

Agenda
Board of Zoning Appeals

Date: December 8, 2024

To: Board of Zoning Appeals

From: Mark Easterling, Deputy Planning & Zoning Administrator

Re: **Items for the December 9, 2024 Meeting**

1. Call to Order - 5:30 PM
2. Roll Call
3. Approval of November 18, 2024 Meeting Minutes
4. Administer Oath
5. Zoning Permit Obligation
6. New Business

APPLICATION 36-24

ERIC HENNAN OF IMAGE360, ON BEHALF OF KIBO HOUSE, IS REQUESTING A ZONING VARIANCE TO CONSTRUCT AN ADDITIONAL NEW FREESTANDING SIGN IN THE FRONT YARD. THE PROPERTY IS LOCATED AT 1121 LOUISIANA AVENUE AND IS ZONED C-3 (COMMUNITY SHOPPING).

NOTE: CHAPTER 1250.33(A) PERMANENT FREESTANDING SIGNAGE

ZONING DISTRICT: C-3

MAXIMUM HEIGHT: 10'

MAXIMUM SIZE: 72 SQUARE FEET

MINIMUM SETBACK: 10' SETBACK

QUANTITY: 1 PER STREET FRONTAGE, PLUS 1 FOR EACH ADDITIONAL 500 FEET

NOTE: CHAPTER 1250.39 VARIANCES

(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 AN ADDITIONAL FREESTANDING SIGN IN THE FRONT YARD 83' FROM ANOTHER FREESTANDING SIGN.

Recommendation:

1. The Deputy Administrator recommends denial as the request does not meet all the conditions required to grant a variance outlined in Chapter 1250.39. In addition, the parcel houses multiple businesses. Future signage should be made into a multi-tenant sign to reduce the amount of signage on the parcel. The nonconforming sign for Pizza Hut is on the same parcel and is only 83' from the proposed sign location. As the parcel is under single ownership, this would create an opportunity to bring the single pole sign into compliance, making it multi-tenant and allowing the signage to all come into compliance with the current code.

APPLICATION 37-24 - THE APPLICATION HAS BEEN REMOVED BY THE APPLICANT & DEFERRED TO JANUARY 13, 2025

~~MATT UHL OF REASON SIGN ON BEHALF OF THE BETHEL ASSEMBLY OF GOD, IS REQUESTING A ZONING VARIANCE TO INCREASE THE HEIGHT OF A NEW FREESTANDING SIGN IN THE FRONT YARD. THE PROPERTY IS LOCATED AT 665 W. INDIANA AVENUE AND IS ZONED INS (INSTITUTIONAL USES).~~

Recommendation:

N/A

APPLICATION 38-24

CASSANDRA BILLSTEIN IS REQUESTING A ZONING VARIANCE THAT WOULD ALLOW FOR THE CONSTRUCTION OF AN ACCESSORY STRUCTURE ABOVE THE 5% ALLOWED. THE PROPERTY IS LOCATED AT 411 W. SECOND STREET AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1250.61(F) ACCESSORY STRUCTURES AND USES: 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 TO KEEP AN ACCESSORY BUILDING. THE VARIANCE WOULD ALLOW FOR THE 190 SF STRUCTURE TO REMAIN IN THE REAR OF THE PROPERTY, ECLIPSING THE 4% MAXIMUM IN ADDITION TO THE EXISTING

GARAGE (628 SF). THIS ACCESSORY STRUCTURE WOULD BRING THE TOTAL PERCENTAGE OF ACCESSORY STRUCTURES TO 7.48%.

Recommendation:

1. The Deputy Administrator recommends approval of the variance based on meeting criteria for variances B, C, D, and F of Chapter 1275.02(c)(3). The structure is at the rear of the property and is not permanent. This structure poses no visibility of safety concerns.

APPLICATION 39-24 - THE APPLICATION HAS BEEN REMOVED BY THE APPLICANT AND DEFERRED TO JANUARY 13, 2025

~~ROBERT MAURER, ON BEHALF OF MAURER RENTALS LLC, IS REQUESTING A ZONING APPEAL THAT WOULD ALLOW FOR THE CONSTRUCTION OF A TRUCK DOCK ON THE WESTERN SIDE OF THE PRIMARY STRUCTURE. THE PROPERTY IS LOCATED AT 525 W. SIXTH STREET AND IS ZONED RM (MULTI-FAMILY RESIDENTIAL).~~

Recommendation:

N/A

7. Other Business
8. Adjournment

The next meeting is scheduled for January 13, 2024, at 5:30 PM in the Municipal Building at 201 W. Indiana Avenue.

cc: Media