



Agenda
Board of Zoning Appeals

Date: August 7, 2024

To: Board of Zoning Appeals

From: Mark Easterling, Deputy Planning & Zoning Administrator

Re: **Items for the August 12, 2024 Meeting**

1. Call to Order - 5:30 PM
2. Roll Call
3. Approval of July 8, 2024 Meeting Minutes
4. Administer Oath
5. Zoning Permit Obligation
6. New Business

APPLICATION 27-24

GRETCHEN VON SEGGERN, ON BEHALF OF THE KARUNA HOUSE, IS REQUESTING A ZONING VARIANCE TO REDUCE THE SETBACK OF A NEW FREESTANDING SIGN IN THE FRONT YARD. THE PROPERTY IS LOCATED AT 217 W. THIRD STREET AND IS ZONED C-2 (CENTRAL BUSINESS).

NOTE: CHAPTER 1250.33(A) PERMANENT FREESTANDING SIGNAGE
ZONING DISTRICT: C-2
MAXIMUM HEIGHT: 6'
MAXIMUM SIZE: 24 SQUARE FEET
MINIMUM SETBACK: 30' SETBACK
QUANTITY: 1

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:

(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 THAT IS ONE (1) FOOT FROM THE FRONT PROPERTY LINE.

Recommendation:

1. The Deputy Administrator recommends denial of the variance as the request does not meet all the conditions required to grant a variance outlined in Chapter 1250.39. Although there is not enough space for a freestanding sign to meet the necessary setbacks, there does appear to be space for a wall sign that could meet the standard of the code.

APPLICATION 28-24

ERIN CLARK IS REQUESTING A ZONING EXCEPTION TO REDUCE THE REAR YARD SETBACK TO ALLOW FOR THE CONSTRUCTION OF A HOME ADDITION. THE PROPERTY IS LOCATED AT 335 COVENTRY LANE AND IS ZONED R-2 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1230.01 INTENSITY AND DIMENSIONAL STANDARDS

R-2 ZONING:

FRONT YARD = 40'

REAR YARD = 40'

SIDE YARD MIN = 10'

SIDE YARD TOTAL = 25'

1. THE APPLICANT IS REQUESTING AN EXCEPTION FOR REAR YARD SETBACK RELIEF TO CONSTRUCT AN ADDITION. THE VARIANCE WOULD PLACE THE STRUCTURE THIRTY-TWO (32) FEET FROM THE REAR YARD PROPERTY LINE.

Recommendation:

1. The Deputy Administrator recommends approval of the exception. The addition, if approved, would minimally encroach on the required setback and does not pose any safety or visibility concerns.

7. Other Business

8. Adjournment

The next meeting is scheduled for September 9 at 5:30 P.M. in the Municipal Building, located at 201 W. Indiana Avenue.

cc: Media