envelope of the parcel and preclude a reasonable residential building configuration. The applicant requests a reduction of the rear yard setback from thirty-five (35) feet to twenty-five (25) feet, representing a 28.6 percent deviation from the required standard, well within the 50 percent maximum authorized under this section. The proposed structure has been designed to remain outside all easement boundaries while preserving usable rear yard area beyond the ravine. The exception presents no adverse impact to surrounding properties or governmental services and represents the minimum relief necessary to allow reasonable development of the parcel.

APPLICATION 20-26

ROSALINDA DUNLAP IS REQUESTING A ZONING EXCEPTION TO REDUCE THE REAR YARD SETBACK. THE PROPERTY IS LOCATED AT 117 QUEENSLAND BOULEVARD AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1250.61(C): WHERE AN ACCESSORY BUILDING OR STRUCTURE IS PHYSICALLY ATTACHED TO A MAIN BUILDING, IT SHALL BE SUBJECT TO AND MUST CONFORM TO ALL REGULATIONS OF THIS CHAPTER APPLICABLE TO MAIN BUILDINGS.

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 ZONING EXCEPTION FOR REAR YARD SETBACK RELIEF TO ALLOW FOR THE CONSTRUCTION OF A DECK. THE EXCEPTION WOULD REDUCE THE SETBACK FROM THIRTY-FIVE (35) FEET TO TWENTY (20) FEET.

Recommendation:

The Planning and Zoning Administrator recommends approval of the exception request under Chapter 1275.02(b)(9) to reduce the rear yard setback from thirty-five (35) feet to twenty (20) feet to permit the replacement and enlargement of a storm-damaged deck. The original deck was a legal nonconforming structure destroyed by storm damage. The applicant has submitted a written statement supported by her physician documenting declining health and an anticipated future need for wheelchair accessibility. The proposed deck dimensions are the minimum necessary to accommodate a compliant wheelchair turning radius of sixty (60) inches. The requested reduction of thirty-five (35) feet to twenty (20) feet

represents a 42.8 percent deviation from the required standard, within the 50 percent ceiling authorized under this section. The exception presents no adverse impact to surrounding properties or governmental services and represents the minimum relief necessary to restore reasonable residential use of the property with appropriate accessibility accommodation.

APPLICATION 21-26

WILL CLARK IS REQUESTING A VARIANCE TO CONSTRUCT AN ACCESSORY BUILDING. THE PROPERTY IS A CORNER LOT LOCATED AT 25986 W. RIVER ROAD AND IS ZONED R-1 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1250.61(F) ACCESSORY BUILDINGS AND USES: THE COMBINED FOOTPRINTS OF ALL ACCESSORY BUILDINGS ON A LOT SHALL NOT EXCEED THE LESSER OF 5% OF THE LOT SIZE OR 4,000 SF. HOWEVER, THE BOARD OF ZONING APPEALS MAY CONSIDER AN EXCEPTION TO THE MAXIMUM SIZE REQUIREMENT PROVIDING THAT THE REQUESTED SIZE DOES NOT EXCEED 8% OF THE LOT SIZE.

1. THE APPLICANT IS REQUESTING A VARIANCE TO CONSTRUCT AN ACCESSORY BUILDING LARGER THAN THE 5% MAXIMUM. THE BUILDING WOULD BE 1,960 SF OR 6.5% OF THE LOT SIZE.

Recommendation:

The Planning and Zoning Administrator recommends denial of the variance request, having found that the application fails to satisfy the minimum four conditions required under Chapter 1275.02(c)(3). The applicant has not submitted a hardship justification of any kind. The burden of demonstrating that the itemized variance conditions are met rests with the applicant, and an application stating only a desired outcome without a property-based hardship does not meet that burden.

The property yields full beneficial use without the variance. At 1,500 square feet, the permitted accessory structure allowance represents a substantial and functional capacity for residential accessory use on a 0.69-acre lot. No evidence has been presented that the property cannot be reasonably used within that standard, meaning Condition A is not satisfied. The requested 1,960 square feet represents a 30.7 percent increase over the permitted maximum with no hardship justification to support the deviation, making the variance substantial and Condition B not satisfied. The applicant has not identified any property-based condition, topographic constraint, or extraordinary circumstance that prevents reasonable use of the property within the existing standard, and no alternative methods were explored or rejected, meaning Condition F is not satisfied. For these reasons, the Planning and Zoning Administrator recommends denial.

APPLICATION 22-26

NICK SALVATORE IS REQUESTING A ZONING EXCEPTION TO REDUCE THE REAR YARD SETBACK. THE PROPERTY IS LOCATED AT 3628 RIVER RIDGE WAY AND IS ZONED R-2 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1230.01 INTENSITY AND DIMENSIONAL STANDARDS

R-2 ZONING:

FRONT YARD = 40'

REAR YARD = 35'

SIDE YARD MIN = 8'

SIDE YARD TOTAL = 20'

1. THE APPLICANT IS REQUESTING A ZONING EXCEPTION FOR REAR YARD SETBACK RELIEF TO ALLOW FOR THE CONSTRUCTION OF A COVERED PATIO ADDITION ON THE REAR OF THE HOME. THE EXCEPTION WOULD REDUCE THE SETBACK FROM FORTY (40) FEET TO THIRTY-TWO (32) FEET.

Recommendation:

The Planning and Zoning Administrator recommends denial of the exception request to reduce the rear yard setback from forty (40) feet to thirty-two (32) feet. The applicant has not submitted a property-based hardship justification demonstrating why the covered patio addition cannot be accommodated within the required forty (40) rear yard setback. The burden of establishing the applicable criteria rests with the applicant and has not been met.

The Administrator further notes that the proposed roofed addition would extend directly over an area of the rear yard currently subject to an active code enforcement matter. The applicant obtained permits for a pool and patio installation and did not construct in accordance with those permitted plans, resulting in approximately ten (10) feet of concrete placed within an active rear yard easement. Approving a permanent roofed structure connected to and extending over this area would compound an existing violation and is inconsistent with the intent of the zoning code and the city's obligations to easement holders.

The applicant retains a conforming alternative. A freestanding gazebo, pergola, or pavilion does not require a setback exception, does not connect to the noncompliant concrete, and would address the applicant's stated goal of covered outdoor living space. The Planning and Zoning Administrator recommends that the applicant withdraw this application pending resolution of the active easement violation before reapplication. For these reasons, the Planning and Zoning Administrator recommends denial.

APPLICATION 23-26

ACE HARDWARE RETAIL GROUP IS REQUESTING A ZONING VARIANCE TO RETAIN AN ACCESSORY STRUCTURE. THE PROPERTY IS LOCATED

AT 1175 LOUISIANA AVE AND IS ZONED C-3 (COMMUNITY SHOPPING).

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.

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

C-3 ZONING:

4' MAXIMUM IN FRONT YARD

4' MAXIMUM IN SIDE YARD

6' MAXIMUM IN REAR YARD

1. THE APPLICANT IS REQUESTING A ZONING VARIANCE THAT WILL ALLOW THEM TO KEEP THE EXISTING ACCESSORY STRUCTURE IN THE FRONT YARD.
2. THE APPLICANT IS REQUESTING A VARIANCE TO ALLOW FOR A SIX (6) FOOT FENCE TO BE INSTALLED AROUND THE PERIMETER OF THE STRUCTURE.

Recommendation:

The Planning and Zoning Administrator recommends denial of the variance requests. The applicant erected a metal accessory structure within a required front yard without obtaining a zoning permit and now seeks variance relief under Chapter 1250.61(a) to retain the structure for outdoor sales and display purposes. The hardship presented is entirely self-created. The condition requiring relief exists solely because the applicant constructed the structure without a permit, and self-induced hardship is not recognized as a basis for variance relief.

The application characterizes the proposed components as temporary and movable. The product specifications submitted with the application contradict that characterization. The structure consists of galvanized steel vertical posts secured with expansion anchor bolts drilled into the parking surface, constituting a permanent installation. The applicant additionally proposes to enclose the structure with a five (5) foot to six (6) foot galvanized steel fence. This fencing is a form of chain-link fencing, which is categorically prohibited in any front yard under Chapter 1250.42(a)(9). The Law Director concurs with this determination. Because the prohibition is categorical rather than dimensional, it is not subject to variance relief. Independent of the material prohibition, the requested fence height exceeds the four (4) foot maximum permitted by right in a front yard and requires

Board of Zoning Appeals approval. The application presents no property-based hardship supporting that relief. The stated purposes of the enclosure reflect operational preferences of the tenant rather than conditions of the land, and do not satisfy the applicable variance standard. The Administrator further finds that no property within this shopping center or the surrounding commercial corridor maintains a fenced outdoor display enclosure within a front yard or parking field, and that the proposed enclosure is inconsistent with the established character of the development.

The Administrator further notes that the structure occupies six parking spaces within a shared multi-tenant commercial plaza without site plan authorization, and that the parking impact on the overall development will require separate evaluation. The property yields full beneficial use as a retail hardware store without the requested relief, and conforming alternatives for the display of seasonal merchandise remain available to the applicant through the Special Approval Use process and compliant site design. For these reasons, the Planning and Zoning Administrator recommends denial.

7. Other Business
8. Adjournment

The next meeting is scheduled for August 10, 2026 at 6:00 PM in the Municipal Building, located at 201 W. Indiana Avenue.

cc: Media