



Agenda
Board of Zoning Appeals

Date: June 5, 2024

To: Board of Zoning Appeals

From: Mark Easterling, Deputy Planning & Zoning Administrator

Re: **Items for the June 10, 2024 Meeting**

1. Call to Order - 5:30 PM
2. Roll Call
3. Approval of May 13, 2024 Meeting Minutes
4. Administer Oath
5. Zoning Permit Obligation
6. New Business

APPLICATION 20-24

KEVIN FINK, ON BEHALF OF KAY & PAULUS ORTHODONTICS, IS REQUESTING A ZONING VARIANCE TO REDUCE THE SETBACK OF A NEW FREESTANDING SIGN IN THE FRONT YARD. THE PROPERTY IS LOCATED AT 195 EAST BOUNDARY STREET AND IS ZONED OS (OFFICE AND SERVICE).

NOTE: CHAPTER 1250.33(A) PERMANENT FREESTANDING SIGNAGE

ZONING DISTRICT: OS
MAXIMUM HEIGHT: 6'
MAXIMUM SIZE: 48 SQUARE FEET
MINIMUM SETBACK: 10' SETBACK
QUANTITY: 1 PER STREET FRONTAGE

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.

1. THE APPLICANT IS REQUESTING A VARIANCE TO INSTALL A FREESTANDING SIGN THREE (3) FEET FROM THE SIDEWALK.

Recommendation:

1. The Deputy Administrator recommends approving the variance based on the criteria for variances listed in Chapter 1250.39(a)-(e) and based on meeting the criteria C, D, E, and G of Chapter 1275.02(c)(3). As there are no structural changes to the sign, the removal and replacement of tenant signs would be minimal. Should any structural changes be requested (i.e. making a portion of the sign electronic, making an occupant's section of the sign larger, or changing any of the materials), I would then recommend the sign in its entirety conform with the current standard.

APPLICATION 21-24

FRANCISCO LOPEZ IS REQUESTING A ZONING EXCEPTION TO REDUCE THE SIDE YARD SETBACKS TO ALLOW FOR THE CONSTRUCTION OF AN ADDITION TO THE PRIMARY STRUCTURE. THE PROPERTY IS LOCATED AT 531 EAST 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' (6' FOR LOT OF RECORD)

SIDE YARD TOTAL = 20' (12' FOR LOT OF RECORD)

1. THE APPLICANT IS REQUESTING AN EXCEPTION FOR SIDE YARD SETBACK RELIEF TO ALLOW FOR AN ADDITION TO THE HOME THAT WOULD CONNECT THE FREESTANDING GARAGE TO THE PRIMARY STRUCTURE. THE ADDITION TO THE STRUCTURE WOULD PLACE THE STRUCTURE FIVE (5) FEET FROM THE SIDE YARD PROPERTY LINE.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning exception.

The garage structure currently exists in the same location and will not be getting any closer to the property line. The location of the structure does not pose any safety concerns.

APPLICATION 22-24

DORIS WEISS IS REQUESTING A ZONING VARIANCE TO INSTALL A FENCE. THE PROPERTY IS LOCATED AT 860 WHITEHALL DRIVE AND IS ZONED R-2 (SINGLE FAMILY RESIDENTIAL).

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

R1 - R5 ZONING:

4' MAXIMUM IN FRONT YARD

4' MAXIMUM IN SIDE YARD

6' MAXIMUM IN REAR YARD

1. THE APPLICANT IS REQUESTING A ZONING VARIANCE TO INSTALL A SIX (6) FOOT PRIVACY FENCE IN THE SIDE YARD FORWARD OF THE MIDPOINT OF THE HOME.

Recommendation:

1. The Deputy Administrator recommends approving the zoning variance based on meeting the criteria for variances A, B, C, and D of Chapter 1275.02(c)(3). The new fence will be constructed in the same place as the existing six (6) foot fence and does not pose any safety or visibility concerns.

APPLICATION 23-24

RITA KEATON IS REQUESTING TWO ZONING VARIANCES TO INSTALL A FENCE AND CONSTRUCT A SHED. THE PROPERTY IS LOCATED AT 650 HARRISON ROAD AND IS ZONED R-2 (SINGLE FAMILY RESIDENTIAL).

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

R1 - R5 ZONING:

4' MAXIMUM IN FRONT YARD

4' MAXIMUM IN SIDE YARD

6' MAXIMUM IN REAR YARD

NOTE: CHAPTER 1250.61(A) ACCESSORY BUILDINGS AND USES:
NO ACCESSORY BUILDING OR USES SHALL BE 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 ZONING VARIANCE TO INSTALL
A SIX (6) FOOT PRIVACY FENCE IN THE FRONT YARD.
2. THE APPLICANT IS REQUESTING A ZONING VARIANCE TO
CONSTRUCT A SHED IN THE FRONT YARD.

Recommendation:

1. The Deputy Administrator recommends approving both zoning variances based on meeting the criteria for variances B, D, E, and F of Chapter 1275.02(c)(3). The property has no rear yard and backs up to an arterial street, and if the property was a traditional lot, the fencing and shed would be permissible in the desired locations. The fence and shed would pose no safety or visibility concerns.

7. Other Business

8. Adjournment

The next meeting is scheduled for July 8, 2024, at 5:30 P.M. in the Municipal Building, located at 201 W. Indiana Avenue.

cc: Media