

BOARD OF ZONING APPEALS

Springfield, Ohio

Wednesday, January 17, 2018

7:00 P.M.

City Forum, City Hall

Meeting Minutes

(Summary format)

Chairperson Denise Williams called the meeting to order at 7:00 P.M.

MEMBERS PRESENT: Ms. Jeannette Anderson, Mr. Mathew Ryan, Ms. Rhonda Zimmers,
Mr. Mark Brown, Ms. Dori Gaier, and Ms. Denise Williams

MEMBERS ABSENT: Mr. James Burkhardt

OTHERS PRESENT: Stephen Thompson, Planning, Zoning, and Code Administrator
Cheyenne Pinkerman, Community Development Specialist

* * * * *

SUBJECT: Approval December 18, 2017 meeting minutes.

Ms. Williams asked if the board had any corrections to add to the minutes.

Ms. Williams asked the board members to voice yes if they were in favor of approving the minutes. Members voiced yes.

Ms. Williams asked if any opposed to voice nay. Hearing none, Ms. Williams stated minutes stand approved.

SUBJECT: Case #18-A-01 Request from Rudy's Smokehouse for a conditional use permit to allow for a cargo container at 2222 S Limestone St. in a CC-2, Community Commercial District

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

Mr. Thompson gave the staff report.

The applicant is requesting a conditional use permit for a cargo container. Chapter 1135 allows for cargo containers exceeding 120 sq ft to be permit with a conditional use in commercially zoned areas. The application states the container has been in place for seven years. The container is used for storage.

ANALYSIS for Conditional Use:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

(1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: Yes, it would not.

(2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

(3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

(4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes. It is already in place.

(5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

(6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: Yes, it will not.

(7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional

use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes.

STAFF RECOMMENDATION:

Approval of the conditional use permit.

Ms. Williams asked if the board had any questions for Mr. Thompson.

Ms. Gaier questioned how the case evolved.

Mr. Thompson explained that the case started as a Code Enforcement complaint in November. Mr. Thompson explained that the applicant was unaware that they needed a conditional use permit due to how long the container had been there.

Ms. Zimmers questioned if other businesses in the area had similar containers or if there had been similar request.

Mr. Thompson explained that the request were starting to be more common. Mr. Thompson explained that a pawn shop downtown was approved to use a cargo container in the past.

Ms. Williams asked if the applicant wished to speak.

Mr. Bill Fisher, 5869 Old Ham Drive, stated the barbeque sales had doubled in the past couple years and the company was in need of more storage. Mr. Fisher explained that the company had looked into purchasing property in the area for storage purposes. Mr. Fisher stated that they were unable to purchase any property and the company was in need of more storage for the catering business. Mr. Fisher explained that they started with eleven employees and since the catering business started, they now have sixty employees. Mr. Fisher stated that he believed the issue with the storage container started with the loading and unloading of the food trucks. Mr. Fisher explained that the location of the storage container, the employees had blocked the alley making it hard for homeowners to get in and out their property. Mr. Fisher explained that the delivery trucks had been advised not block the driveways of the homeowners due to the complaints received from the neighbors. Mr. Fisher stated that the business had been there for forty years and would gladly work with the homeowners in the area. Mr. Fisher explained that the container itself is not blocking the alley and he would make sure the loading and unloading of the food no longer blocks the alleys.

Ms. Gaier questioned if the alley was a public alley.

Mr. Fisher stated the alley was a public alley.

Ms. Williams asked if there was anyone else that wished to speak at that time. Hearing no further discussion, Ms. Williams asked if there was a motion to close the public hearing.

MOTION: Ms. Gaier made a motion to close the public hearing. Seconded by Ms. Anderson. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #18-A-01.

MOTION: Motion by Ms. Gaier to approve Case #18-A-01 request from Rudy's Smokehouse for a conditional use permit to allow for a cargo container at 2222 S Limestone St. in a CC-2, Community Commercial District. Seconded by Mr. Brown.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. The business owner willing to work with neighbors.
2. It has been there for several years.
3. There is no opposition

VOTE:

YEAS: Ms. Jeannette Anderson, Mr. Mathew Ryan, Ms. Rhonda Zimmers, Mr. Mark Brown,
Ms. Dori
Gaier, and Ms. Denise Williams

NAYS: None

ABSTAIN: none

Motion Approved 6 to 0

SUBJECT: Case #18-A-02 Request from Thomas Thompson for a conditional use permit to allow for a personal service establishment (hair salon) at 109 E College Ave. in a CO-1, Commercial Office District

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

Mr. Thompson gave the staff report.

The applicant is requesting a conditional use permit for a personal service establishment – hair salon. The building is currently vacant.

ANALYSIS for Conditional Use:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and

shall find adequate evidence showing that the proposed conditional use at the proposed location:

(1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: Yes, it would not.

(2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

(3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

(4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes. It is an existing commercial structure.

(5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

(6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: Yes, it will not.

(7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes.

STAFF RECOMMENDATION:

Approval of the conditional use permit.

Ms. Williams asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Williams asked if the applicant would like to speak. Hearing no further discussion, Ms. Williams asked if there was a motion to close the public hearing.

MOTION: Ms. Gaier made a motion to close the public hearing. Seconded by Ms. Anderson. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #18-A-01.

MOTION: Motion by Ms. Gaier to approve Case #18-A-02 Request from Thomas Thompson for a conditional use permit to allow for a personal service establishment (hair salon) at 109 E College Ave. in a CO-1, Commercial Office District. Seconded by Ms. Anderson.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition
2. It is a good use of existing space.
3. The business owned locally.

VOTE:

YEAS: Ms. Jeannette Anderson, Mr. Mathew Ryan, Ms. Rhonda Zimmers, Mr. Mark Brown, Ms. Dori Gaier, and Ms. Denise Williams

NAYS: None

ABSTAIN: none

Motion Approved 6 to 0

SUBJECT: Case #18-A-03 Request from West Central Ohio Port Authority for a conditional use permit and variance from Chapter 1135.24 to allow for a transload facility within 1000 feet of an R district at N Greenmount Ave. and N. Florence St. in a M-2, Heavy Manufacturing District

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

Mr. Thompson gave the staff report.

The applicant is requesting a conditional use permit and a variance to establish a transload facility within 1000 feet of an R district. The West Central Ohio Port Authority owns the property and will lease the site to another operator. Transload facilities meet the definition of salvage yards in the Springfield Zoning Code. However, this facility will only handle steel and not be open to the public. Material is projected to be on site for less than 24 hours. An eight-foot fence with a secured gate will surround the site. Hours of operation will be 7:00 am to 5:00 pm weekdays. During busy times, the site maybe open to 7:00 pm. The only equipment on site will be a crane and rail cars. There will be up to three employees on site at a time. No hazardous material will be handled at this location.

ANALYSIS for Conditional Use:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

(1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: Yes, it would not. The applicant states the only material handled at the site will be steel and will be loaded directly onto rail cars.

(2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

(3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

(4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes.

(5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and

schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

(6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: Yes, it will not.

(7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes.

STAFF RECOMMENDATION:

Approval of the conditional use permit.

Ms. Williams asked if the board had any questions for Mr. Thompson.

Ms. Gaier asked if there were any complaints.

Mr. Ryan questioned if the parcel was always been an M-1, General Manufacturing District.

Mr. Thompson stated that the parcel had always either been and M-1 or some other previous industrial district prior to the old zoning code.

Ms. Gaier questioned if it was and M-1 or M-2

Mr. Thompson apologized and stated that parcel was zoned M-2 and that the surrounding area was M-1. Mr. Thompson stated that area had always been zoned industrial.

Ms. Zimmers questioned if there would be any noise concerns.

Mr. Thompson explained that no concerns were raised by staff and that there would more than likely be more noise coming from the train than from the company.

Mr. Ryan questioned the distance from North Florence Street.

Mr. Thompson explained that the property was 150 feet from the corner.

Mr. Jim Peiffer, 20 South Limestone Street, explained that the business would not be a salvage yard. Mr. Pfeiffer gave the details of business. Mr. Peiffer explained that the property had been vacant for several years and had fallen victim to vandalism and four wheeler traffic. Mr. Peiffer explained that would be noise but it shouldn't be an issue. Mr. Peiffer explained the convenience of the site being located next to the railroad tracks.

Ms. Williams asked if there were any questions from the board. Hearing no further discussion, Ms. Williams asked if there was a motion to close the public hearing.

MOTION: Mr. Ryan made a motion to close the public hearing. Seconded by Ms. Gaier.
Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #18-A-03.

MOTION: Motion by Mr. Anderson to approve Case #18-A-03 request from West Central Ohio Port Authority for a conditional use permit from Chapter 1135.24 to allow for a transload facility (salvage yard) within 1000 feet of an R district at N Greenmount Ave. and N Florence St. in a M-2, Heavy Manufacturing District. Seconded by Mr. Brown.

VOTE:

YEAS: Ms. Jeannette Anderson, Mr. Mathew Ryan, Ms. Rhonda Zimmers, Mr. Mark Brown,
Ms. Dori
Gaier, and Ms. Denise Williams

NAYS: None

ABSTAIN: none

Motion Approved 6 to 0

MOTION: Motion by Mr. Zimmers to approve Case #18-A-03 request from West Central Ohio Port Authority for a variance from Chapter 1135.24 to allow for a transload facility within 1000 feet of an R district at N Greenmount Ave. and N Florence St. in a M-2, Heavy Manufacturing District. Seconded by Mr. Brown.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. The business owner willing to work with neighbors.
2. It has been there for several years.
3. There is no opposition.

VOTE:

YEAS: Ms. Jeannette Anderson, Mr. Mathew Ryan, Ms. Rhonda Zimmers, Mr. Mark Brown,
Ms. Dori
Gaier, and Ms. Denise Williams

NAYS: None
ABSTAIN: none

Motion Approved 6 to 0

SUBJECT: Case #18-A-04 Request from Kapp Construction for a conditional use permit to allow for a religious institution at 1301 Beacon St. in a RS-5, Low-Density, Single-Family Residence District

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

Mr. Thompson gave the staff report.

The applicant is requesting a conditional use permit for a cargo container. Chapter 1135 allows for cargo containers exceeding 120 sq ft to be permit with a conditional use in commercially zoned areas. The application states the container has been in place for seven years. The container is used for storage.

ANALYSIS for Conditional Use:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

(1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: Yes, it would not.

(2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

(3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

(4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes. It is already in place.

(5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

(6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: Yes, it will not.

(7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes.

STAFF RECOMMENDATION:

Approval of the conditional use permit.

Ms. Williams asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Williams asked if the applicant would like to speak. Hearing none, Ms. Williams asked if anyone from the audience would like to speak.

Mr. Glenn Massie, 215 Bellaire Ave., stated that the senior pastor was not present due to having knee surgery. Mr. Massie explained the history of the Grace Missionary Baptist Church. Mr. Massie explained that current location is too small and they have been looking for a new location. Mr. Massie explained that the church focused a lot on building communities and helping Springfield.

Hearing no further discussion, Ms. Williams asked if there was a motion to close the public hearing.

MOTION: Ms. Anderson made a motion to close the public hearing. Seconded by Ms. Gaier. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #18-A-04.

MOTION: Motion by Ms. Anderson to approve Case #18-A-04 request from Kapp Construction for a conditional use permit to allow for a religious institution at 1301 Beacon St. in a RS-5, Low-Density, Single-Family Residence District. Seconded by Ms. Gaier.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. The project received support from South East Neighborhood Association.
2. There is no opposition.
3. It is a good use of land.

VOTE:

YEAS: Ms. Jeannette Anderson, Mr. Mathew Ryan, Ms. Rhonda Zimmers, Mr. Mark Brown, Ms. Dori Gaier, and Ms. Denise Williams

NAYS: None

ABSTAIN: none

Motion Approved 6 to 0


Board Comments: None

Staff Comments: None

Subject: Adjournment

Ms. Brown made a motion to adjourn the meeting. Seconded by Mr. Ryan.

Chairperson Denise Williams adjourned the meeting at 7:45 pm.


Ms. Denise Williams, Chairperson
Ms. Dori Gaier, Vice-Chairperson