

Agenda
Board of Zoning Appeals

Date: July 3, 2024

To: Board of Zoning Appeals

From: Mark Easterling, Deputy Planning & Zoning Administrator

Re: **Items for the July 8, 2024 Meeting**

1. Call to Order - 5:30 PM
2. Roll Call
3. Approval of June 10, 2024 Meeting Minutes
4. Administer Oath
5. Zoning Permit Obligation
6. New Business

APPLICATION 24-24

ANDREW REYNOLDS IS REQUESTING A ZONING VARIANCE TO REDUCE THE SIDE YARD SETBACK TO ALLOW FOR THE CONSTRUCTION OF A NEW HOME. THE PROPERTY IS LOCATED AT 27135 W. RIVER ROAD AND IS ZONED R-1 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1230.01 INTENSITY AND DIMENSIONAL STANDARDS
R-1 ZONING:

FRONT YARD = 45'
REAR YARD = 35'
SIDE YARD MIN = 10'
SIDE YARD TOTAL = 25'

1. THE APPLICANT REQUESTS A VARIANCE FOR THE MINIMUM SIDE YARD SETBACK RELIEF TO ALLOW FOR THE CONSTRUCTION OF A NEW HOME. THE VARIANCE WOULD PLACE THE STRUCTURE FIVE (5) FEET FROM THE SIDE YARD PROPERTY LINE.

Recommendation:

1. The Deputy Administrator recommends approving the zoning variance based on meeting criteria for variances B, C, D, and G outlined in Chapter

1275.02(c)(3). The variance would allow for the construction of the home without disturbing the drainage pipe in the easement.

APPLICATION 25-24

JIM SEIBOLD IS REQUESTING A ZONING VARIANCE TO CONSTRUCT A PERGOLA. THE PROPERTY IS LOCATED AT 27149 W. RIVER ROAD AND IS ZONED R-1 (SINGLE FAMILY RESIDENTIAL).

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 CONSTRUCT A PERGOLA IN THE SIDE YARD.

Recommendation:

1. The Deputy Administrator recommends approving the zoning variance based on meeting the criteria for variances B, C, D, and F of Chapter 1275.02(c)(3). The deck that this pergola will sit on is already in the side yard and will go no further to the property line than what already exists. The structure would not pose any safety concerns.

APPLICATION 26-24

CESAR KANAN IS REQUESTING A ZONING VARIANCE TO REDUCE THE SIDE AND REAR YARD SETBACKS TO ALLOW FOR A WALL ON THE HOME TO BE REPLACED. THE PROPERTY IS LOCATED AT 315 W. THIRD STREET AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1230.01 INTENSITY AND DIMENSIONAL STANDARDS
R-1 ZONING:
FRONT YARD = 35'
REAR YARD = 35'
SIDE YARD MIN = 8'
SIDE YARD TOTAL = 20'

1. THE APPLICANT IS REQUESTING A VARIANCE FOR MINIMUM SIDE YARD SETBACK RELIEF TO REPLACE A WALL ON THE HOME. THE VARIANCE WOULD PLACE THE STRUCTURE ONE (1) FOOT FROM THE SIDE YARD PROPERTY LINE.
2. THE APPLICANT IS REQUESTING A VARIANCE FOR MINIMUM REAR YARD SETBACK RELIEF TO REPLACE A WALL ON THE HOME. THE VARIANCE WOULD PLACE THE STRUCTURE FIFTEEN (15) FEET FROM THE REAR YARD PROPERTY LINE.

Recommendation:

The Deputy Administrator recommends approving both of the zoning variances based on meeting criteria for variances A, B, C, and D outlined in Chapter 1275.02(c)(3). The variance would allow for the wall of the home to be reconstructed in the same location. The home is already legal-nonconforming and not getting closer to the property line. The applicant has expressed that the wall is creating unsafe conditions, and this would allow for the structure to be safely maintained.

7. Other Business
8. Adjournment

The next meeting is scheduled for August 12, 2024, at 5:30 PM in the Municipal Building, located at 201 W. Indiana Avenue.

cc: Media