

Agenda
Board of Zoning Appeals

Date: October 3, 2023
To: Board of Zoning Appeals
From: Cody Grodi, Zoning Inspector
Re: **Items for the October 9, 2023 Meeting**

1. Call to Order - 5:30 PM
2. Roll Call
3. Approval of September 11, 2023 Meeting Minutes
4. Administer Oath
5. Zoning Permit Obligation
6. New Business

APPLICATION 35-23

JENNY PFLEGHAAR IS REQUESTING A ZONING VARIANCE IN ORDER TO MAKE ALTERATIONS TO A SIGN. THE PROPERTY IS LOCATED AT 140 W. FRONT STREET AND IS ZONED OS (OFFICE AND SERVICE).

NOTE: *CHAPTER 1250.32(A) PERMANENT SIGNS ALLOWED*
C-2 ZONING DISTRICT: FREESTANDING SIGN
MAXIMUM SIZE: 24 SQUARE FEET
MAXIMUM HEIGHT: 6 FEET
SETBACK: 30'

NOTE: *CHAPTER 1250.39 VARIANCES*

1. 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.

1. THE APPLICANT IS REQUESTING A VARIANCE TO INSTALL A SIGN. THE SIGN IS INSTALLED CLOSER TO THE PROPERTY LINE THAN WHAT IS PERMITTED. THE SIGN IS SETBACK ONE (1) FOOT FROM THE PROPERTY LINE.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance as the request does not meet enough of the conditions required to grant a variance. The property still has beneficial use without the variance. Even if denied, the property owner can still install wall signage or a blade sign on the building.

APPLICATION 36-23

RICHARD SCHURFELD IS REQUESTING TWO ZONING VARIANCES IN ORDER TO CONSTRUCT AN ADDITION. THE PROPERTY IS LOCATED AT 207 W. FRONT 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 ON THE WEST SIDE OF THE HOUSE. THE ADDITION WILL SET BACK ONE (1) FOOT OFF OF THE SIDE PROPERTY LINE.
2. THE APPLICANT IS REQUESTING A ZONING VARIANCE TO CONSTRUCT AN ADDITION ON THE WEST SIDE OF THE HOUSE. THE ADDITION WILL BE SET BACK SEVEN AND A HALF (7.5) 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 has considered other options that would not require a variance. However, due to the house placement on the lot, the other options are not feasible. The neighboring property is a park and there are no structures located near the proposed addition.
2. 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 has considered other options that would not require a variance. However, due to the house placement on the lot, the

other options are not feasible. The addition will be located behind the front of the house.

APPLICATION 37-23

BRAD GEINER IS REQUESTING A ZONING VARIANCE TO KEEP A RECENTLY INSTALLED SHED. THE PROPERTY IS LOCATED AT 890 SANDALWOOD ROAD WEST AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

NOTE: 1250.61(B) ACCESSORY BUILDINGS, SUCH AS GARAGES AND UTILITY BUILDINGS, MAY BE LOCATED IN A REAR YARD, PROVIDED THAT SUCH BUILDINGS ARE SEPARATED FROM THE MAIN STRUCTURE BY AT LEAST TEN (10) FEET AND ARE SET BACK AT LEAST FIVE (5) FEET FROM THE SIDE AND REAR LOT LINES.

1. THE APPLICANT IS REQUESTING A VARIANCE THAT WOULD ALLOW FOR A SHED TO BE PLACED FOUR (4) FEET AND SIX (6) INCHES OFF OF THE SIDE PROPERTY LINE.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and E of Chapter 1275.02(c)(3). The variance request is not substantial as the structure would be required to be five (5) feet off of the property line. There is still enough room around the structure to maintain the shed structure and the yard area directly around it.

APPLICATION 38-23

ALLIED PAVING CO. INC. IS REQUESTING A ZONING VARIANCE TO ALLOW FOR A DRIVEWAY ADDITION. THE PROPERTY IS LOCATED AT 447 W. SEVENTH STREET AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1250.51(B)(7): NO PORTION OF A DRIVEWAY SHALL BE CLOSER THAN 5' TO A SIDE OR REAR PROPERTY LINE UNLESS AN AUTHORIZED WAIVER (ON FILE IN THE PLANNING AND ZONING OFFICE) IS PROVIDED INDICATING THE PERMISSION FROM THE ADJOINING PROPERTY OWNER OR IF A WAIVER CANNOT BE OBTAINED A VARIANCE FROM THE BOARD OF ZONING APPEALS CAN BE SOUGHT.

1. THE APPLICANT IS REQUESTING A VARIANCE THAT WOULD ALLOW

FOR THE DRIVEWAY TO BE INSTALLED TWO (2) FEET OFF OF THE
SIDE 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 homeowner has considered options of adding more parking on the property. This option still maintains a setback of twenty-six (26) feet from the sidewalk.
7. Other Business
8. Adjournment

The next meeting is scheduled for November 13, 2023 at 5:30 P.M. in the Municipal Building, located at 201 W. Indiana Avenue.

cc: Media