

BOARD OF ZONING APPEALS

Springfield, Ohio

Monday June 18, 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. Mark Brown, Mr. James Burkhardt, Ms. Dori Gaier, and Ms. Denise Williams

MEMBERS ABSENT: Ms. Rhonda Zimmers and Mr. Mathew Ryan

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

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SUBJECT: Approval February 21, 2018 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-07 Request from Pauline Hamblin for a conditional use permit to establish a daycare center at 424 S Fountain Ave. in an RS-8, Medium-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 daycare center. Returned reports from staff recommended approval. The Fire Department had the following advisory: Day care facilities have very strict building code requirements. Please consult a design professional as part of the planning process for this to ensure that any renovations are within code compliance, as these requirements can be cost prohibitive.

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 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.

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: Mr. Burkhardt 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-07.

MOTION: Motion by Ms. Anderson to approve Case #18-A-07 Request from Pauline Hamblin for a conditional use permit to establish a daycare center at 424 S Fountain Ave. in an RS-8, Medium-Density, Single-Family Residence District. Seconded by Ms. Gaier.

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

1. There is no opposition.
2. Similar cases have been approved in the past.
3. It is a good fit for the neighborhood.

VOTE:

YEAS: Mr. Brown, Mr. Burkhardt, Ms. Anderson, Ms. Gaier, and Ms. Williams.

NAYS: None.

ABSTAIN: none

Motion Approved 5 to 0

SUBJECT: Case #18-A-08 Request from Jennifer Webster for a conditional use permit to re-establish a non-conforming residential use at 1818 Lagonda Ave. in a CI-1, Intensive 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 to reestablish a non-conforming use. It was most recently used as a residence, but has been vacant for some time. Chapter 1171.03(c) states the following: a nonconforming use that has become abandoned for one (1) year or more shall revert to a conforming use. However, a nonconforming use may be reestablished as a conditional use authorized by the Board of Zoning Appeals.

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 was most recently used a residence.

(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.

Mr. Burkhardt questioned what the property would be used for.

Mr. Thompson stated the applicant would be able to explain. Mr. Thompson explained that the applicant was trying to list the property as residential and the way it was zoned would not allow for that without the conditional use permit.

Ms. Gaier stated the property was listed for sale.

Mr. Thompson stated he was unsure if the property would be a single or multi-family residential, either way a conditional use permit would re-establish that use.

Ms. Williams asked if the applicant or the applicant's agent wished to speak.

Ms. Jennifer Webster, 360 Forest Drive. Springfield, Ohio 45505.

Ms. Webster explained that the property was a vacant, single family home owned by the bank. In order for the property to be sold as a single family residence they would need to change the zoning. Ms. Webster explained that the home had never been a business and that the home was just very large.

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: Mr. Brown 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-08.

MOTION: Motion by Mr. Burkhardt to approve Case #18-A-08 Request from Jennifer Webster for a conditional use permit to re-establish a non-conforming residential use at 1818 Lagonda Ave. in a CI-1, Intensive Commercial District. Seconded by Mr. Brown.

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

1. There is no opposition.
2. It will no longer be vacant.
3. It was previously a residential use.

VOTE:

YEAS: Mr. Brown, Mr. Burkhardt, Ms. Anderson, Ms. Gaier, and Ms. Williams.

NAYS: None.

ABSTAIN: none

Motion Approved 5 to 0

Board Comments:

None.

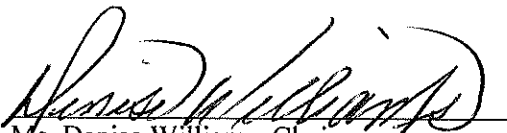
Staff Comments:

None.

Subject: Adjournment

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

Chairperson Denise Williams adjourned the meeting at 7:15 pm.

A handwritten signature in black ink, appearing to read "Denise Williams", written over a horizontal line.

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