

Agenda
Board of Zoning Appeals

Date: Published December 3, 2025

To: Board of Zoning Appeals

From: Mark Easterling, Deputy Planning & Zoning Administrator

Re: **Items for the December 8, 2025 Meeting**

1. Call to Order - 5:30 PM
2. Roll Call
3. Approval of November 10, 2025 Meeting Minutes
4. Administer Oath
5. Zoning Permit Obligation
6. New Business

APPLICATION 42-25

MICHAEL PIAZZA IS REQUESTING A ZONING VARIANCE (HARDSHIP PROVISION) THAT WOULD ALLOW THE APPLICANT TO INCREASE THE SIZE OF A NONCONFORMING ACCESSORY DWELLING STRUCTURE. THE PROPERTY IS LOCATED AT 10760 AVENUE ROAD AND IS ZONED R-2 (SINGLE 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 (**RESIDENTIAL**) 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.

NOTE: CHAPTER 1275.02(D)(1) USE VARIANCE: TO HEAR AND DECIDE INSTANCES WHERE IT IS ALLEGED THAT THE APPLICANT'S PROPERTY CANNOT BE USED FOR THE PURPOSES PERMITTED IN THE ZONING DISTRICTS BECAUSE THE RESTRICTIONS AS TO USE CREATE AN UNDUE HARDSHIP. THIS IS BECAUSE:

A. APPLICANT'S PROPERTY CANNOT BE USED FOR THE PURPOSES PERMITTED IN THE ZONING DISTRICT.

B. APPLICANT'S PLIGHT IS DUE TO UNIQUE CIRCUMSTANCES PECULIAR TO HIS PROPERTY AND NOT A GENERAL CONDITION IN THE NEIGHBORHOOD.

C. APPLICANT'S SUGGESTED USE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE AREA.

D. APPLICANT'S PROBLEM HAS NOT BEEN SELF-CREATED.

E. THE UNAVAILABILITY OF ADMINISTRATIVE RELIEF WHICH MIGHT AFFORD REASONABLE USE OF APPLICANT'S PROPERTY.

F. IN ADDITION TO THE INFORMATION REQUIRED FOR OTHER VARIANCE REQUESTS, AN APPLICATION FOR A USE VARIANCE UNDER THIS CHAPTER SHALL INCLUDE A PLAN DRAWN TO SCALE DETAILING THE SPECIFIC USE AND IMPROVEMENTS PROPOSED BY THE APPLICANT AND A SUMMARY OF THE FACTS WHICH SUPPORT THE ALLEGED HARDSHIP.

THE APPLICANT IS REQUESTING A VARIANCE TO ALLOW FOR A 200 SF ADDITION ON A NONCONFORMING ACCESSORY DWELLING UNIT. 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:

The Deputy Administrator recommends denial of the request to enlarge the existing accessory dwelling unit. The structure is a nonconforming use because a second dwelling unit is not permitted on a single-family residential lot under the City's zoning code. Under Section 1265.09, the Board of Zoning Appeals may approve an enlargement of a nonconforming structure only in cases of exceptional hardship, where denial would unreasonably restrict the continued use of the property, and only when the expansion is the minimum necessary to relieve that hardship and will not adversely affect surrounding properties.

The applicant has not demonstrated an exceptional, property-based hardship. The stated hardship relates to interior accessibility for a single tenant. However, the applicant has not provided architectural plans, ADA feasibility studies, or any analysis showing why interior redesign or accessibility modifications (e.g., stair reconfiguration, chairlift installation, or other adjustments) cannot reasonably address the concern. The proposed addition would not remove the existing stairs altogether and, therefore, does not directly resolve the claimed hardship. The evidence presented does not show that all reasonable alternatives have been exhausted.

Denying the request would not unreasonably restrict the continued use of the property. The property remains fully capable of its permitted single-family residential use, and the existing accessory dwelling unit can continue to function in its current configuration. The proposed enlargement would increase the scale and potential occupancy of the ADU, thereby intensifying a use that is already nonconforming. This represents an expansion in density consistent with a two-family use, which is not permitted in the R-2 zoning district and is contrary to the intent of the code.

For these reasons, the application does not meet the standards of Sections 1265.09 or 1275.02(d)(1)(A–F). The Deputy Administrator, therefore, recommends denial of the request.

APPLICATION 43-25

MARY PLOUFFE AND DOUG ADLER ARE REQUESTING A ZONING VARIANCE TO ALLOW FOR THE CONSTRUCTION OF A CARPORT ON THE SIDE OF THE FREESTANDING GARAGE. THE PROPERTY IS LOCATED AT 136 WEST FIFTH STREET AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1250.61(F) - THE 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.

THE APPLICANT IS REQUESTING A VARIANCE TO CONSTRUCT A CARPORT ADDITION ONTO AN EXISTING FREESTANDING GARAGE, WHICH WOULD INCREASE THE ALLOWABLE PERCENTAGE TO 7.8%.

Recommendation:

The Deputy Administrator recommends approval of the variance, as the application satisfies criteria B, C, D, and F outlined in Chapter 1275.02(c)(3). The proposed carport addition allows the existing tree canopy to remain undisturbed

while providing protection for the vehicles from weather conditions. Although the structure extends from the existing garage, its open-sided design will maintain a sense of openness on the property and prevent the area from feeling overcrowded, while still achieving the applicant's intended purpose.

7. Other Business

8. Adjournment

The next meeting is scheduled for January 12, 2026 at 5:30 PM in the Municipal Building, located at 201 W. Indiana Avenue.

cc: Media