

Agenda
Board of Zoning Appeals

Date: October , 2022
To: Board of Zoning Appeals
From: Cody Grodi, Zoning Inspector
Re: **Items for the October 10, 2022 Meeting**

1. Call to Order - 5:30 PM
2. Roll Call
3. Approval of September 12, 2022 Meeting Minutes
4. Administer Oath
5. Zoning Permit Obligation
6. New Business

APPLICATION 51-22

ANDREA REES IS REQUESTING A ZONING VARIANCE TO INSTALL AN ADDITION TO THE HOUSE. THE PROPERTY IS LOCATED AT 140 W. SIXTH STREET 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 VARIANCE TO CONSTRUCT AN ADDITION TO THE FRONT OF THE HOUSE. THE ADDITION WILL BE SET BACK THIRTEEN (13) FEET OFF OF THE FRONT PROPERTY LINE.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances C, D, E, and F of Chapter 1275.02(c)(3). The property owner's house does not meet the current setbacks as set forth by the code. There are houses nearby that are closer to the property line than what the proposed addition will be, so the character of the neighborhood won't be altered. The addition will be setback twenty-two (22) feet from the sidewalk.

APPLICATION 52-22

KRAIG MACKETT IS REQUESTING A ZONING VARIANCE IN ORDER TO INSTALL AN ACCESSORY STRUCTURE AND A PATIO IN THE SIDE YARD. THE PROPERTY IS LOCATED AT 2351 SUNFLOWER COURT AND IS ZONED R-2 (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 GAZEBO AND A PATIO IN THE SIDE YARD.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, D, E, F of Chapter 1275.02(c)(3). The gazebo and patio will maintain the required setback off of the side property line. Due to the existing in-ground swimming pool and large easements in the rear yard, placement in the rear yard would be difficult.

APPLICATION 53-22

BENJAMIN WARD IS REQUESTING A ZONING VARIANCE TO ALLOW FOR A DRIVEWAY TO BE INSTALLED. THE PROPERTY IS LOCATED AT 244 W. SIXTH STREET AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1250.51(C)(2) RESIDENTIAL DRIVEWAYS:
RESIDENTIAL DRIVEWAYS SHALL BE A MINIMUM OF TEN (10) FEET WIDE AND A MAXIMUM OF TWENTY-FOUR (24) FEET WIDE WHERE IT MEETS THE CURB, ALLEY OR STREET.

1. THE APPLICANT IS REQUESTING A VARIANCE THAT WOULD ALLOW FOR THE DRIVEWAY TO EXTEND SIXTY-ONE (61) FEET IN WIDTH ALONG CHERRY STREET.

Recommendation:

1. The Zoning Inspector recommends denial of the variance, as the request does not meet enough of the conditions required to grant a variance. The homeowner could have built the garage in a way in which a variance would not be required. The hardship has been brought on by the homeowner and not due to a pre-existing condition. The request is substantial as the proposed driveway width is more than double what is permitted by code. Additionally, if the amount of parking of vehicles is a concern, on-street parking is permitted.

APPLICATION 54-22

BRIAN WAHL IS REQUESTING A ZONING VARIANCE TO KEEP A SHED. THE PROPERTY IS LOCATED AT 707 LOUISIANA AVENUE AND IS ZONED R-3 (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 THAT WOULD ALLOW FOR 5.2% OF THE LOT SIZE IN ACCESSORY STRUCTURES. THE PROPERTY OWNER HAS CONSTRUCTED A SHED THAT HAS

NOW EXCEEDED THE TOTAL AMOUNT OF ACCESSORY STRUCTURE SQUARE FOOTAGE ALLOWED. THE PROPERTY HAS TWO ACCESSORY STRUCTURES THAT TOTAL SIX HUNDRED AND SIXTY SIX (666) SQUARE FEET, WHILE BY CODE ONLY SIX HUNDRED AND THIRTY SIX (636) SQUARE FEET WOULD BE ALLOWED.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, C, D, and E of Chapter 1275.02(c)(3). The small lot size would not allow for the desired shed size. The shed will allow for the owner to store lawn equipment, so that they can utilize the garage for parking vehicles.

7. Other Business

APPLICATION 49-22 (Tabled)

PETE HUFFMAN IS REQUESTING A ZONING VARIANCE IN ORDER TO CONSTRUCT AN ADDITION. THE PROPERTY IS LOCATED AT 415 W. FIFTH STREET 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 VARIANCE TO CONSTRUCT AN ADDITION TO THE FRONT OF THE HOUSE. THE ADDITION WILL BE SET BACK SEVENTEEN (17) FEET OFF OF THE FRONT PROPERTY LINE.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, D, E, and F of Chapter 1275.02(c)(3). The addition will not encroach into the front yard

any more than the existing deck that has since been removed.

8. Adjournment

The next Board of Zoning Appeals meeting is scheduled for November 14, 2022 at 5:30 P.M. in the Municipal Building at 201 W. Indiana Avenue.

cc: Media