



## **Agenda** Board of Zoning Appeals

Date: January 6, 2025

To: Board of Zoning Appeals

From: Mark Easterling, Deputy Planning & Zoning Administrator

Re: **Items for the January 13, 2025 Meeting**

1. Call to Order - 5:30 PM
2. Roll Call
3. Election of Chairperson
4. Election of Vice-Chairperson
5. Approval of December 9, 2024 Meeting Minutes
6. Administer Oath
7. Zoning Permit Obligation
8. New Business

### **APPLICATION 01-25**

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).

**NOTE: CHAPTER 1250.33(A) PERMANENT FREESTANDING SIGNAGE**  
ZONING DISTRICT: INS  
MAXIMUM HEIGHT: 6'  
MAXIMUM SIZE: 48 SQUARE FEET  
MINIMUM SETBACK: 10' 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 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 AT A HEIGHT OF SEVEN (7) FEET AND TEN (10) INCHES.

**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. This sign would be completely new. No visual obstructions would prevent a compliant sign from being seen in this location, making this sign a preference rather than a need.

**APPLICATION 02-25**

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).

**NOTE:** CHAPTER 1265.09 HARDSHIP CASES: NONCONFORMING

BUILDINGS OR STRUCTURES MAY BE STRUCTURALLY CHANGED, ALTERED OR ENLARGED WITH THE APPROVAL OF THE BOARD OF ZONING APPEALS. THE BOARD OF ZONING APPEALS MUST FIND THAT THE REQUEST IS A CASE OF EXCEPTIONAL HARDSHIP IN WHICH FAILURE TO GRANT THE RELIEF REQUESTED WOULD UNREASONABLY RESTRICT CONTINUED USE OF THE PROPERTY OR WOULD RESTRICT VALUABLE BENEFITS THAT THE PUBLIC CURRENTLY DERIVES FROM THE PROPERTY AS USED IN ITS NONCONFORMING STATUS. WITH THE EXCEPTION THAT ANY APPROVAL FOR STRUCTURAL CHANGES, ALTERATION OR ENLARGEMENT MAY BE GRANTED ONLY WITH A FINDING BY THE BOARD OF ZONING APPEALS THAT APPROVAL WILL NOT HAVE AN ADVERSE AFFECT ON SURROUNDING PROPERTY AND THAT IT WILL BE THE MINIMUM NECESSARY TO RELIEVE THE HARDSHIP.

1. THE APPLICANT IS REQUESTING A VARIANCE TO CONSTRUCT A TRUCK DOCK ON THE WESTERN SIDE OF THE PRIMARY STRUCTURE. AS THIS BUILDING AND USE ARE LEGAL NONCONFORMING, ANY CHANGE THAT WOULD POTENTIALLY INCREASE THE INTENSITY OF THE USE MUST BE APPROVED BY THE BOARD OF ZONING APPEALS.

**Recommendation:**

1. No recommendation provided.

**APPLICATION 03-25**

LYNN CHERRY IS REQUESTING A ZONING VARIANCE TO UTILIZE THE FREESTANDING SIGNPOST IN THE FRONT YARD. THE PROPERTY IS LOCATED AT 126 W. FRONT 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 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 ONE (1) FOOT FROM THE FRONT PROPERTY LINE.

**Recommendation:**

1. The Deputy Administrator recommends approval of the variance. The sign would be hung on an existing signpost and would meet the size requirements for the district. The freestanding sign code section would not allow for a freestanding sign to be placed in most places in the C-2 district. While I would agree with the suggested distance for a traditional freestanding sign, the hanging post sign fits the character of the Historic District and this sign is supported by the Historic Landmarks Commission.

**APPLICATION 04-25**

ART HARDIN, ON BEHALF OF CALIBRE ENGINEERING, IS REQUESTING A ZONING VARIANCE FOR A PARKING LOT TO BE

CONSTRUCTED. THE PARCEL NUMBERS ASSIGNED TO THIS PROPERTY ARE Q61-400-070404031003 AND Q61-400-070404030003 (ALONG ECKEL JUNCTION ROAD). THEY ARE ZONED C-3 (COMMUNITY SHOPPING).

**NOTE:** CHAPTER 1230.02(G) ACCESSORY USES; OFF-STREET PARKING; MATERIAL STORAGE IN FRONT YARD: NO ACCESSORY USE OR STRUCTURE, OFF-STREET PARKING FACILITY OR MATERIAL OR EQUIPMENT STORAGE SHALL BE LOCATED IN THE REQUIRED FRONT YARD WITHOUT THE APPROVAL OF THE BOARD OF ZONING APPEALS.

1. THE APPLICANT IS REQUESTING A VARIANCE TO CONSTRUCT A PARKING LOT WITHIN THE REQUIRED FRONT YARD.

**Recommendation:**

1. The Deputy Administrator recommends approval of the variance based on meeting criteria for variances C, D, E, and F of Chapter 1275.02(c)(3). The parking lot placement in the front yard shows no visibility or safety concerns and will be screened by landscaping.

9. Other Business

10. Adjournment

The next meeting is scheduled for February 10, 2025, at 5:30 PM in the Municipal Building, located at 201 W. Indiana Avenue.

cc: Media