COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

CITY OF SPRINGFIELD
FORWARD OHIO TOGETHER

# Board of Zoning Appeals Staff Reports 2020

**Monday, October 19, 2020**
**7:00 P.M.**
**Virtual**

**Agenda**
**Board of Zoning Appeals**
**Springfield, Ohio**
**Monday, October 19, 2020**
**7:00 P.M.**

1. **Call to Order**

2. **Roll Call**

3. **Approval of July20, 2020 and August 17, 2020 Meeting Minutes** — ACTION

4. **Swearing In of Witnesses** — ACTION

5. **Case #20-A-17** — DISCUSSION & ACTION

   Request from Kendra & Jamarius Burnside for a variance to allow a six foot privacy fence in a front yard at 730 Mayhill Rd. in a RS-5, Low-Density, Single-Family Residence District

6. **Case #20-A-18** — DISCUSSION & ACTION

   Request from The Conscious Connect for a conditional use permit for a community center – basketball court at 349 W Grand Ave in a RS-8, Medium-Density, Single-Family Residence District

7. **Case #20-A-19** — DISCUSSION & ACTION

   Request from Sign Vision Company for a variance from Chapter 1155.06 to construct a single-color digital sign at 1301 Beacon Street in a RS-5, Low-Density, Single-Family Residence District

8. **Case #20-A-20** — DISCUSSION & ACTION

   Request from Kessler Sign for a variance from Chapter 1142.03(c)(2)(G) to allow for additional wall signage at 2531 E Main St in a CC-2, Community Commercial District

9. **Board Comments** — DISCUSSION

10. **Staff Comments** — DISCUSSION

11. **Adjourn – Next meeting is November 16, 2020** — ACTION

**2020 Board of Zoning Appeals Call to Order: Roll Call**

| Name | Term Expiration |
|---|---|
| Matthew Ryan | 07/05/2020 |
| Mark Brown | 03/13/2021 |
| James Burkhardt | 03/31/2021 |
| Rhonda Zimmers | 01/06/2022 |
| Dori Gaier | 05/11/2022 |
| Denise Williams | 08/02/2022 |
| Charles Harris | 03/26/2022 |
| **4 Quorum** | |

**BOARD OF ZONING APPEALS**
**Springfield, Ohio**
**Monday, July 20, 2020**
**7:00 P.M.**
**Virtual Meeting**

**Meeting Minutes**
(Summary format)

Chairperson Ms. Dori Gaier called the meeting to order at 7:00 P.M.

MEMBERS PRESENT: Ms. Rhonda Zimmers, Mr. Charles Harris, Mr. James Burkhardt, Mr. Mark Brown, Ms. Denise Williams and Ms. Dori Gaier.

MEMBERS ABSENT: Mr. Ryan

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

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**SUBJECT: Approval February 19, 2020 meeting minutes.**

Ms. Gaier asked if the Board had any corrections or additions to add to the minutes.

Hearing none, Ms. Gaier asked the Board members to voice yes if they were in favor of approving the minutes. Members voiced yes.

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

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**Case #20-A-03 Request from James Linkhart for a conditional use permit for a restaurant at 2336 Northmoor Dr. in a CN-1, Neighborhood Commercial District.**

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

The applicant seeks a conditional use permit to establish a restaurant. This is the former location of O'Conner's Irish Pub. The building has been vacant since O'Conner's relocation.

**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:*** *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 previously a restaurant and bar.*

(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:*** *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.*

**RETURNED REPORTS FROM STAFF:**

Service Department: Recommend approval

Building Inspections: Recommend approval; the applicant is required to submit building plans on the changes to the structure. Plan approval and a permit will be issued by the building department once review, inspections and Certificate of Occupancy is issued.

Engineering Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Mr. Thompson stated there were several concerns.

Ms. Williams asked if there would be outdoor seating.

Mr. Thompson explained the applicant had not submitted and additional building plans but assumed the existing patio space would be used.

Ms. Zimmers asked if the applicant was on the call.

Ms. Williams stated she was unaware of the patio being open.

Mr. Thompson stated he believed at one point it was open but then later closed off.

Ms. Zimmers stated she remembered the patio being open and close and could see where the neighbors would have issues with the noise. Ms. Zimmers questioned if there had been issues in the past.

Mr. Thompson stated the police department recommended approval and did not cite any noise issues in the past.

Ms. Williams stated she remembered it be a nice quiet restaurant in the past.

Mr. Ralph Wilson, 1045 Fruitland Rd. Springfield, OH 45503. Mr. Wilson explained himself and several other neighbors had several issues with the previous owners, O' Conners. Mr. Wilson explained when the restaurant was McCoras, he never had any issues. Mr. Wilson explained he

personally had multiple issues with O'Conners once they opened the outdoor seating area. Some issues listed included the late nights, revving of car engines, trash being thrown in his yard, loud noise and much more. Mr. Wilson explained the police and property owner had been contacted numerous times but nothing was ever done. Mr. Wilson explained all the neighbors are concerned that would happen again.

Ms. Gaier questioned if the applicant, MR. Linkhart, would be running the business and not leasing out to someone else.

Mr. Thompson stated he believed that to be the plan.

Mr. William D. West, Attorney, 20 South Limestone St. Springfield, OH. Mr. West explained he was representing Maxine Care who owns the Home Road Drive Through. Mr. West stated his client had concerns about the easement that her business uses. Mr. West explained his client's business depends on that easement. Mr. West explained the easement had been in use by her business for 36 years. Mr. West stated they had never had any complaints about the use of the easement and they were asking for that to be left alone. Mr. West stated there were no complaints about the restaurant but that the easement would be left alone.

Ms. Gaier questioned if the easement was part of the case.

Mr. Thompson stated the easement was not part of the case because there had been no building plans submitted and the case was just for the use of the property. Mr. Thompson stated if plans were submitted that would include the easement, the applicant would be told they would need to look at the deed restrictions before doing any kind of building.

Ms. Zimmers questioned if the plan was to have outdoor seating.

Mr. Thompson stated no plans had been submitted.

Mr. Wilson asked if the applicant hasn't submitted any plans about the restaurant and if there would be out seating, how that would affect the outcome of the case. Mr. Wilson stated the applicant was not present to answer questions or concerns.

Mr. Thompson explained in the district restaurants were not defined on outdoor or indoor. If the applicant gets approval, the outdoor space could be utilized as a seating area.

Mr. Wilson explained no concerns had been addressed and was worried about the future of their neighborhood.

Ms. Gaier questioned why the applicant was not present.

Mr. Thompson stated the applicant said he planned to be present and was unsure why he was not.

Ms. Zimmers questioned if Mr. Wilson had ever spoke to Mr. Linkhart about his concerns.

Mr. Wilson explained there had been issues in the past with himself wanting to open a business that was similar to the original restaurant, McCora's. Mr. Wilson stated the applicant went with his carpenter, which became O'Conners. Mr. Wilson explained he was all for new business and revitalizing the downtown area but the property in question is surrounded by residential on all sides.

Ms. Gaier asked if there were any further questions or if anyone else wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

**MOTION**: Mr. Burkhardt made a motion to close the public hearing. Seconded by Ms. Williams. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #20-A-03.

**MOTION**: Motion by Ms. Williams to table Case #20-A-03 Request from James Linkhart for a conditional use permit for a restaurant at 2336 Northmoor Dr. in a CN-1, Neighborhood Commercial District. Seconded by Mr. Brown.

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

1. Need more information.
2. Request the applicant to come back with more information.
3. Several concerns from the neighbors.

**YEAS** Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Mr. Brown, Ms. Williams and Ms. Gaier
**NAYS:** None.

Motion approved 6 to 0.

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**Case #20-A-04 Request from DDC Management for a variance from Chapter 1155.04 (a)(3) for two subdivision signs for the Bridgewater subdivision in a RS-8, Medium-Density, Single –Family Residence District.**

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

The applicant is requesting a variance from Chapter 1155.04(a)(3) to permit a development closer than 25 feet to a right of way. The applicant states setting the signs back to the required 25 feet would reduce the amount of visibility for the signs. The applicant is proposing to set the signs back a minimum of five feet from property lines, which is what the minimum setback for other signs is.

**ANALYSIS for Variance:**

The Board may grant a variance only where there exists a "practical difficulty" as defined by the courts in Ohio in established case law. The Ohio Supreme Court's decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between "use" and "area variances." Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

***Staff Comment:*** *Yes.*

2. Whether the variance is substantial;

***Staff Comment:*** *Yes, but will not seem out of character or out of place.*

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

***Staff Comment:*** *No.*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);
***Staff Comment:*** *No.*

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

***Staff Comment:*** *Yes.*

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

***Staff Comment:*** *No.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

***Staff Comment:*** *Yes.*

**RETURNED REPORTS FROM STAFF:**

Service Department: Recommend denial; S Tuttle Rd sign is acceptable, but we oppose the sign at Skyway Dr. variance until construction plans and plat for phase II approved.

Building Inspections: Recommend approval; All issues will be addressed with the building department once sign permit application is submitted.

Engineering Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval for a variance to permit a fence on a vacant lot.

Ms. Gaier questioned why the service center is in opposition of the skyway sign.

Mr. Thompson explained stated the service center had concern with how close it would be to the right of way. Mr. Thompson explained all signs are required to be five feet away from the property line and felt that would be sufficient enough for engineering. Mr. Thompson stated they were worried it would be in the right of way.

Ms. Zimmers stated she didn't understand the service centers concern.

Mr. Thompson explained the service center was concerned that the sign could interfere with sewer, water or fiber optic lines if they were ever needed. Mr. Thompson stated there would be enough room given the fact that the sign would be five feet away from the property line.

Ms. Zimmers asked if there plans drawn up for that already.

Mr. Thompson stated not necessarily for the utility lines. Mr. Thompson stated that's a different phase of the project that hasn't been fully developed yet. Mr. Thompson stated there were other measures put in place that would prevent what they were worried about.

Ms. Gaier asked if the board had any further questions for Mr. Thompson. Hearing none, Ms. Gaier asked if the applicant or the applicants agent wished to speak.

Mr. Ross Beanfelt. 3601 Rigby Road. Miamisburg, OH. Mr. Beanfelt explained the sign would not be built until November or December. Mr. Beanfelt when they applied for the variance the phase 2 plans were not fully approved through the engineering department and the rest of the city. Mr. Beanfelt stated the plans had been officially approved. Mr. Beanfelt explained they applied in March and were in a different situation in July.

Ms. Gaier asked if there were any further questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

**MOTION**: Ms. Zimmers made a motion to close the public hearing. Seconded by Mr.

Burkhardt. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #20-A-04.

**MOTION**: Motion by Ms. Williams to approve Case #20-A-04 Request from DDC Management for a variance from Chapter 1155.04 (a)(3) for two subdivision signs for the Bridgewater subdivision in a RS-8, Medium-Density, Single –Family Residence District. Seconded by Mr. Harris.

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

1. Straight forward
2. No opposition.
3. Concerns were answered.

**YEAS:** Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Mr. Brown, Ms. Williams and Ms. Gaier
**NAYS:** None.

Motion approved 6 to 0.

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**Case #20-A-05 Request from David and Ruth Folz for a variance from Chapter 1156.01 (a) to construct a fence within two feet of a structure at 1910 N. Fountain Ave. in a RS-5, Low-Density, Single-Family Residence District.**

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

The applicant is requesting a variance from Chapter 1156.01(a) to construct a privacy fence within two feet of a structure. The applicant is building a fence to comply with a protection order signed by the applicant and the owner of 1920 N Fountain Ave. This fence will be a six-foot-tall privacy fence stating at the rear of the property and extending approximately 108 towards N Fountain Ave and stop at the front of the houses. The fence will be between one and two feet to the garage at 1920 N Fountain Ave.

**ANALYSIS for Variance:**

The Board may grant a variance only where there exists a "practical difficulty" as defined by the courts in Ohio in established case law. The Ohio Supreme Court's decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between "use" and "area variances." Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be

considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

***Staff Comment:*** *Yes.*

2. Whether the variance is substantial;

***Staff Comment:*** *Yes, however, this fence is required to be constructed as a result of a protection order signed by both property owners.*

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

***Staff Comment:*** *No.*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);
***Staff Comment:*** *No.*

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

***Staff Comment:*** *Unknown.*

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

***Staff Comment:*** *No.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

***Staff Comment:*** *Yes.*

**RETURNED REPORTS FROM STAFF:**

Service Department: Recommend approval

Building Inspections: Recommend approval

Engineering Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the variance.

Ms. Zimmers questioned if both property owners were in agreement.

Mr. Thompson stated that was correct and both property owners signed the court ordered agreement.

Mr. Gerard Fulz, 2022 Maple Ave. Evanston, IL 60201. Mr. Fulz explained the situation has been court ordered and hoped that the fence would help his mother's sanity. Mr. Fulz stated he hope the variance would be approved.

Ms. Gaier asked if there were any further questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

**MOTION**: Ms. Zimmers made a motion to close the public hearing. Seconded by Mr. Burkhardt. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #20-A-05.

**MOTION**: Motion by Mr. Harris to case #20-A-05 Request from David and Ruth Folz for a variance from Chapter 1156.01 (a) to construct a fence within two feet of a structure at 1910 N. Fountain Ave. in a RS-5, Low-Density, Single-Family Residence District. Seconded by Mr. Burkhardt.

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

1. No opposition.
2. Court ordered.
3. Alleviates and issue between neighbors.

**YEAS:** Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Mr. Brown, Ms. Williams and Ms. Gaier
**NAYS:** None.

Motion approved 6 to 0.

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**Case #20-A-06 Request from Bright Now Signs LLC for a conditional use permit to allow larger directional signage at 4400 S. Charleston Pike in a M-1, General Manufacturing District.**

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

The applicant seeks a conditional use permit to install larger directional signage for a new entrance to the property for truck traffic. Chapter 1155.04(b) states "Such signs shall not exceed a total of six square feet, three square feet per sign face (for a double faced sign). Larger directional signage may be permitted with a conditional use permit. The applicant states these signs will help with semi-truck traffic and increase safety.

**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:*** *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.*

(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:*** *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.*

**RETURNED REPORTS FROM STAFF:**

| | |
|---|---|
| Service Department: | Recommend approval |
| Building Inspections: | Recommend approval |
| Engineering Division: | Signs must be located outside of public right of way |
| Fire Department: | Recommend approval |
| City Manager's Office: | Recommend approval |

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Zimmers questioned the engineering departments note was a concern about the sign being located in the public right of way.

Mr. Thompson explained it was not a concern, engineering always wants to make sure that nothing impedes the right of way. Mr. Thompson explained the actual drive or parking lot had not been approved yet.

Mr. Luke Putterbaugh, 108 West Washington St, New Carlisle, OH 45344. Mr. Putterbaugh explained what the code allows is very minuscule compared to the size of the property and area. Mr. Putterbaugh explained vehicles are coming and going almost throughout the day and have

safety concerns about there not being enough direction.

Ms. Gaier asked if there were any further questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

**MOTION**: Ms. Zimmers made a motion to close the public hearing. Seconded by Ms. Williams. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #20-A-06

**MOTION**: Motion by Mr. Harris to approve case #20-A-06 Request from Bright Now Signs LLC for a conditional use permit to allow larger directional signage at 4400 S. Charleston Pike in a M-1, General Manufacturing District. Seconded by Mr. Burkhardt.

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

1. No opposition.
2. Located in a commercial, manufacturing area.
3. Relieving a safety issue.

**YEAS:** Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Mr. Brown, Ms. Williams and Ms. Gaier
**NAYS:** None.

Motion approved 6 to 0.

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**Case #20-A-07 Request from Tedros Andon for a variance from Chapter 1152.02 (a) to allow construction of a fence and pole barn prior to construction of a house at parcel #3400300025407037 on Greystone Drive in a RS-5, Low-Density, Single-Family Residence District.**

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

The applicant seeks a conditional use permit to install larger directional signage for a new entrance to the property for truck traffic. Chapter 1155.04(b) states "Such signs shall not exceed a total of six square feet, three square feet per sign face (for a double faced sign). Larger directional signage may be permitted with a conditional use permit. The applicant states these signs will help with semi-truck traffic and increase safety.

**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:*** *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.*

(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:*** *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.*

**RETURNED REPORTS FROM STAFF:**

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|---|---|
| Service Department: | Recommend approval |
| Building Inspections: | Recommend approval |
| Engineering Division: | Signs must be located outside of public right of way |
| Fire Department: | Recommend approval |
| City Manager's Office: | Recommend approval |

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Gaier asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Gaier asked the applicant or applicant agent wished to speak. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak.

Ms. Brittany Perkins. 1441 Ronald Rd. Springfield, OH 45503. Ms. Perkins questioned how close to the property line the applicant was planning to build the fence.

Mr. Thompson showed on the map that the applicant planned to build the fence along the edge of the parcels, right on the property line. Mr. Thompson explained the property owner explained he wanted the fence to prevent people from illegally dumping on the property.

Ms. Perkins explained where she lived in reference to the property. Ms. Perkins explained they were concerned about the location of the fence in reference to their property line.

Mr. Thompson explained its suggested to leave enough room to do maintenance around the fence.

Ms. Perkins explained her and some other neighbors were not concerned but more curious to where the fence would be.

Ms. Gaier asked if there were any further questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

**MOTION**: Ms. Williams made a motion to close the public hearing. Seconded by Ms. Zimmers.

Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #20-A-07.

**MOTION**: Motion by Mr. Burkhardt to approve case #20-A-07 Request from Tedros Andon for a variance from Chapter 1152.02 (a) to allow construction of a fence and pole barn prior to construction of a house at parcel #3400300025407037 on Greystone Drive in a RS-5, Low-Density, Single-Family Residence District. Seconded by Mr. Brown.

Hearing no further discussion or questions, the Board determined the following findings of facts:
1. No opposition.
2. Good Reason for a fence and barn.
3. Good use of space.

**YEAS:** Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Mr. Brown, Ms. Williams and Ms. Gaier
**NAYS:** None.

Motion approved 6 to 0.

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**Board Comments:** None.

**Staff Comments:** None.

**Subject:** Adjournment

Ms. Zimmers made a motion to adjourn the meeting. Seconded by Mr. Harris.

Ms. Gaier adjourned the meeting at 8:21 pm.

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

**BOARD OF ZONING APPEALS**
**Springfield, Ohio**
**Monday, August 17, 2020**
**7:00 P.M.**
**Virtual Meeting**

**Meeting Minutes**
(Summary format)

Chairperson Ms. Dori Gaier called the meeting to order at 7:00 P.M.

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

MEMBERS ABSENT: Mr. Harris.

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

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**Subject: Minutes- Tabled for next meeting.**

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**Case #20-A-03 Request from James Linkhart for a conditional use permit for a restaurant at 2336 Northmoor Dr. in a CN-1, Neighborhood Commercial District.**

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

The applicant seeks a conditional use permit to establish a restaurant. This is the former location of O'Conner's Irish Pub. The building has been vacant since O'Conner's relocation.

**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:*** *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 previously a restaurant and bar.*

(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:*** *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.*

**RETURNED REPORTS FROM STAFF:**

Service Department: Recommend approval

Building Inspections: Recommend approval; the applicant is required to submit building plans on the changes to the structure. Plan approval and a permit will be issued by the building department once review, inspections and Certificate of Occupancy is issued.

Engineering Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Gaier questioned if any additional residents reached out with concerns.

Mr. Thompson stated a few more residents reached out with concerns but they had the same concerns that were heard at the last meeting.

Ms. Gaier asked if the applicant or applicants agent wished to speak.

Mr. Jim Linkhart, 131 S. Broadmoor Blvd. Springfield, OH. Mr. Linkhart explained the history of the property being a restaurant for 45 years. Mr. Linkhart explained he has made several renovations to the property and it would be an upscale restaurant and an asset to the community.

Ms. Zimmers questioned if the applicant had been in contact with residents that had concerns.

Mr. Linkhart explained he had been in contact with people that had stopped and talked to him while they were working on the property. Mr. Linkhart explained one neighbors expressed their concerns about the loud noise. Mr. Linkhart assured the board there would not be loud bands and planned to attract an older crowd for an upscale restaurant. Mr. Linkhart invited anyone who wished to look at the progress they've made to stop by.

Ms. Gaier questioned the hours of operation.

Mr. Linkhart stated it was hard to say but did not plan to attract the late night crowd.

Ms. Gaier asked if there would be outdoor seating.

Mr. Linkhart stated there would be outdoor seating but it would not be for entertainment, it would be for additional seating.

Ms. Gaier asked if the board had anymore questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak.

Mr. Ralph Wilson, 1045 Fruitland Rd. Springfield, OH 45503. Mr. Wilson explained he had lived in the area for a long time and remembered McCora's. Mr. Wilson stated he would not

have a problem with the kind of establishment he was describing. Mr. Wilsons explained the issues he had with O'Conners.

Mr. Joshua Helms, 1031 Fruitland Ave. Springfield, OH. Mr. Helms explained he lived directly behind the restaurant. Mr. Helms stated the restaurant was looking a lot better. Mr. Helms explained the outdoor patio and the alcohol were his two biggest concerns. Mr. Helms felt he lost privacy by opening the back patio for outdoor seating. Mr. Helms stated there was a privacy fence but people could still into their patio. Mr. Helms stated if there was alcohol being served in the back patio, he was concerned it would spill out into the parking lot and the type of crowd it brings. Mr. Helms state he felt midnight would be too late. The noise late at night and privacy were Mr. Helms two biggest concerns. Mr. Helms stated his neighbor had the same concerns but was unable to join the meeting. Mr. Helms explained they did not want to have to move due to privacy issues and the concerns not being met with opening the restaurant.

Mr. Linkhart stated he understood the concerns. Mr. Linkhart explained he was unhappy with the way the restaurant was ran. They signed a ten-year contract and were only there for seven years. Mr. Linkhart explained the restaurant would not be a rowdy one, rather one that you could celebrate anniversaries or prom dates. Mr. Linkhart stated there would not be any loud bands, the restaurant would be very upscale.

Mr. Kevin Zischler, 1041 Fruitland Dr. Springfield, OH. Mr. Zischler explained he had the same concerns as his neighbors except he's a lot closer to the restaurant. Mr. Zischler explained the issues he had with O'Conners and would prefer the party be kept inside and not raise a ruckus. Mr. Zischler also would like the property maintained and to be kept clean and free of trash.

Mr. Linkhart assured the neighbors he would not be a rowdy establishment. Mr. Linkhart also explained a lot of the trash came from the drive thru and noticed due to the restaurant not being open and there still being an abundance of trash. Mr. Linkhart explained he would like to change the easement so the cars go between the buildings and not a long the residential housing.

Mr. Christopher Wells, 1046 Fruitland, Springfield, OH. Mr. Wells explained his concerns were the drunk drivers going down the street. Mr. Wells stated the late hours and drunk driving were big concerns of his because of his small children.

Mr. Thomas J Berry, 2346 Northmoor Dr. Springfield, OH. Mr. Berry explained that he had the same concerns as the neighbors, parking, drunk drivers and trash.

Mr. Linkhart explained if he can change the directions of the drive through exit, it would alleviate the parking issue because it would add an additional eighteen parking spaces.

Mr. Wilson explained the business being ran in a residential neighborhood is a very unique situation. Mr. Wilson stated the larger issue was with O'Conners trash and would like to believe that Mr. Linkhart will do better.

Mr. Linkhart stated he would do better and will have a respectful, upscale crowd.

Ms. Williams asked if the back door would be closed because that seems to be the issue.

Mr. Linkhart stated the back door has to remain open but would be monitored to make sure no one is taking their drinks outside or carrying on in the parking lot.

Ms. Zimmers questioned how much parking there would be in relation to how many people are allowed in the building.

Mr. Linkhart stated the main structure holds 96 people, the addition holds 41 people. Mr. Linkhart explained there were 36 parking spots and plans to add 18 more if he can get the direction of the easement changed.

Mr. Wilson questioned if the back door would be maintained as a fire door or would it be open freely.

Mr. Linkhart stated the door had to be open freely per code.

Mr. Wilson stated the door could be used only as a fire door.

Mr. Linkhart explained the city did not require that.

Ms. Gaier asked if there were any further questions or if anyone else wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

**MOTION**: Mr. Burkhardt made a motion to close the public hearing. Seconded by Ms. Williams. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #20-A-03.

**MOTION**: Motion by Ms. Zimmers to approve Case #20-A-03 Request from James Linkhart for a conditional use permit for a restaurant at 2336 Northmoor Dr. in a CN-1, Neighborhood Commercial District. Seconded by Mr. Ryan.

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

1. Questions and concerns have been answered (Noise, parking and laid back environment.)
2. Previous management was the problem.
3. Trusted owner and the owner addressed the concerns.

**YEAS** Ms. Zimmers, Mr. Burkhardt, Mr. Ryan, Mr. Brown, Ms. Williams and Ms. Gaier
**NAYS:** None.

Motion approved 6 to 0.

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**Case # 20-A-09 request from 1159 South Community Development Corporation for a conditional use permit to start a community garden at 1102-1116 S. Yellow Springs Street in a RS-8, Medium-Density, Single-Family Residence District.**

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

staff report.

The applicant seeks a conditional use permit to establish a community garden. 1159 South Community Development Corporation purchased the property in February 2020. They want to start a community garden to provide fresh fruits and vegetables for residents who lack access to these.

**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:*** *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. Community gardens can be considered as community centers.*

(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:*** *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.*

**RETURNED REPORTS FROM STAFF:**

Service Department: Recommend approval; Applicant should contact the city before connecting to city water so that the existing lead service line can be replaced

Building Inspections: Recommend approval

Engineering Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Gaier asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Gaier asked if the applicant or the applicants agent wished to speak.

Ms. Mora, member of the 1159 south Community Development corporation. Ms. More explained their company was a relatively new non-profit company working to improve the south Springfield. Ms. More explained they chose the area to start because it's the main corridor. MS. More explained the corridor had significantly deteriorated. Ms. Mora explained they wished to stabilize and revitalize the community. Ms. More explained the property was a mess and full of trash when they got there and they cleaned it all up. Ms. Mora stated the company spoke with the neighbors in the area and they had showed interest in building a community garden. Ms. Mora explained that was their goal.

Ms. Gaier asked if there were any further questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

**MOTION**: Ms. Williams made a motion to close the public hearing. Seconded by Ms. Zimmers. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #20-A-09.

**MOTION**: Mr. Burkhardt made a motion to approve case # 20-A-09 request from 1159 South Community Development Corporation for a conditional use permit to start a community garden at 1102-1116 S. Yellow Springs Street in a RS-8, Medium-Density, Single-Family Residence District. Seconded by Mr. Brown.

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

1. Good for community.
2. Bringing fresh produce to area.
3. No complaints.

**YEAS:** Ms. Zimmers, Mr. Burkhardt, Mr. Ryan, Mr. Brown, Ms. Williams and Ms. Gaier
**NAYS:** None.

Motion approved 6 to 0.

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**Case #20-A-10 Request from 1159 South Community Development Corporation for a variance from chapter 1152.02 (a) construct a shed and fence to start a community garden at 1102-1116 S. Yellow Springs Street in a RS-8, Medium-Density, Single-Family Residence District.**

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

The applicant is requesting a variance to allow for construction of a fence, shed, and deck for a community garden. Chapter 1152.02(a) states "No accessory building or use shall be constructed or established prior to the start of construction of the principal building or use to which it is accessory."

The fence will be a four-foot tall, black-coated, open rail fence. The shed will 160 square feet and 10'4" tall. The uncovered deck will be 200 square feet.

These structures will help protect the garden and activate the space as a community garden.

**ANALYSIS for Variance:**

The Board may grant a variance only where there exists a "practical difficulty" as defined by the courts in Ohio in established case law. The Ohio Supreme Court's decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between "use" and "area variances." Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

***Staff Comment:*** *Yes.*

2. Whether the variance is substantial;

***Staff Comment:*** *Yes.*

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

***Staff Comment:*** *No. These types of structures are consistent with community gardens.*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

***Staff Comment:*** *No.*

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

***Staff Comment:*** *Yes.*

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

***Staff Comment:*** *No.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

***Staff Comment:*** *Yes.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval; Applicant should contact the city before connecting to city water so that the existing lead service line can be replaced

Building Inspections: Recommend approval

Engineering Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the variance.

Ms. Gaier asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Gaier asked if the applicant wished to speak. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

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

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #20-A-10.

**MOTION**: Motion by Ms. Williams to approve case #20-A-10 request from 1159 South Community Development Corporation for a variance from chapter 1152.02 (a) construct a shed and fence to start a community garden at 1102-1116 S. Yellow Springs Street in a RS-8, Medium-Density, Single-Family Residence District. Seconded by Ms. Zimmers.

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

1. No opposition.
2. Continue to enhance property.
3. Necessary for the property to run as a community garden.

**YEAS:** Ms. Zimmers, Mr. Burkhardt, Mr. Ryan, Mr. Brown, Ms. Williams and Ms. Gaier
**NAYS:** None.

Motion approved 6 to 0.

**Case #20-A-11 Request from 1159 South Community Development Corporation for a conditional use permit to start a community garden at 1051 S. Yellow Springs Street in a RS-8, Medium-Density, Single-Family Residence District.**

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

The applicant seeks a conditional use permit to establish a community center. 1159 South Community Development Corporation purchased the property in February 2020. They want to start a community center with play equipment for children, seating, and other park features.

**ANALYSIS for Variance:**

The Board may grant a variance only where there exists a "practical difficulty" as defined by the courts in Ohio in established case law. The Ohio Supreme Court's decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between "use" and "area variances." Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

***Staff Comment:*** *Yes.*

2) Whether the variance is substantial;

***Staff Comment:*** *Yes.*

3) Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

***Staff Comment:*** *No.*

4) Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

***Staff Comment:*** *No.*

5) Whether the property owner purchased the property with the knowledge of the zoning restrictions;

***Staff Comment:*** *Yes.*

6) Whether the property owner's predicament can be obviated through some method other than a variance; or

***Staff Comment:*** *No.*

7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

***Staff Comment:*** *Yes.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval; Applicant should contact the city before connecting to city water so that the existing lead service line can be replaced

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|---|---|
| Building Inspections: | Recommend approval |
| Engineering Division: | Recommend approval |
| Fire Department: | Recommend approval |
| City Manager's Office: | Recommend approval |

**STAFF RECOMMENDATION:**

Approval of the variance.

Mr. Ryan asked if there were any concerns.

Mr. Thompson stated there were no complaints only positive feedback.

Ms. Gaier asked the applicant or applicant agent wished to speak. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak.

Ms. Gaier asked if there were any further questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

**MOTION**: Mr. Ryan made a motion to close the public hearing. Seconded by Ms. Williams.

Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #20-A-12.

**MOTION**: Motion by Ms. Zimmers to approve case #20-A-12 request from 1159 South Community Development Corporation for a variance from chapter 1152.02 (a) construct a shed and fence to start a community garden at 1059 S. Yellow Springs Street in a RS-8, Medium-Density, Single-Family Residence District. Seconded by Mr. Brown.

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

1. Fits the neighborhood.
2. No opposition.
3. Positive feedback.

**YEAS:** Ms. Zimmers, Mr. Burkhardt, Mr. Ryan, Mr. Brown, Ms. Williams and Ms. Gaier
**NAYS:** None.

Motion approved 6 to 0.

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**Case #20-A-11 Request from 1159 South Community Development Corporation for a conditional use permit to start a community garden at 1051 S. Yellow Springs Street in a RS-8, Medium-Density, Single-Family Residence District.**

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

The applicant seeks a conditional use permit to establish a community center. 1159 South Community Development Corporation purchased the property in February 2020. They want to start a community center with play equipment for children, seating, and other park features.

**ANALYSIS for Variance:**

The Board may grant a variance only where there exists a "practical difficulty" as defined by the courts in Ohio in established case law. The Ohio Supreme Court's decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between "use" and "area variances." Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1.Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

***Staff Comment:*** *Yes.*

2. Whether the variance is substantial;

***Staff Comment:*** *Yes.*

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

***Staff Comment:*** *No.*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);
***Staff Comment:*** *No.*

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

***Staff Comment:*** *Yes.*

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

***Staff Comment:*** *No.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

***Staff Comment:*** *Yes.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval; Applicant should contact the city before connecting to city water so that the existing lead service line can be replaced

Building Inspections: Recommend approval

Engineering Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the variance.

Ms. Gaier asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Gaier asked if the applicant wished to speak. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

**MOTION**: Mr. Burkhardt made a motion to close the public hearing. Seconded by Ms. Brown. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #20-A-12.

**MOTION**: Motion by Ms. Zimmers to approve case #20-A-12 request from 1159 South Community Development Corporation for a variance from chapter 1152.02 (a) construct a shed and fence to start a community garden at 1059 S. Yellow Springs Street in a RS-8, Medium-Density, Single-Family Residence District. Seconded by Mr. Brown.

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

1. Fits the neighborhood.
2. No opposition.
3. Positive feedback.

**YEAS:** Ms. Zimmers, Mr. Burkhardt, Mr. Ryan, Mr. Brown, Ms. Williams and Ms. Gaier
**NAYS:** None.

Motion approved 6 to 0.

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**Case # 20-A-13 Request from Tom Thompson for a conditional use permit for a restaurant at 601 N. Fountain in a CO-1, Commercial Office District.**

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

The applicant seeks a conditional use permit to establish a restaurant. This structure has a residential part, which serves as the owner's residence, as well as a commercial part. The property was rezoned in 2019 from EC-1 to CO-1. The owner runs a salon out of the structure as well. The site has five parking spots on site, which would allow up to 20 seats. The applicant has owned restaurants previously. He would like to provide carry out service and brunch options for patrons prior to getting salon services.

**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:*** *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 partly a 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:*** *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.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval; Building code issues will be dealt with during the permitting process.

Engineering Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend denial; seeing that this is in a residential area, I have concerns about noise, foot traffic, and effects on the neighborhood.

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

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

Ms. Gaier asked for more detail on why the city manager's office recommended denial.

Mr. Thompson stated he did not talk with the city manager's office but assumed it not be the best use because of the fears of increased traffic on N. Fountain avenue is, it's on a college campus and its somewhat in a residential neighborhood.

Ms. Zimmers questioned if the property could be used as residential and business.

Mr. Thompson explained in the past the house has been used as both.

Ms. Williams asked if there were any complaints.

Mr. Thompson explained he received a call concerning parking. Mr. Thompson explained she was worried it would be too busy and how it would be policed. Mr. Thompson explained there would be 5 parking spots on site and that would allow for 20 patrons at one time. Mr. Thompson

explained she could make complaints to code enforcement and they would address the concerns.

Ms. Williams asked if the owner lived in the structure.

Mr. Thompson stated that was correct.

Ms. Williams explained he would be able to keep an eye on the property and make sure it was overpopulated.

Mr. Thompson explained the applicant would have to get a new certificate of occupancy which limits how many people are allowed in the restaurant at a time. Mr. Thompson explained there were different avenues for complaints to be addressed.

Hearing none, Ms. Gaier asked the applicant or applicant agent wished to speak. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak.

Ms. Gaier asked if there were any further questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

Mr. Ryan asked if there was a conditional use permit for the salon.

Mr. Thompson explained the commercial office district salon and beauty parlors are considered and a provisional use and that means as long a provision of the salon use. Which the salon met the area requirement and the owner didn't need any additional conditional use permits just for the salon. In the CI-1 District, restaurants are specifically spelled out as needing a conditional use permit. Mr. Thompson explained the restaurant would be the only conditional use on the property.

Mr. Ryan asked if it was possible to have two conditional use permits.

Mr. Thompson explained he would have to look into but believed it was not allowed. Mr. Thompson explained there would need to be an additional structure in order to have more than one conditional use permits.

Mr. Ryan asked why it's considered a provisional use.

Mr. Thompson explained each zoning district has permitted use and they are permitted outright, they do not have to get permission. Provisional uses typically have some kind of land area associated with the property.

Ms. Zimmers questioned if there were any other business connected to their residents in Springfield.

Mr. Ryan stated there was a restaurant on the east side of Springfield. Neighborhood bars sometimes have upstairs dwellings.

Ms. Gaier stated that was not setting a precedent.

Mr. Thompson stated the applicants structure was unique and there weren't too many left in the city like it. Mr. Thompson explained the residential part is completely separate from the commercial part and has been kept up very well.

Ms. Gaier explained the property was also unique having the provisional use of the salon allowing him to apply for the conditional use.

Mr. Thompson explained land use and commercial office are different from typical cases.

Ms. Williams asked if staff recommended approval.

Mr. Thompson stated that was correct.

Ms. Williams asked if the board had any further questions for Mr. Thompson. Hearing none, Ms. Williams asked if the applicant or the applicants agent wished to speak.

Mr. Tom Thompson, 601 N. Fountain Ave. Springfield, OH. Mr. Tom explained all the work he has done to the property and explained how happy he was to have a business in Springfield. Mr. Tom explained his business opened after the first of the year and had to close up in March due to COVID-19. Mr. Tom explained invested to part of the downtown and college area. Mr. Tom explained when he was able to reopen, he had to reevaluate the business. Mr. Tom explained he had traveled Europe and these type of establishments were very popular over there, Spa meals. Mr. Tom explained the neighbors in the area had expressed they were excited for the restaurant. Mr. Tom explained there would be handicap parking, a few tables indoors, outdoor seating, and no alcohol. Mr. Tom explained the restaurant would be open Thursday-Sunday, brunch on Sundays. Mr. Tom explained this would not be his first restaurant. Mr. Tom explained he would have a healthy style menu of international and American food favorites. Mr. Tom explained the salon was not as busy as it was before the virus hit. Mr. Tom explained there would be online reservations available and follow the guidelines of social distancing. Mr. Tom explained the restaurant would be open until 7:00 pm and everyone gone by 8:00 pm. Mr. Tom explained he wants to try and help the community and make it nice.

Ms. Cheryl Cox, 505 N. Fountain Ave. Springfield, OH. Ms. Cox explained she was a UBU client and was in support of the restaurant and the salon. Ms. Cox explained she supported college hill as well. Ms. Cox explained she has found joy and found positive credentials in the fact the TOM cares for his elderly parents in his home. Ms. Cox stated she felt Tom was a fantastic individual and wished him luck.

Ms. Gaier asked if the board had any further questions for the applicant. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

**MOTION**: Mr. Brown made a motion to close the public hearing. Seconded by Mr. Burkhardt. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #20-A-13.

**MOTION**: Motion by Mr. Brown to approve case # 20-A-13 request from Tom Thompson for a conditional use permit for a restaurant at 601 N. Fountain in a CO-1, Commercial Office District. Seconded by Mr. Ryan.

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

1. Straight forward.
2. No opposition.
3. Good use of space.

**YEAS:** Ms. Zimmers, Mr. Burkhardt, Mr. Ryan, Mr. Brown, Ms. Williams and Ms. Gaier
**NAYS:** None.

Motion approved 6 to 0.

---

**Case # 20-A-15 request from Ashlee Nicole Cavitt McGee for a conditional use permit to reestablish a retail use at 1223 S. Center Street in a RS-8, Medium-Denisty, Single-Family Residence District.**

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

The applicant seeks a conditional use permit to re-establish a commercial use. This structure was vacant for some time. Records indicate it was last used as a record store sometime around 2001. The applicant worked with SBDC and the City to start this business. The business is called "Thick as Weaves' and will be a store that sells beauty products.

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, provided the following limitations shall :

(1) The conditional use shall be for one of the following uses:

A. The nonconforming use that previously.

B. Another nonconforming use first permitted in the same or more restrictive district as the previous use and that is not a use permitted in a more restrictive district than the district in which the nonconforming use is located.

C. Any use that has been granted an exemption from federal taxes under the Internal Revenue Code as a Section 501(c)(3) organization.

(2) The Board shall determine that the building in which the previous nonconforming use was located is not suitable as a building for a conforming.

(3) The building in which the previous nonconforming use was located shall be brought into compliance with other city and state regulations.

**<u>ANALYSIS for Conditional Use:</u>**

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:*** *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 built and has been occupied as commercial.*

(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:*** *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.*

**RETURNED REPORTS FROM STAFF:**

| | |
|---|---|
| Service Department: | Recommend approval |
| Building Inspections: | Recommend approval; building code issues will be dealt with during the permitting process. |
| Engineering Division: | Recommend approval |
| Fire Department: | Recommend approval |
| City Manager's Office: | Recommend approval |

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Gaier asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Gaier asked the applicant or applicant agent wished to speak. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak.

Ms. Logan Cobbs, assistant to the City Manager, 2048 Spring Meadow Dr. Springfield, OH. Ms. Cobbs explained their office felt it important to speak favorably on the project. Ms. Cobbs explained the owners were very community focused and great to work with. Ms. Cobbs explained it was vital to support small business that were locally owned and motivated.

Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

**MOTION**: Mr. Burkhardt made a motion to close the public hearing. Seconded by Ms. Brown. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #20-A-15.

**MOTION**: Motion by Ms. Zimmers to approve case # 20-A-15 request from Ashlee Nicole Cavitt McGee for a conditional use permit to reestablish a retail use at 1223 S. Center Street in a RS-8, Medium-Denisty, Single-Family Residence District. Seconded by Mr. Burkhardt.

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

1. No opposition.

2. Good for the area.
3. Positive feedback.

**YEAS:** Ms. Zimmers, Mr. Burkhardt, Mr. Ryan, Mr. Brown, Ms. Williams and Ms. Gaier
**NAYS:** None.

Motion approved 6 to 0.

---

**Board Comments:** None.

**Staff Comments:** None.

**Subject:** Adjournment

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

Ms. Gaier adjourned the meeting at 9:00 pm.

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

# Agenda Item # 5

## Case #20-A-17

## Variance

# STAFF REPORT

TO: Board of Zoning Appeals

DATE: October 14, 2020

PREPARED BY: Stephen Thompson

SUBJECT: Case #20-A-17

## GENERAL INFORMATION:

| | |
|---|---|
| Applicant: | Kendra & Jamarius Burnside, 730 Mayhill Rd., Springfield, OH 45504 |
| Owner: | Kendra & Jamarius Burnside, 730 Mayhill Rd., Springfield, OH 45504 |
| Purpose: | For a variance from Chapter 1156.01(b) to construct a six foot privacy fence in a front yard |
| Location: | 730 Mayhill Rd |
| Size: | 0.22 acre |
| Existing Land Use and Zoning: | Residential, zoned RS-5 |
| Surrounding Land Use and Zoning: | North: Residential, RS-5<br>East: Residential, RS-5<br>South: Residential, RS-5<br>West: Church, RS-5 |
| Applicable Regulations: | Chapter 1172.06 Variances<br>Chapter 1156.01(b) Location and Height |
| File Date: | September 28, 2020 |

## BACKGROUND:

The applicant seeks a variance to construct a privacy fence that is six feet tall in front yards. Front yards in this zoning district are defined as the first 25 feet from the right of way. Because this is a corner lot, it has front yards on multiple sides. This property doesn't have a traditional back yard as a result of this. The fence will be approximately 19 feet from St. Paris Pike and between 15 and 25 feet from the intersection of Mayhill Road and Westgate Road.

As seen in the aerial map, the previous owners had a pool and privacy fence along St. Paris Pike. A new fence would not be detrimental to the character of the neighborhood. Traffic does not appear to be affected by where the owners plan to construct the fence.

**ANALYSIS for Variance:**

The Board may grant a variance only where there exists a "practical difficulty" as defined by the courts in Ohio in established case law. The Ohio Supreme Court's decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between "use" and "area variances." Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

***Staff Comment:*** *Yes.*

2. Whether the variance is substantial;

***Staff Comment:*** *Yes, but corner lots such as this have limited options for yards that are not considered "front yards."*

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

***Staff Comment:*** *No.*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

***Staff Comment:*** *No.*

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

***Staff Comment:*** *Yes.*

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

***Staff Comment:*** *No.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

***Staff Comment:*** *Yes.*

**RETURNED REPORTS FROM STAFF:**

| | |
|---|---|
| Service/Engineering Department: | Fence cannot cause obstruction to drivers at intersection. |
| Building Inspections: | Recommend approval |
| Engineering Division: | Recommend approval |
| Fire Department: | Recommend approval |
| City Manager's Office: | Recommend approval |

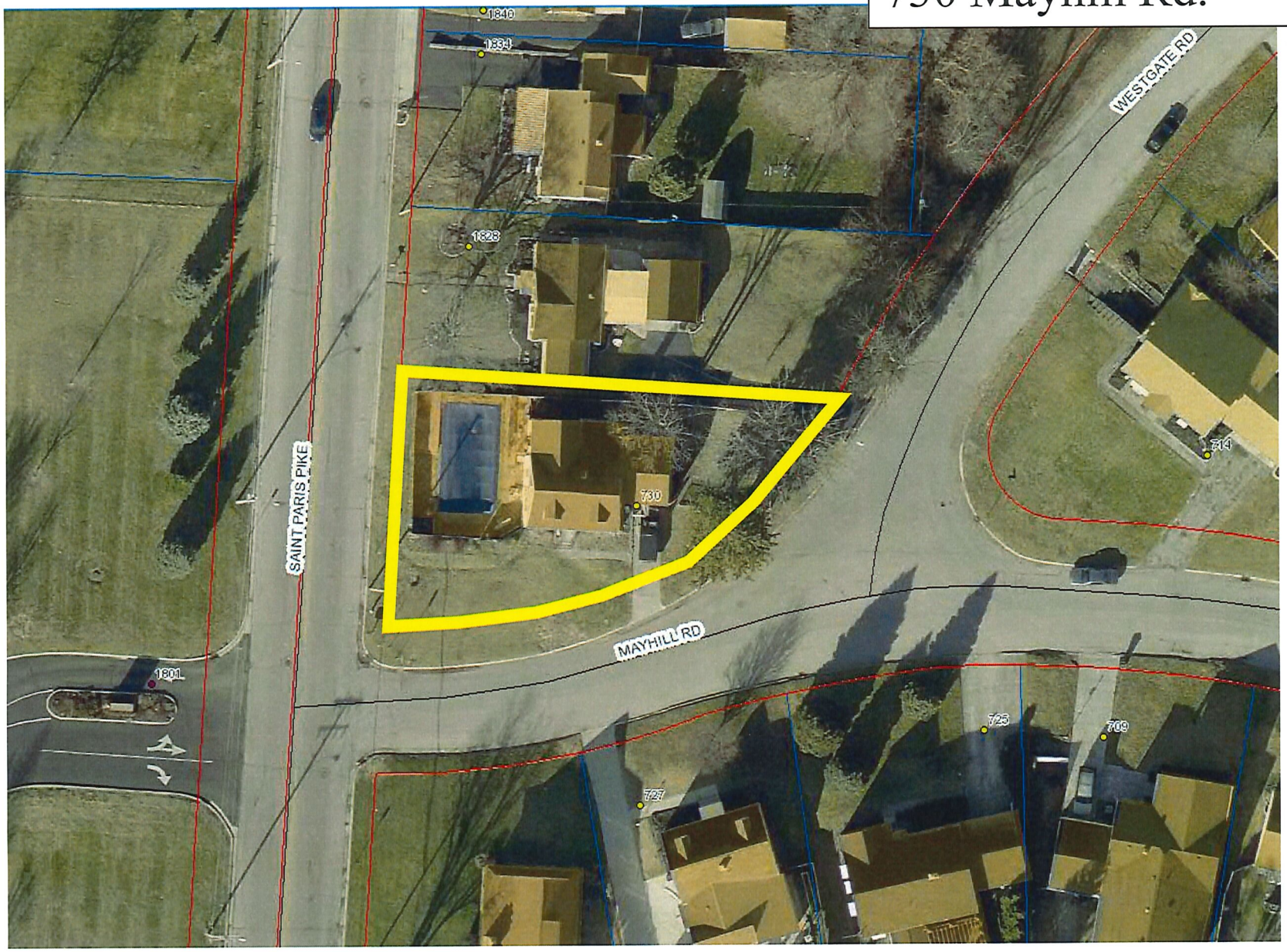
**STAFF RECOMMENDATION:**

Approval of the variance.

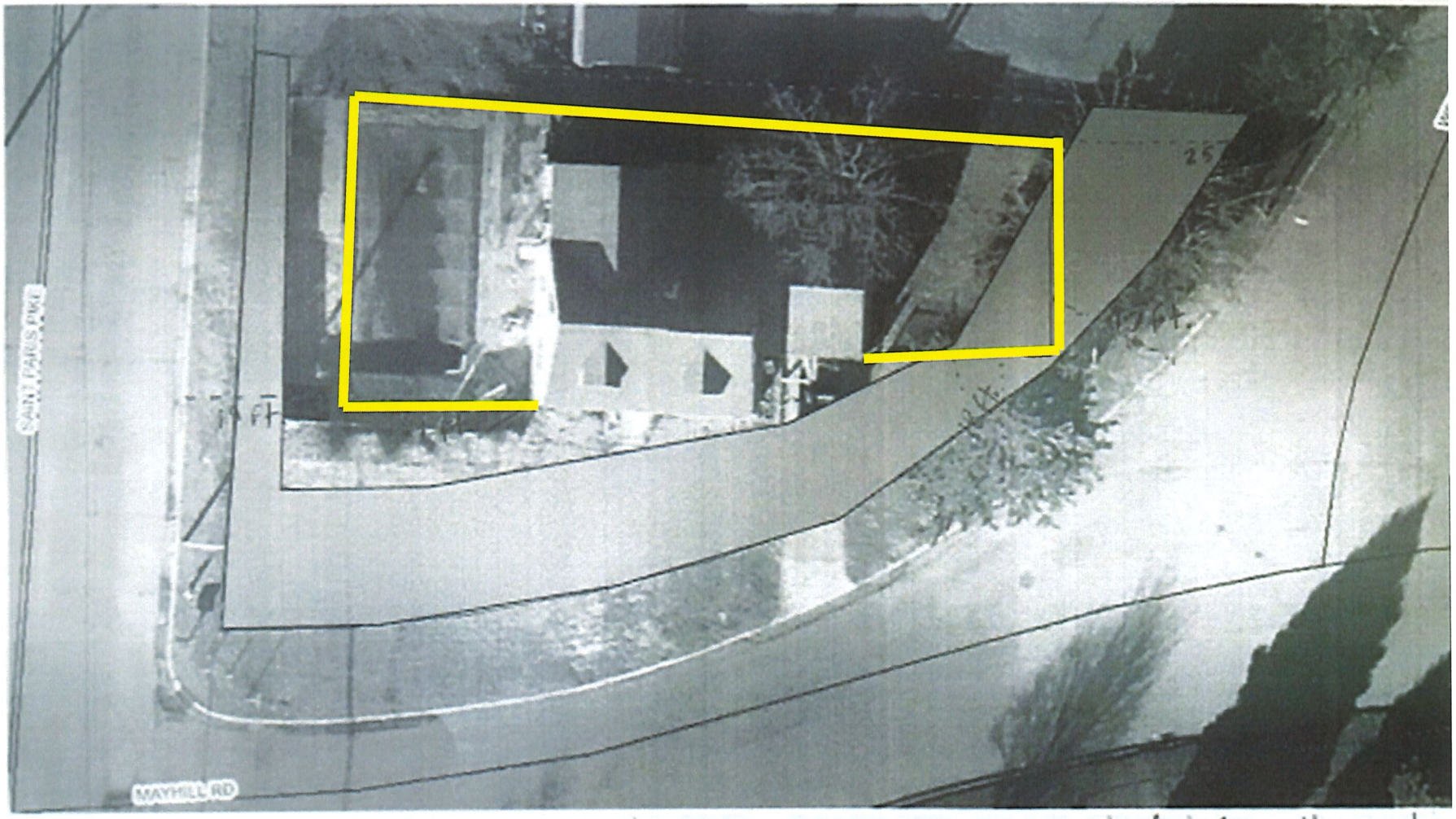
**ATTACHMENTS:**

1. Vicinity and zoning map
2. Application

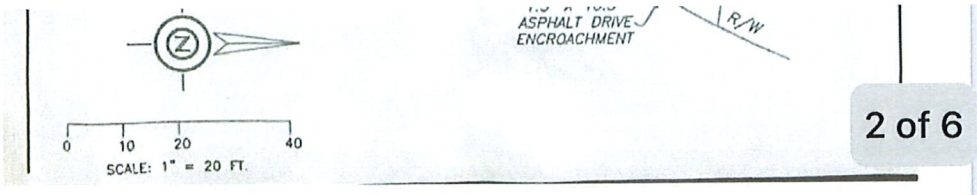
#20-A-17
730 Mayhill Rd.



#20-A-17
730 Mayhill Rd.




On the left side of the house, we plan to put a privacy fence approx. 19 feet from the road &






The City of Springfield
COMMUNITY DEVELOPMENT
Planning & Zoning

FOR OFFICE USE ONLY
Case #: 20-417
Date Received: 9/28/20
Received by: ST
Application Fee: $ 57
Review Type:
☐ Admin ☐CPB ☐BZA

## GENERAL APPLICATION

### A. PROJECT

1. Application Type & Project Description *(attach additional information, if necessary)*:
Variance application
6ft privacy fence installation

2. Address of Subject Property: 730 Mayhill Road Springfield, OH 45504

3. Parcel ID Number(s): _____

4. Full legal description attached? ☐ yes ☐ no

5. Size of subject property: _____

6. Current Use of Property: Residential

7. Current Zoning of Property: _____

### B. APPLICANT

1. Applicant's Status *(attach proof of ownership or agent authorization)* ☒ Owner

☐ Agent *(agent authorization required)* ☐ Tenant *(agent authorization required)*

2. Name of Applicant(s) or Contact Person(s): Kendra & Jamarius Burnside

Title: Owners

Company (if applicable): N/A

Mailing address: 730 Mayhill Road

City: Springfield State: OH ZIP: 45504

Telephone: (937) 366-5172 Fax: ( )

Email Kburnside011@gmail.com



City of Springfield ■ Community Development Department ■ Planning & Zoning Division

3. If the applicant is agent for the property owner:
Name of Owner (title holder): _____

Mailing Address: _____

City: _____ State: _____ ZIP:

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ST. PARIS PIKE.pdf



3. If the applicant is agent for the property owner:
Name of Owner (title holder): _____

Mailing Address: _____

City: _____ State: _____ ZIP: _____

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.**

Kendra Burnside
Signature of Applicant

Signature of Co-applicant

Kendra Burnside
Typed or printed name and title of applicant

JAMarcus Burnside
Typed or printed name of co-applicant

State of Ohio
County of Clark

The foregoing instrument was acknowledged before me this 26th day of September, 2020
by Krystal Rhyan (name of person acknowledged).

(seal)

NOTARIAL SEAL STATE OF OHIO

Krystal N. Rhyan
Notary Public, State of Ohio
My Commission Expires 10/09/2023

Notary Public Signature

My commission expires: 10/07/2023



The City of Springfield
Community Development
Planning & Zoning

**City of Springfield**
Community Development Department
Planning & Zoning Division

Dimensional Zoning Adjustment Variance Application

The City of Springfield
COMMUNITY DEVELOPMENT
Planning & Zoning

**CITY OF SPRINGFIELD**
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS - VARIANCE APPLICATION

Date: 9.25.2020

Property address: 730 Mayhill Road Springfield, OH 45504

Section of the Zoning code applicable: 1156.01(b)

Purpose of this request, including the improvements or physical changes proposed if this application is approved: We are requesting a variance in order to install a 6 ft. privacy fence around the sides & back of our home.

Please include the following exhibits:

**Exhibit A**

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

**Basis for the requested action:** Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific (attach additional pages if necessary).

We believe the Board of Zoning Appeals should approve our request because we do not have a backyard & fencing the sides of the house will allow us to have some privacy. There is only approx 9-12 ft of yard on the north side of our house. We also have a dog that we would like to have a 6 ft fence for because he has jumped 4 ft. fences in the past & being so close to the road, we dont want to risk him getting out or getting in someone else's yard.



City of Springfield ■ Community Development Department ■ Planning & Zoning Division

An appeal for a variance to the Zoning Code cannot be granted by the Board of Zoning Appeals unless the following factors are shown to exist. Therefore, for each factor explain in detail how each applies to your appeal: (Please write on additional sheets of

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ST. PARIS PIKE.pdf

City Hall 2nd Floor • 76 E High Street • Springfield, Ohio 45502
Phone 937 324 7674 • Fax 937 328 3558

City of Springfield ■ Community Development Department ■ Planning & Zoning Division

An appeal for a variance to the Zoning Code cannot be granted by the Board of Zoning Appeals unless the following factors are shown to exist. Therefore, for each factor explain in detail how each applies to your appeal: (Please write on additional sheets of paper if you need more space).

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

   We do not have any privacy without the fence & without a backyard it makes it very difficult to safely let our dog outside since we are so close to the road!

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

   Our fence will still be far enough from the road that it won't interfere with anyone's ability to see while driving

3. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

   There are many houses in the neighborhood that have fences. our neighbor already has a fence behind our house. There used to be a fence very close to where we are wanting to put it, but the previous owners took it down.

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

   This will not be affected.

5. The property owner was not aware of the zoning restrictions when purchasing the property.

   I was not aware of the exact area that would be to be fenced in at the time of purchase.

City of Springfield ■ Community Development Department ■ Planning & Zoning Division
City Hall 2nd Floor • 76 E High Street • Springfield, Ohio 45502
Phone 937 324 7674 • Fax 937 328 3558

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5. The property owner was not aware of the zoning restrictions when purchasing the property.

I was not aware of the exact area that would be to be fenced in at the time of purchase.





6. There is no other feasible method of solving the property owner's predicament.

We need a 6ft privacy fence in order to have privacy on our property & to prevent our dog from jumping the fence.

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

Yes, we will follow the variance as close as we can.

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.**

Kendra Burnside
Signature of Applicant

Jamarcus Burnside
Signature of Co-applicant

Kendra Burnside
Typed or printed name and title of applicant

JAMARCUS BURNSIDE
Typed or printed name of co-applicant

State of Ohio
County of Clark

The foregoing instrument was acknowledged before me this 26th day of September, 2020

by Krystal Rhyan (name of person acknowledged).

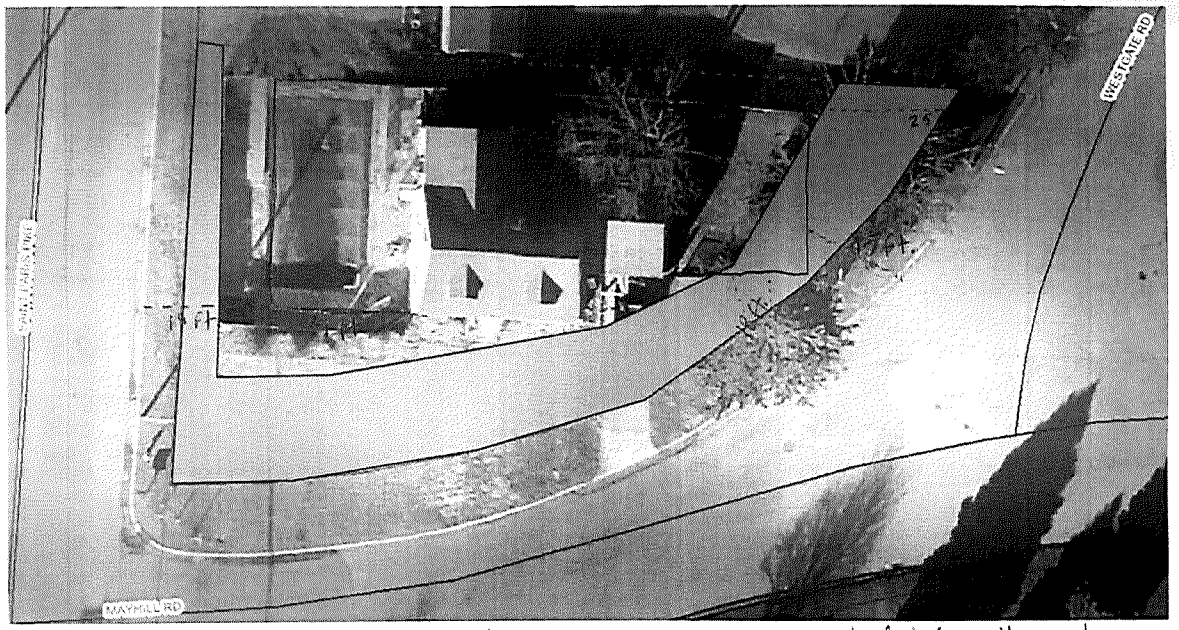
(seal)

NOTARIAL SEAL STATE OF OHIO

Krystal N. Rhyan
Notary Public, State of Ohio
My Commission Expires 10/09/2023

Notary Public Signature

My commission expires: 10/09/2023




On the left side of the house, we plan to put a privacy fence approx. 19 feet from the road & approx. 9 feet from the property line.

On the right side of the house, we plan to put a privacy fence approx. 15-25 feet from the road (shown in picture). Our neighbor has a fence approx. 9 feet behind our house. The pool in the picture has been filled in.

My Commission Expires _____

(Seal, if any, place below)

_____
(Signature of person taking acknowledgment)

_____
Print Notary Name Here

Title or rank: Notary Public

[ ] This certificate pertains to an electronic notarial act performed with the principal(s) appearing online using audio-video communication

© 2020 Covius Services, LLC
13820599 - 67070003

Loan Number **9770312685**

## NAME AFFIDAVIT

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared **Jamarius R. Burnside**, (Affiant), a credible person to me well and truly known, who, having been by me first duly and lawfully sworn upon oath deposes and states:

The Affiant is one and the same as:

**JAMARIUS BURNSIDE**

who is purchasing or refinancing a loan secured by the property located at:

**730 MAYHILL RD**
**SPRINGFIELD, OHIO 45504-1257**

AFTER carefully reading the foregoing affidavit, the Affiant does hereby solemnly swear that the facts set forth herein are true and correct, to witness which Affiant hereunto sets hand and seal this **4TH** day of **SEPTEMBER, 2020.**

_____
**Jamarius R. Burnside**

NOTARY ACKNOWLEDGEMENT

State of **OHIO**
County of **CLARK**

The foregoing instrument was acknowledged before me this _____ day of _____, _____ by **Jamarius R. Burnside**

My Commission Expires: _____

(Seal, if any, place below)

_____
(Signature of person taking acknowledgment)

_____
Print Notary Name Here

Title or rank: Notary Public

[ ] This certificate pertains to an electronic notarial act performed with the principal(s) appearing online using audio-video communication

© 2020 Covius Services, LLC
13820599 - 67070003

| | | |
|---|---|---|
| ARNOLD BOBI E | 1902 WESTGATE RD | SPRINGFIELD, OH 45504 |
| ARNOLD BOBI E | 1902 WESTGATE RD | SPRINGFIELD, OH 45504 |
| BURNSIDE KENDRA A & JAMARIUS R | 730 MAYHILL RD | SPRINGFIELD, OH 45504 |
| CHURCH LUTHERAN GRACE EVANGELICAL | 1801 ST PARIS PK | SPRINGFIELD, OH 45504 |
| COPELAND MICHAEL L | 1907 WESTGATE RD | SPRINGFIELD, OH 45504 |
| KIMBROUGH MICHELE L | 709 MAYHILL RD | SPRINGFIELD, OH 45504 |
| LANGEN SEBASTIAN C | 1834 SAINT PARIS PIKE | SPRINGFIELD, OH 45504 |
| LINEBERGER ERIN E | 1840 ST PARIS PK | SPRINGFIELD, OH 45504 |
| OWENS TAMMI I & TROY E | 727 MAYHILL RD | SPRINGFIELD, OH 45504 |
| PAASKE ELIZABETH DIAN | 1770 ST PARIS PK | SPRINGFIELD, OH 45504 |
| PARKER ROBERT S & MARGIE D | 701 MAYHILL RD | SPRINGFIELD, OH 45504 |
| PIATT THOMAS JARROD & LOTTIE | 1750 SAINT PARIS PIKE | SPRINGFIELD, OH 45502 |
| REYNOLDS JOSEPH G | 725 MAYHILL RD | SPRINGFIELD, OH 45504 |
| RYDER DEBORAH L | 1828 ST PARIS PK | SPRINGFIELD, OH 45504 |
| SPIEKER DANIEL R | 714 MAYHILL RD | SPRINGFIELD, OH 45504 |
| TOOPS AARON L & TAMMY GERRICH | 1841 SAINT PARIS PIKE | SPRINGFIELD, OH 45504 |
| TRITLE KAREN S & JEFFREY A | 704 MAYHILL RD | SPRINGFIELD, OH 45504 |
| WARREN PHYLLIS J CAVALLARO | 1846 SAINT PARIS PIKE | SPRINGFIELD, OH 45504 |

# Agenda Item # 6

## Case #20-A-18

## Conditional Use

# STAFF REPORT

TO: Board of Zoning Appeals

DATE: October 14, 2020

PREPARED BY: Stephen Thompson

SUBJECT: Case #20-A-18

## GENERAL INFORMATION:

| | |
|---|---|
| Applicant: | The Conscious Connect, PO Box 3081, Springfield, OH 45501 |
| Owner: | The Conscious Connect, PO Box 3081, Springfield, OH 45501 |
| Purpose: | For a conditional use permit – community center (basketball court) |
| Location: | 349 W Grand Ave |
| Size: | 0.14 acre |
| Existing Land Use and Zoning: | Undeveloped, zoned RS-8 |
| Surrounding Land Use and Zoning: | North: Residential, RS-8<br>East: Residential, RS-8<br>South: Residential, RS-8<br>West: Residential, RS-8 |
| Applicable Regulations: | Chapter 1172.05 Board of Zoning Appeals: Conditional Uses<br>Chapter 1118.04 Conditional Uses |
| File Date: | September 28, 2020 |

## BACKGROUND:

The applicant seeks a conditional use permit to establish basketball court. The Conscious Connect received a conditional use for another basketball court in 2018. This project was a result of Mike Rowe's "Returning the Favor" program and was unveiled September 11, 2020.

## 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:*** *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.*

(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:*** *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.*

**RETURNED REPORTS FROM STAFF:**

| | |
|---|---|
| Service Department: | Recommend approval |
| Building Inspections: | Recommend approval |
| Engineering Division: | Recommend approval |
| Fire Department: | Recommend approval |
| City Manager's Office: | Recommend approval |

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

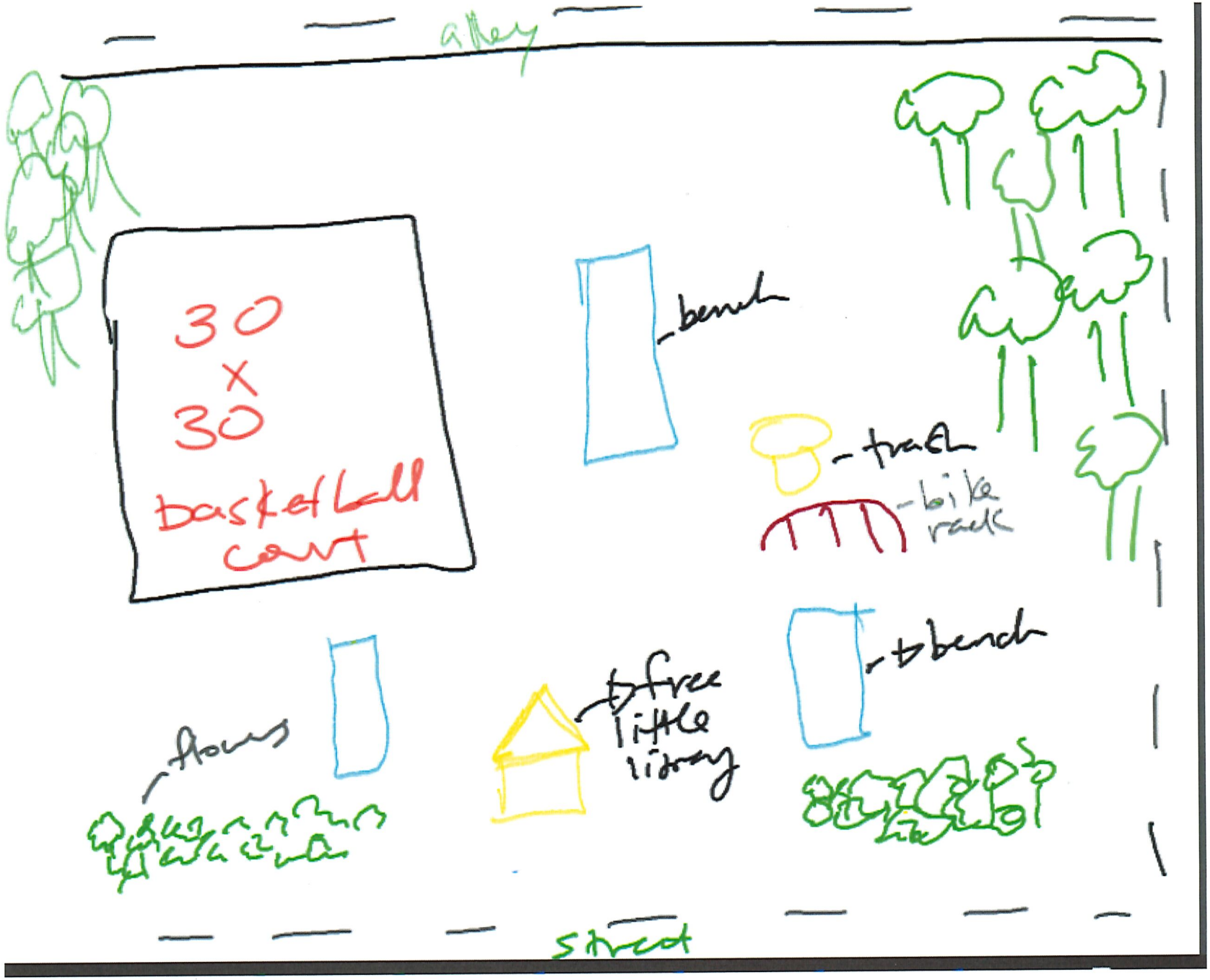
**ATTACHMENTS:**

1. Vicinity and zoning map
2. Application

#20-A-18
349 W Grand Ave.

Mayhill Rd

#20-A-18
349 W Grand Ave.


alley
30
x
30
basketball
court
bench
trash
bike
rack
bench
free
little
library
flowers
street

The City of Springfield
COMMUNITY DEVELOPMENT
Planning & Zoning

**FOR OFFICE USE ONLY**
**Case #:** 20-A-18
**Date Received:** 9/28/20
**Received by:** SI
**Application Fee: $** 57
**Review Type:**
☐ Admin ☐CPB ☒BZA

# GENERAL APPLICATION

## A. PROJECT

1. Application Type & Project Description *(attach additional information, if necessary)*:

create a community park for multi purpose use

2. Address of Subject Property: 349 W Grand Ave

3. Parcel ID Number(s): 3400700034320001

4. Full legal description attached? ☐ yes ☐ no

5. Size of subject property: _____

6. Current Use of Property: community pocket park; 30x30 basketball court, houses of knowledge

7. Current Zoning of Property: _____

## B. APPLICANT

1. Applicant's Status *(attach proof of ownership or agent authorization)* ☒ Owner

☐ Agent *(agent authorization required)* ☐ Tenant *(agent authorization required)*

2. Name of Applicant(s) or Contact Person(s): Moses B. Mbeseha

Title: Co-Founder

Company (if applicable): The Conscious Connect

Mailing address: PO Box 3081

City: Springfield State: OH ZIP: 45501

Telephone: (814) 384-9891 Fax: ( )

Email moses@theconsciousconnect.org / info@theconsciousconnect.org

3. If the applicant is agent for the property owner:
Name of Owner (title holder): _____

Mailing Address: _____

City: _____ State: _____ ZIP: _____

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.**

9/28/2020

Signature of Applicant | Signature of Co-applicant

Moses B. Mbeseha

Typed or printed name and title of applicant | Typed or printed name of co-applicant

State of Ohio
County of Clark

The foregoing instrument was acknowledged before me this 29th day of September, 2020

by Emily Roberts (name of person acknowledged).

(seal)

Emily Roberts
Notary Public Signature

NOTARY PUBLIC STATE OF OHIO

EMILY ROBERTS
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration Date. Section 147.03 O.R.C.

My commission expires: never

**CITY OF SPRINGFIELD**
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS APPLICATION

Date: 9/28/2020

Property address: 349 W Grand Ave

Requested Action:
X Conditional Use
____ Interpretation of the Zoning Code or Map
____ Change of a Nonconforming Use
____ Other

Section of the Zoning code applicable: 1118.04

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

create a community pocket park and the development of a 30x30 basketball court

Please include the following exhibits:

**Exhibit A**

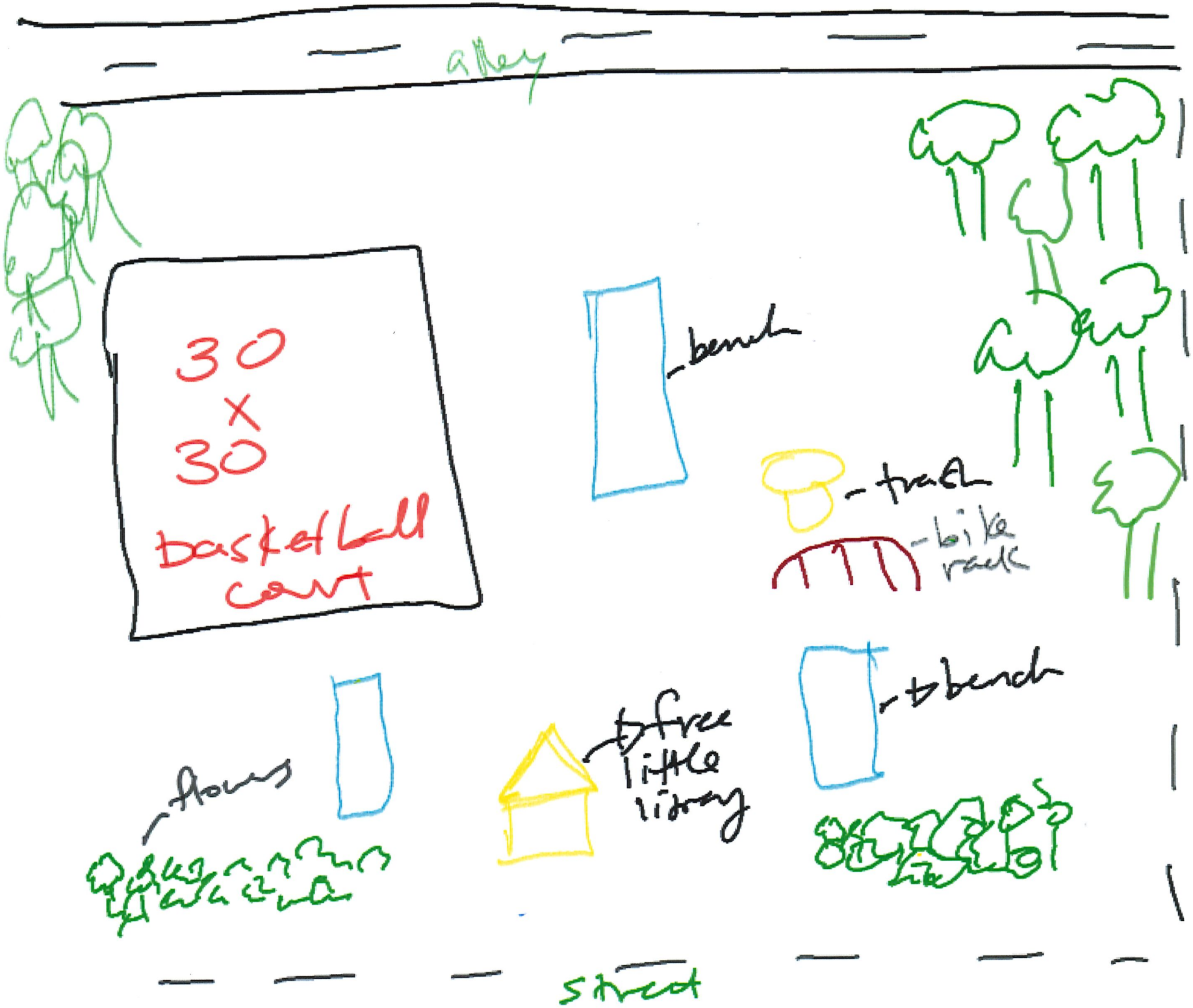
A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

Basis for the requested action: Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific. Use the space that follows (attach additional pages if necessary).

Signature: The Conscious Connect 9/28/2020

Applicant Date

Please Print Name: Moses B. Mbeseha


alley
30
x
30
basketball
court
bench
trash
bike
rack
bench
flowers
free
little
library
street

| | | |
|---|---|---|
| ALLEN SUE DEVOE | 707 OLD COLUMBUS RD | SPRINGFIELD, OH 45503 |
| ALLEN SUE DEVOE | 707 OLD COLUMBUS RD | SPRINGFIELD, OH 45503 |
| BUBERNIAK JOHN A | 435 W EUCLID AVE | SPRINGFIELD, OH 45506 |
| CHURCH BAPTIST MOUNT CARMEL OF | 108 W STATE ST | SPRINGFIELD, OH 45506 |
| CLARK COUNTY LAND REUTILIZATION CORP | 3130 E MAIN ST STE 1A | SPRINGFIELD, OH 45505 |
| COCHRAN JOHN W | 405 W GRAND AVE | SPRINGFIELD, OH 45506 |
| COIN JAR PROPERTIES LLC | PO BOX 3892 | DUBLIN, OH 43016 |
| CONSCIOUS CONNECT REDEVELOPMENT | PO BOX 3081 | SPRINGFIELD, OH 45501 |
| DANIELS PATRICIA A | 1935 PORTAGE PATH | SPRINGFIELD, OH 45506 |
| DIALLO IBRAHIMA | 352 W SOUTHERN AVE | SPRINGFIELD, OH 45506 |
| F I O P ASSOCIATES LLC | 893 S MAIN ST STE 120 | ENGLEWOOD, OH 45322 |
| HEM 2007 LLC | 346 W GRAND AVE | SPRINGFIELD, OH 45506 |
| KAMMEYER DAN | 8279 W MOJAVE DR | BOISE, ID 83709 |
| MOORE BRENDA & CHARLES E HALL | 336 W SOUTHERN AVE | SPRINGFIELD, OH 45506 |
| PARIS RAY J & DELLA M STRALEY | 342 W SOUTHERN AVE | SPRINGFIELD, OH 45506 |
| RICE JOHN | 6750 BRANDT PIKE STE 3 | DAYTON, OH 45424 |
| ROBINSON JOYCE L | 334 W GRAND AVE | SPRINGFIELD, OH 45506 |
| SOUTHERS ELIJAH | 416 W SOUTHERN AVE | SPRINGFIELD, OH 45506 |
| TOOSON WALTER L II | 332 W SOUTHERN AVE | SPRINGFIELD, OH 45506 |
| TY INVESTMENTS LLC | 2066 NORTHRIDGE DR | SPRINGFIELD, OH 45504 |
| WESTBROOKS MARJORIE LOUISE | 328 W SOUTHERN AVE | SPRINGFIELD, OH 45506 |
| WILLIAMS KENNETH E & VIVIAN THOMPSON | 1301 W WISCONSIN AVE | SPRINGFIELD, OH 45506 |
| WILSON GWENDOLYN L | 328 W GRAND AVE | SPRINGFIELD, OH 45506 |
| WRIGHT WILLIAM S | 1329 LINDEN AVE | SPRINGFIELD, OH 45505 |

# Agenda Item # 7

## Case #20-A-19

## Variance

# STAFF REPORT

TO: Board of Zoning Appeals

DATE: October 14, 2020

PREPARED BY: Stephen Thompson

SUBJECT: Case #20-A-19

## GENERAL INFORMATION:

| | |
|---|---|
| Applicant: | Sign Vision Company, 987 Claycraft Rd., Columbus, OH 43230 |
| Owner: | Grace Missionary Baptist Church, 427 Hubert Ave. Springfield, OH 45505 |
| Purpose: | For a variance from Chapter 1155.06 to construct a single color digital sign |
| Location: | 1301 Beacon St. |
| Size: | 2.81 acres |
| Existing Land Use and Zoning: | Church, zoned RS-5 |
| Surrounding Land Use and Zoning: | North: Residential, RS-5<br>East: Residential, RS-5<br>South: Residential, RS-5<br>West: Residential, RS-5 |
| Applicable Regulations: | Chapter 1172.06 Variances<br>Chapter 1155.06 Signs Permitted by Sign District |
| File Date: | September 28, 2020 |

## BACKGROUND:

The applicant seeks a variance to construct a single-color digital sign. The church was completed in the past few years. Digital signs are becoming more prevalent, especially for churches and other religious institutions.

The sign will be located at the corner of Beacon Street and Kenwood Avenue. The sign will be seven feet tall and seven feet wide and its base. The sign will be required to be placed outside of the visibility triangle at the intersection, which is 20 feet along Kenwood Avenue and 20 feet along Beacon Street.

## ANALYSIS for Variance:

The Board may grant a variance only where there exists a "practical difficulty" as defined by the courts in Ohio in established case law. The Ohio Supreme Court's decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between "use" and "area variances." Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

***Staff Comment:*** *Yes.*

2. Whether the variance is substantial;

***Staff Comment:*** *No. Digital signs are frequently requested by churches and other religious institutions.*

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

***Staff Comment:*** *No.*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

***Staff Comment:*** *No.*

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

***Staff Comment:*** *Yes.*

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

***Staff Comment:*** *No.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

***Staff Comment:*** *Yes.*

**RETURNED REPORTS FROM STAFF:**

| | |
|---|---|
| Service/Engineering Department: | Recommend approval |
| Building Inspections: | Recommend approval |
| Engineering Division: | Recommend approval |
| Fire Department: | Recommend approval |
| City Manager's Office: | Recommend approval |

**STAFF RECOMMENDATION:**

Approval of the variance.

**ATTACHMENTS:**

1. Vicinity and zoning map
2. Application

#20-A-19
1301 Beacon St.

#20-A-19
1301 Beacon St.

**JOB SPECIFICATIONS**

☐ Manufacture (1) 84" x 84" double-sided, non-illuminted post/panel sign with (2) custom (cut to shape) 84" x 84" non-illuminated, (flat) aluminum sign faces

BEACON ST
KENWOOD AVE
BEACON ST
Visibility Triangle
Approximation

The City of Springfield
COMMUNITY DEVELOPMENT
☐ Planning & Zoning

| FOR OFFICE USE ONLY |
|---|
| Case #: 20-4-19 |
| Date Received: 9/28/20 |
| Received by: ST |
| Application Fee: $ 285 |
| Review Type: |
| ☐ Admin ☐CPB ☑BZA |

# GENERAL APPLICATION

## A. PROJECT

1. Application Type & Project Description *(attach additional information, if necessary)*:
Monument Sign - Install double-sided non-illuminated monument sign with LED message boards

2. Address of Subject Property: 1301 Beacon St.

3. Parcel ID Number(s): 34007000272010 11

4. Full legal description attached? ☑ yes ☐ no

5. Size of subject property: 2.824 acres

6. Current Use of Property: Church

7. Current Zoning of Property: -

## B. APPLICANT

1. Applicant's Status *(attach proof of ownership or agent authorization)* ☐ Owner

☑ Agent *(agent authorization required)* ☐ Tenant *(agent authorization required)*

2. Name of Applicant(s) or Contact Person(s): Darrin Gray

Title: ~~Permit Coordinator~~ Project Manager

Company (if applicable): Sign Vision Co., Inc.

Mailing address: 987 Claycraft Rd.

City: Columbus State: OH ZIP: 43230

Telephone: (614) 475-5161 Fax: (614) 864-0302

Email dgray@signvisionco.com

3. If the applicant is agent for the property owner:
Name of Owner (title holder): Grace Missionary Baptist Church

Mailing Address: 1301 Beacon St.

City: Springfield State: OH ZIP: 45505

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.**

Damin Gray
Signature of Applicant

Signature of Co-applicant

Damin Gray - Project Manager
Typed or printed name and title of applicant

Typed or printed name of co-applicant

State of Ohio
County of Franklin

The foregoing instrument was acknowledged before me this 28th day of September 20 20

by Damin Gray (name of person acknowledged).

(seal)

JAMI GRAY NOTARY PUBLIC - STATE OF OHIO

Jami Gray
Notary Public
In and For the State of Ohio
Recorded in Franklin County
My Commission Expires
21 March 2023

Jami Gray
Notary Public Signature

My commission expires: 3/21/2023

The City of Springfield
COMMUNITY DEVELOPMENT
Planning & Zoning

**CITY OF SPRINGFIELD**
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS - VARIANCE APPLICATION

Date: 9/28/2020

Property address: 1301 Beacon St.

Section of the Zoning code applicable: LED message board in this area 1155.06

Purpose of this request, including the improvements or physical changes proposed if this application is approved:
We are proposing a double-sided monument with LED message center displaying one singular color.

Please include the following exhibits:

**Exhibit A**

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

**Basis for the requested action:** Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific (attach additional pages if necessary).

See included letter

An appeal for a variance to the Zoning Code cannot be granted by the Board of Zoning Appeals unless the following factors are shown to exist. Therefore, for each factor explain in detail how each applies to your appeal: (Please write on additional sheets of paper if you need more space).

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

   The church cannot effectively communicate events and services for the community without proposed variance.

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

   The variance being requested is not a significant amount in comparison to the requirement.

3. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

   The essential character of the entire neighborhood will not be substantially altered or suffer substantial detriment as a result of the variance requested.

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

   The variance requested will in no way adversely affect the delivery of governmental services.

5. The property owner was not aware of the zoning restrictions when purchasing the property.

   At the time that the church purchased

the property signage was not taken into consideration.

6. There is no other feasible method of solving the property owner's predicament.

The only other options would be no advertising or using manual changeable copy, which is an outdated and inefficient method of communication.

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the requested variance.

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.**

Darin Gray
Signature of Applicant

Signature of Co-applicant

Darin Gray
Typed or printed name and title of applicant

Typed or printed name of co-applicant

State of Ohio
County of Franklin

The foregoing instrument was acknowledged before me this 28th day of September, 2020

by Darin Gray (name of person acknowledged).

(seal)

JAMI GRAY
STATE OF OHIO

Jami Gray
Notary Public
In and For the State of Ohio
Recorded in Franklin County
My Commission Expires
21 March 2023

Jami Gray
Notary Public Signature

My commission expires: 3/21/2023

SIGN VISION
When You're Ready, We're Here!
Since 1992
CORPORATE OFFICES:
987 CLAYCRAFT ROAD
COLUMBUS, OHIO 43230
PHONE: (614) 475-5161

JOB TITLE:
Grace Missionary Baptist
1301 Beacon Blvd.
Springfield, OH

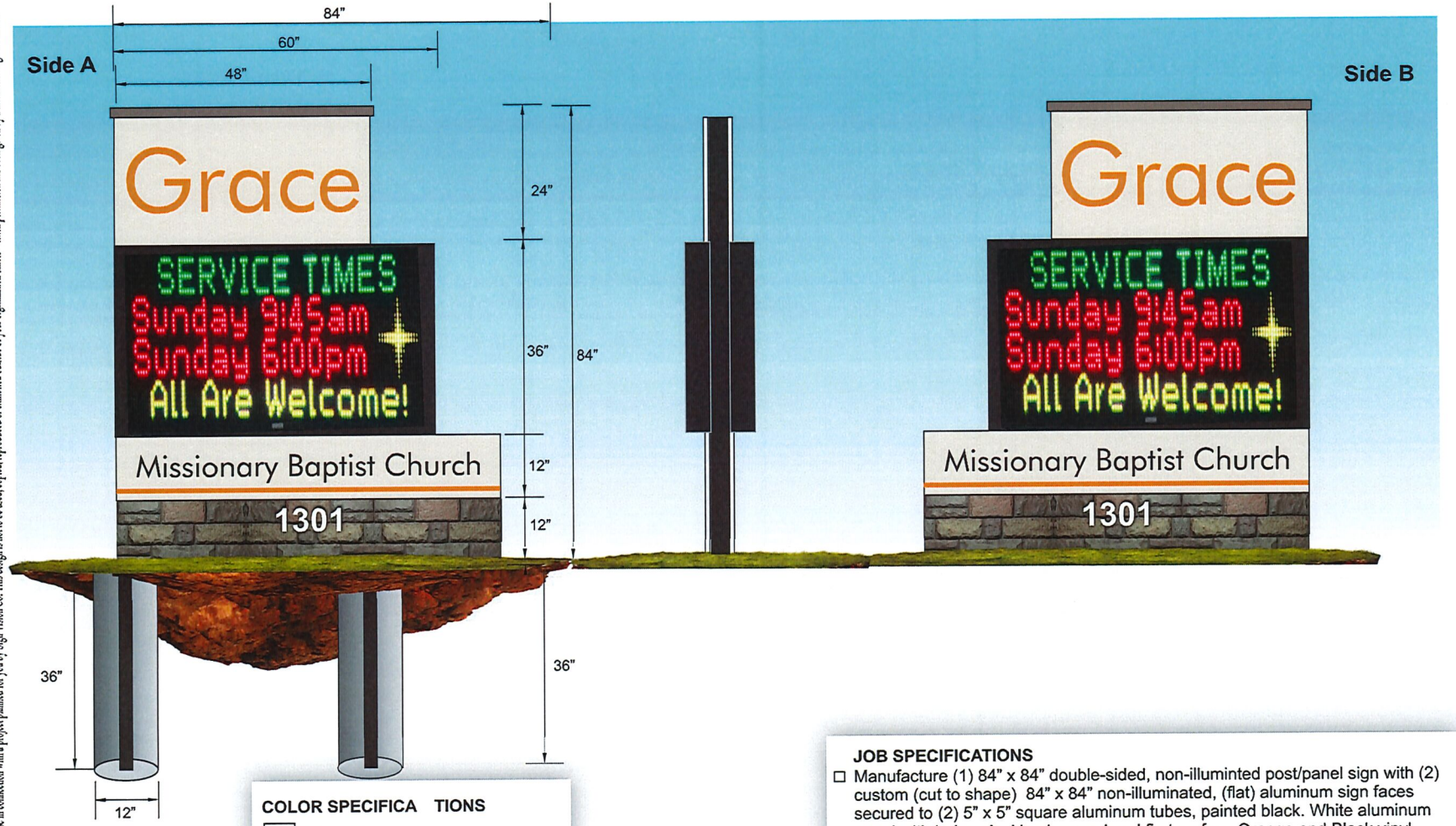
DATE: 09.02.20
SALESMAN: Scott Kelley
DESIGNER: Scott Kelley
DRAWING: 06

FILE:
REVISION:
REVISION:
REVISION:

APPROVED ☐
APPROVED WITH CORRECTIONS ☐
NOT APPROVED RESUBMIT ☐

SIGNATURE: _____

YOUR SIGNATURE REPRESENTS FINAL APPROVAL. PLEASE LOOK OVER CAREFULLY. CHECK ALL SPELLING AND GRAMMAR. SIGN VISION CAN NOT BE RESPONSIBLE F OR ANY ERRORS AFTER FINAL APPROVAL.




**FOUNDATION SPECIFICATIONS**
Exposure B
(2) 5" square tube
(2) 12" x 36" caisson concrete foundation
Wind load 90 mph
COSA: ASCE/SEI 7-05

**COLOR SPECIFICA TIONS**
- White (aluminum)
- Black - Oracal 751-070 (vinyl)
- Orange - Oracal 751-034 (vinyl)
- Brown - Oracal 751-080 (vinyl)
- Light Ivory - Oracal 751-018 (vinyl)
- Digitally Printed Stone (vinyl print)

**JOB SPECIFICATIONS**

☐ Manufacture (1) 84" x 84" double-sided, non-illuminted post/panel sign with (2) custom (cut to shape) 84" x 84" non-illuminated, (flat) aluminum sign faces secured to (2) 5" x 5" square aluminum tubes, painted black. White aluminum panel with beige vinyl background and first surface Orange and Black vinyl lettering and address numbers. Top of sign faces - Brown first surface vinyl. Digitally printed vinyl stone base accent on bottom of both sign faces.

☐ Supply (2) 3' x 5' (3-color) LED Message Board with handheld controller and 5 year factory parts warranty for each side of the sign.

☐ Labor and equipment to dig (2) foundations per COSA regulations, transport and install (1) double-sided monument sign in grass location. Connect to existing electric. Installation materials (concrete and ground posts)

SIGN VISION CO. TITLE: Grace Missionary Baptist Church LOCATION: 1301 Beacon Blvd. Springfield, OH

This project is an original design concept created for your personal use in connection with a project planned for you by Sign Vision Co. This design is not to be used, copied, reproduced or exhibited outside of your organization unless written permission has been given by a member of Sign Vision Co.

To Whom It May Concern:

After much consideration, Grace Missionary Baptist Church requests a variance that combines identification and communication to promote events, functions, and services for the community.

A new permanent monument sign has been designed to be consistent with code size, square footage, and sign location. The sign construction will complement the design of the existing church building.

The monument sign will also incorporate the function of an Institutional Bulletin Board in a modern method utilizing a high-quality electronic message board. The church is willing to reduce the hours of operation and how frequently the message changes.

The church has and will continue to work and serve our community and our city. The approval of this variance allows for feasible signage with improved communication that can only increase community involvement.

Sincerely,

Darrin Gray, Project Manager
Sign Vision Co., Inc.

KENWOOD AVE
BEACON ST
NAGLEY ST
RUTLAND AVE
KENWOOD
201
202

| | | |
|---|---|---|
| ADAMS SHARON K | 1705 RUTLAND AVE | SPRINGFIELD, OH 45505 |
| ADAMS SHARON K | 1705 RUTLAND AVE | SPRINGFIELD, OH 45505 |
| BAD 3 LLC | 590 E POSSUM RD | SPRINGFIELD, OH 45502 |
| BEEKMAN JOHN W SR | 6167 MORRIS RD | SPRINGFIELD, OH 45502 |
| BLACK EMERSON L & JUDITH IRENE | 1219 BEACON STREET | SPRINGFIELD, OH 45505 |
| BURKHARD NICHOLAS R | 1563 RUTLAND AVE | SPRINGFIELD, OH 45505 |
| CASTLE LINDA S | 206 HUMES RIDGE RD APT 301 | WILLIAMSTOWN, KY 41097 |
| COLLIER PETER R & CYNTHIA A | 4030 PETRE RD | SPRINGFIELD, OH 45502 |
| CORNS PAMELA K | 1564 KENWOOD AVE | SPRINGFIELD, OH 45505 |
| DEAN DAVID C & ELLEN A | 1564 RUTLAND AVE | SPRINGFIELD, OH 45505 |
| DIAMOND DONALD E & LOIS C | 2631 SPRINGFIELD XENIA RD | SPRINGFIELD, OH 45506 |
| DIXON BRANDON | 407 STANTON AVE | SPRINGFIELD, OH 45503 |
| DRUMMOND MARK J | 1617 RUTLAND AVE | SPRINGFIELD, OH 45505 |
| FAIN ERIC A & LISA L | 1712 RUTLAND AVE | SPRINGFIELD, OH 45505 |
| FRALEY PATRICIA J & MELISSEA L PEGRAM | 1715 KENWOOD AVE | SPRINGFIELD, OH 45505 |
| GENTRY MELISSA F | 1605 RUTLAND AVE | SPRINGFIELD, OH 45505 |
| GRACE MISSIONARY BAPTIST CHURCH INC | 427 HUBERT AVE | SPRINGFIELD, OH 45505 |
| HAGSTROM VIRGINIA S | 1411 BEACON ST | SPRINGFIELD, OH 45505 |
| HALSEY CARSON | 1568 RUTLAND AVE | SPRINGFIELD, OH 45505 |
| HUFFMAN THOMAS E & PATRICIA A | 1324 NAGLEY STREET | SPRINGFIELD, OH 45505 |
| JAMES ROGER D | 1569 RUTLAND AVE | SPRINGFIELD, OH 45505 |
| JONES ROBERT G & CYNTHIA R | 2783 DEER RUN RD | SPRINGFIELD, OH 45504 |
| KNISLEY ROBERTA A | 1709 RUTLAND AVE | SPRINGFIELD, OH 45505 |
| LAYWELL DAVID E & MARVIS M | KENWOOD AVE | SPRINGFIELD, OH 45505 |
| MARKEL KATHY | 1601 RUTLAND AVE | SPRINGFIELD, OH 45505 |
| MC CARROLL HANNAH N | 1700 RUTLAND AVE | SPRINGFIELD, OH 45505 |
| MILLER LISA A & ROBERT L JR | 1705 KENWOOD AVE | SPRINGFIELD, OH 45505 |
| MILLS HELEN R | 1600 KENWOOD AVE | SPRINGFIELD, OH 45505 |
| MO MAD DAD PROPERTIES LLC | 9416 CREIGHTON DR | POWELL, OH 43065 |
| MOORE DONALD E & SANDRA | 1407 BEACON ST | SPRINGFIELD, OH 45505 |
| MORGAN TERENCE L | 1562 RUTLAND AVE | SPRINGFIELD, OH 45505 |
| NAVE MARIANNE L | 3520 ROCKY POINT RD | SPRINGFIELD, OH 45502 |
| NICLIN GROUP LLC | 1762 W PLEASANT ST | SPRINGFIELD, OH 45506 |
| O CONNOR JENNIFER A | 1704 KENWOOD AVE | SPRINGFIELD, OH 45505 |
| ROMINE DANIEL C & PAMELA J | 1210 BEACON ST | SPRINGFIELD, OH 45505 |
| S & S HOME RENTALS LLC | 584 VALE RD | SPRINGFIELD, OH 45504 |
| SCHILKE J D & CHERYL L STROUPE | 1704 RUTLAND AVE | SPRINGFIELD, OH 45505 |
| SHAWVER KRIS D | 1567 KENWOOD AVE | SPRINGFIELD, OH 45505 |
| SHAWVER MALLORY M | 1606 KENWOOD AVE | SPRINGFIELD, OH 45505 |
| SINCLAIR KARL P | 1612 KENWOOD AVE | SPRINGFIELD, OH 45505 |
| TACKETT JOLITA L | 1403 BARCLAY ST | SPRINGFIELD, OH 45505 |
| TRAVIS KYLE | 1603 KENTON ST | SPRINGFIELD, OH 45505 |
| TYNDALL BUDDY J | 1711 KENWOOD AVE | SPRINGFIELD, OH 45505 |
| WALLEN KEITH D & KELLY J | 1221 BEACON ST | SPRINGFIELD, OH 45505 |
| WEST REBECCA K | 1407 BARCLAY ST | SPRINGFIELD, OH 45505 |
| WILDCAT RENTALS LLC | PO BOX 2471 | SPRINGFIELD, OH 45501 |
| WORTHEN RODGER T & LANA JO | 1403 BEACON ST | SPRINGFIELD, OH 45505 |

SIGN VISION COMPANY 987 CLAYCRAFT RD COLUMBUS, OH 43230

# Agenda Item # 8

## Case #20-A-20

## Variance

# STAFF REPORT

TO: Board of Zoning Appeals DATE: October 14, 2020

PREPARED BY: Stephen Thompson SUBJECT: Case #20-A-20

## GENERAL INFORMATION:

| | |
|---|---|
| Applicant: | Kessler Sign, 5804 Poe Ave., Dayton, OH 45414 |
| Owner: | Sabri Salhieh, 328 Roscommon Dr., Springfield, OH 45503 |
| Purpose: | For a variance from Chapter 1142.03(c)(2)(G) for additional wall signage |
| Location: | 2531 E Main St. |
| Size: | 2.81 acres |
| Existing Land Use and Zoning: | Car wash, zoned CC-2 |
| Surrounding Land Use and Zoning: | North: Commercial, CC-2<br>East: Commercial, CC-2<br>South: Residential, RS-5<br>West: Commercial, CC-2 |
| Applicable Regulations: | Chapter 1172.06 Variances<br>Chapter 1142.03(c)(2)(G) General Requirements |
| File Date: | September 28, 2020 |

## BACKGROUND:

The applicant seeks a variance for additional wall signage. In the Eastern Edge Corridor Overlay District, new structures are limited to only on wall sign. The applicant is requesting a total of three wall signs. In other districts, each wall is permitted to have up to 15% of the wall area of signage. The car wash is not a traditional storefront with a long façade oriented towards the street.

## ANALYSIS for Variance:

The Board may grant a variance only where there exists a "practical difficulty" as defined by the courts in Ohio in established case law. The Ohio Supreme Court's decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between "use" and "area variances." Area variances

involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

***Staff Comment:*** *Yes.*

2. Whether the variance is substantial;

***Staff Comment:*** *No.*

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

***Staff Comment:*** *No.*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

***Staff Comment:*** *No.*

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

***Staff Comment:*** *Yes.*

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

***Staff Comment:*** *No.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

***Staff Comment:*** *Yes.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

| | |
|---|---|
| Engineering Division: | Recommend approval |
| Fire Department: | Recommend approval |
| City Manager's Office: | Recommend approval |

**STAFF RECOMMENDATION:**

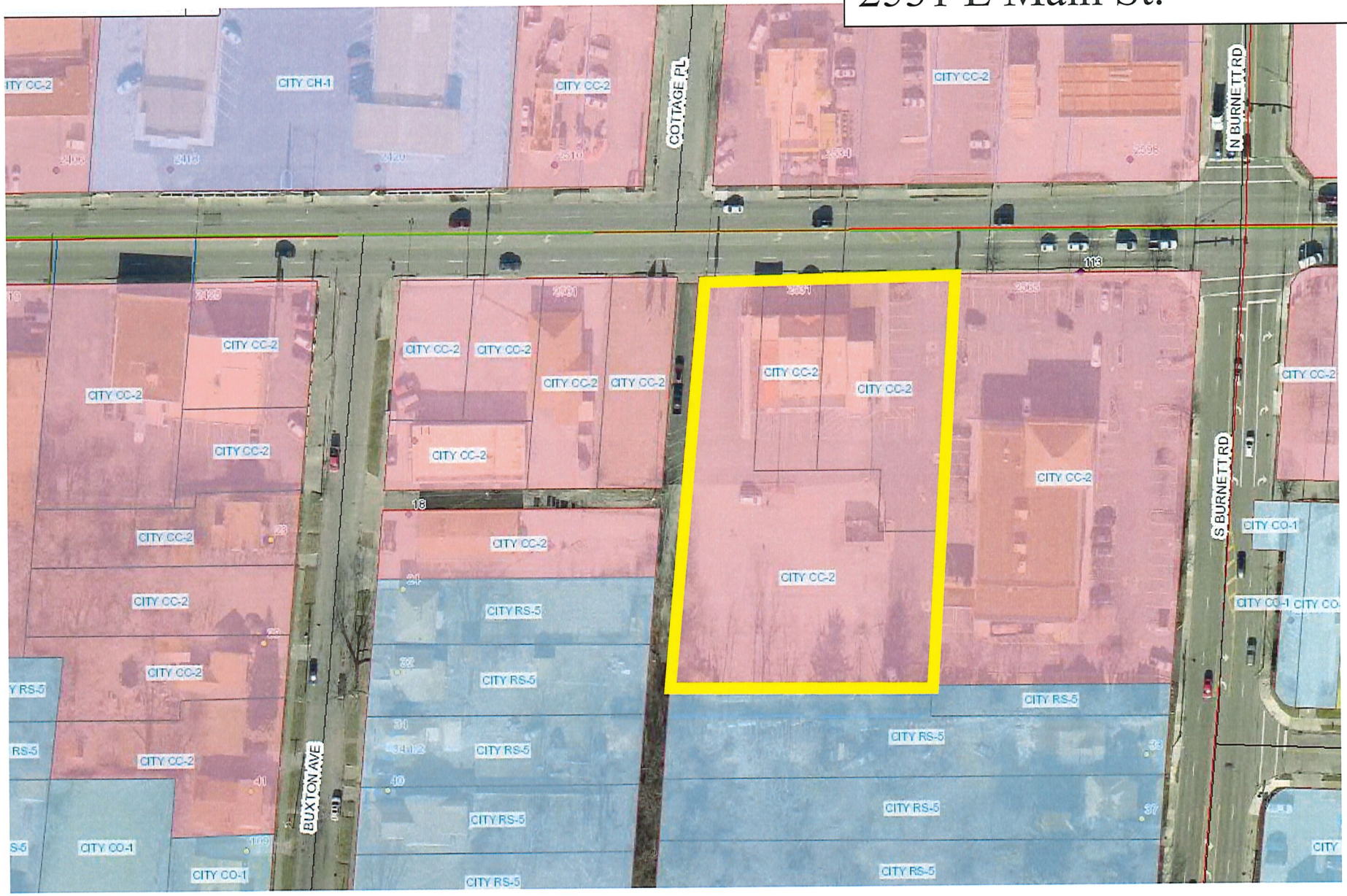
Approval of the variance.

**ATTACHMENTS:**

1. Vicinity and zoning map
2. Application

#20-A-20
2531 E Main St.

#20-A-20
2531 E Main St.



2531 E. Main St. Springfield, OH 45503

RICHWOOD

The City of Springfield
COMMUNITY DEVELOPMENT
Planning & Zoning

**FOR OFFICE USE ONLY**
**Case #:** 20-A-20
**Date Received:** 9/28/20
**Received by:** ST
**Application Fee: $** 285
**Review Type:**
☐ Admin ☐CPB ☐BZA

Trans 5 Urban Comm

# GENERAL APPLICATION

## A. PROJECT

1. Application Type & Project Description *(attach additional information, if necessary)*:

2. Address of Subject Property: 2531 E. Main St.

3. Parcel ID Number(s):

4. Full legal description attached? ☐ yes ☐ no

5. Size of subject property: 1.3 ac

6. Current Use of Property: Car Wash

7. Current Zoning of Property:

## B. APPLICANT

1. Applicant's Status *(attach proof of ownership or agent authorization)* ☐ Owner

☑ Agent *(agent authorization required)* ☐ Tenant *(agent authorization required)*

2. Name of Applicant(s) or Contact Person(s): Larry Newman

Title: Sign Consultant

Company (if applicable): Kessler Sign

Mailing address: 5804 Poe Av

City: Dayton State: OH ZIP: 45414

Telephone: (937) 313-1399 Fax: (937) 898-7407

Email Kesssigns62@aol.com

3. If the applicant is agent for the property owner:
Name of Owner (title holder): _____

Mailing Address: _____

City: _____ State: _____ ZIP: _____

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.**

_____ _____
Signature of Applicant Signature of Co-applicant

Sabri Salhieh owner _____
Typed or printed name and title of applicant Typed or printed name of co-applicant

State of Ohio
County of Clark

The foregoing instrument was acknowledged before me this 25th day of September, 2020

by Sabri Salhieh (name of person acknowledged).

(seal)

LORI L BURR, NOTARY PUBLIC
STATE OF OHIO
My Comm. Expires
Feb. 3, 2024

Lori L Burr
Notary Public Signature

My commission expires: Feb 03, 2024

The City of Springfield
COMMUNITY DEVELOPMENT
Planning & Zoning

**CITY OF SPRINGFIELD**
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

PROPERTY OWNER AFFIDAVIT (IF NECESSARY)

**Address:** 2531 E Main St
**Parcel No.:**
**Acreage:**

**Agent Name:** Larry Newman
**Agent Tax Mailing Address:** 5804 Doe Av
Dayton OH 45414
**Agent Phone Number:** 937-313-1399

**Owner Name:**
**Owner Tax Mailing Address:**

**Owner Phone Number:**

**Requested Action (to be conducted by Agent, authorized by owner):** Represent for variance

**I hereby certify that:**
I am the property owner of record. I authorize the above listed agent to act on my behalf for the purposes of this application.

**Property owner signature:**

**Printed name:** Sabri Salhieh

**Date:** 9/26/2020

State of Ohio
County of Clark

The foregoing instrument was acknowledged before me this 25th day of September, 20 20

by Sabri Salhieh (name of person acknowledged).

(seal)

LORI L BURR, NOTARY PUBLIC
STATE OF OHIO
My Comm. Expires
Feb. 3, 2024

Notary Public Signature

My commission expires: Feb. 03, 2024

The City of Springfield
COMMUNITY DEVELOPMENT
Planning & Zoning

**CITY OF SPRINGFIELD**
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS - VARIANCE APPLICATION

Date: 9/24/20

Property address: 2531 E Main St

Section of the Zoning code applicable: 1142.03(c)(2)(G)

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

Improvements

Please include the following exhibits:

**Exhibit A**

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

**Basis for the requested action:** Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific (attach additional pages if necessary).

The car wash business is very competive. The additional signs, displaying "Free vacums with car wash" helps Spin Lite be more competive in the car wash business. Thus Spin Lite has a better chance of success.

An appeal for a variance to the Zoning Code cannot be granted by the Board of Zoning Appeals unless the following factors are shown to exist. Therefore, for each factor explain in detail how each applies to your appeal: (Please write on additional sheets of paper if you need more space).

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

   The car wash business is very competive, The additional signs will help the owner promote their business, and be competive and a better chance of success,

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

   The variance is not substantial, in relation to the size and services offered by this car wash. Other locations are not limeted to one sign.

3. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

   Granting the variance would not alter or be a detriment to the neighborhood or adjoining properties. Spin Lite car wash is in a business setting.

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

   Granting the variance would not affect the delivery of goverment services

5. The property owner was not aware of the zoning restrictions when purchasing the property.

   Spin Lite was not aware of the zoning restrictions

when purchasing the property

6. There is no other feasible method of solving the property owner's predicament.

A variance is needed so Spin Lite car wash can be competive and have a better chance to succeed,

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

The existing code is not set up for current day business, thus the spirt of the code/intent would not be compromised

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.**

Signature of Applicant

Signature of Co-applicant

Sabri Salhieh Owner

Typed or printed name and title of applicant

Typed or printed name of co-applicant

State of Ohio
County of Clark

The foregoing instrument was acknowledged before me this 25th day of September, 2020

by Sabri Salhieh (name of person acknowledged).

(seal)

LORI L BURR, NOTARY PUBLIC
STATE OF OHIO
My Comm. Expires
Feb. 3, 2024

Lori L Burr
Notary Public Signature

My commission expires: Feb. 03, 2024

2531 E. Main St. Springfield, OH 45503

Non-illuminated flat ACM panel signs with digitally printed vinyl graphics & decorative PVC frames painted to match darker accent color of building, Qty. 3 total.

SW 6109 Hopsack(Matte or Flat) Digital print

FINAL APPROVAL

SALESMAN INITIAL

UL LISTED

Client: Spin Light Car Wash

Location: Springfield, Ohio

Client Approval

*Saved as "Spinlite Car Wash_Springfield _Building Signs with Decorative Frames"*

Concept Drawing

| | |
|---|---|
| Total Area: 76 s.f. | Design No.: 1 |
| Circuits: NA | Date: 9/25/20 |
| Voltage: NA | Drawn by: BKF |
| Scale: 5/64"=1' | Salesman: Larry |

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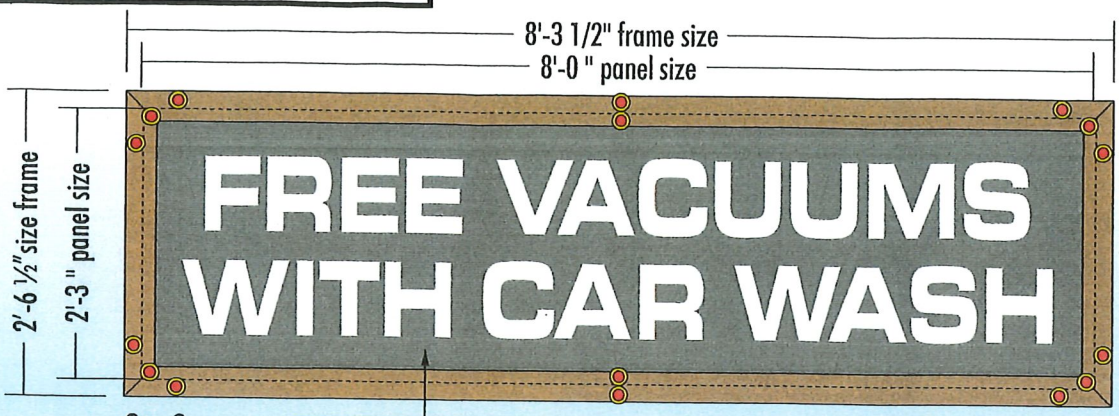
THE KESSLER DESIGN GROUP
5804 Poe Avenue
DAYTON, OHIO 45414
937-898-0633

2531 E. Main St. Springfield, OH 45503






Qty. 2

each sign panel is 18 s.f.

Qty. 1

sign panel is 40 s.f.

3 1/2" frame width

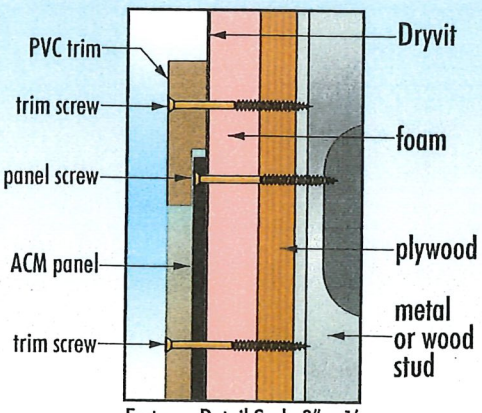
1"

1 "

## Approximate Fastener Locations

Minimum 6 per panel, +2 per short trim pcs., 3 per long trim pcs.

#10-#12 x 3" Ext. Deck screws




Fastener Detail Scale 3"=1'

Non-illuminated flat ACM panel signs with digitally printed vinyl graphics & decorative PVC frames painted to match darker accent color of building, Qty. 3 total.

SW 6109 Hopsack(Matte or Flat) Digital print

FINAL APPROVAL

SALESMAN INITIAL

Client: SpinLight Car Wash.

Location: Springfield, Ohio

Client Approval

*Saved as "Spinlite Car Wash_ Springfield_Building Signs with Decorative Frames"*

Concept Drawing

| | |
|---|---|
| Total Area: 76 s.f. | Design No.: 1 |
| Circuits: NA | Date: 9/25/20 |
| Voltage: NA | Drawn by: BKF |
| Scale: 5/8"=1' | Salesman: Larry |

UL LISTED

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THE KESSLER DESIGN GROUP
5804 Poe Avenue
DAYTON, OHIO 45414
937-898-0633

| | | |
|---|---|---|
| 2501 E MAIN STREET LLC | 4121 E MAIN ST | WHITEHALL, OH 43213 |
| 2501 E MAIN STREET LLC | 4121 E MAIN ST | WHITEHALL, OH 43213 |
| AMBE MAA HOTEL LLC | 2418 E MAIN ST | SPRINGFIELD, OH 45503 |
| COMBS SCOTT E | 14 BUXTON AVE | SPRINGFIELD, OH 45505 |
| FORREST RAE J & JOE R SHORT | 34 BUXTON AVE | SPRINGFIELD, OH 45505 |
| GAYATRI LLC | 1884 APPIAN WAY | SPRINGFIELD, OH 45503 |
| GEORGE JOHN J TRUSTEE | 9978 LOWER VALLEY PK | MEDWAY, OH 45341 |
| GIANT DAYTON LLC | 1806 N FRANKLIN ST | TAMPA, FL 33602 |
| JACKSON TARA D | 5190 EASTLAND DR | NEW CARLISLE, OH 45344 |
| JAESANS RENTAL PROPERTIES LLC | 1830 CHARLES ST | SPRINGFIELD, OH 45505 |
| LINARDOS LOUIS H & POTA L | 2147 TRAILS END | SPRINGFIELD, OH 45503 |
| MARTINDALE NATHAN A | 1061 INDEPENDENCE DR | XENIA, OH 45385 |
| PITSTICK FRED L & TERESA M | 10615 COLLINS ARBOGAST RD | SOUTH VIENNA, OH 45369 |
| PROVEAUX GARY LEE | 33 S BURNETT RD | SPRINGFIELD, OH 45505 |
| R J R INVESTMENT LLC | 6300 NE 1ST AVE STE 300 | FORT LAUDERDALE, FL 33334 |
| SALHIEH SABRI & NADERA | 328 ROSCOMMON DR | SPRINGFIELD, OH 45503 |
| TRIPLE R ASSOCIATES LTD | 6300 NE 1ST AVE STE 300 | FORT LAUDERDALE, FL 33334 |
| WEC 99J 69 LLC | STORE ACCOUNTING DEPT | WOONSOCKET, RI 02895 |
| KESSLER SIGN | 5804 POE AVE | DAYTON, OH 45414 |

# 2020 BOARD OF ZONING APPEALS ATTENDANCE

| BOARD MEMBERS | | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 22 | 19 | 16 | 20 | 18 | 15 | 20 | 17 | 21 | 19 | 16 | 21 |
| Dori Gaier<br>Reso. 5932 | 5-10-2016<br>5-10-2019 | P | A | n/a | n/a | n/a | n/a | P | P | n/a | | | |
| Denise Williams<br>Reso. 5942 | 8-02-2016<br>8-02-2019 | P | A | n/a | n/a | n/a | n/a | P | P | n/a | | | |
| Matthew Ryan<br>Reso. 5839 | 7-05-2017<br>7-05-2020 | P | P | n/a | n/a | n/a | n/a | A | P | n/a | | | |
| Mark Brown<br>Reso. 5869 | 1-20-2018<br>3-13/2021 | P | P | n/a | n/a | n/a | n/a | P | P | n/a | | | |
| James Burkhardt<br>Reso. 5880 | 4-01-2018<br>3-31-2021 | A | P | n/a | n/a | n/a | n/a | P | P | n/a | | | |
| Rhonda Zimmers<br>Reso. 5914 | 1-5-2019<br>1-06-2022 | A | P | n/a | n/a | n/a | n/a | P | P | n/a | | | |
| Charles Harris<br>Reso.6069 | 11/26/2019<br>3-26-2022 | P | P | n/a | n/a | n/a | n/a | P | A | n/a | | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |

NOTE: The first date shown is the original appointment/reappointment date. The second date represents the most recent term's expiration. The City Commission Resolution is also listed.

**CITY OF SPRINGFIELD**
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION

## City Planning Board
**Regular Meeting - First Monday following the First Tuesday of the Month**
**7:00 P.M. - City Forum, City Hall, 76 E. High St., Springfield, Ohio**

| City Planning Board Meeting Date: | Lotsplit Variance, Rezoning, and Final Subdivision Application Deadline: |
|---|---|
| January 13, 2020 | December 23, 2019 |
| February 10, 2020 | January 17, 2020 |
| March 9, 2020 | February 14, 2020 |
| April 13, 2020 | March 23, 2020 |
| May 11, 2020 | April 20, 2020 |
| June 8, 2020 | May 18, 2020 |
| July 13, 2020 | June 22, 2020 |
| August 10, 2020 | July 20, 2020 |
| September 9, 2020 * | August 17, 2020 |
| October 12, 2020 | September 21, 2020 |
| November 9, 2020 | October 19, 2020 |
| December 7, 2020 | November 16, 2020 |

## Board of Zoning Appeals
**Regular Meeting-Third Monday of the Month**
**7:00 P.M.- City Forum, City Hall, 76 E. High St., Springfield, Ohio**

| Board of Zoning Appeals Meeting Date: | Application Deadline: |
|---|---|
| January 22, 2020 * | December 30, 2019 |
| February 19, 2020 * | January 27, 2020 |
| March 16, 2020 | February 24, 2020 |
| April 20, 2020 | March 30, 2020 |
| May 18, 2020 | April 27, 2020 |
| June 15, 2020 | May 22, 2020 |
| July 20, 2020 | June 29, 2020 |
| August 17, 2020 | July 27, 2020 |
| September 21, 2020 | August 31, 2020 |
| October 19, 2020 | September 28, 2020 |
| November 16, 2020 | October 26, 2020 |
| December 21, 2020 | November 30, 2020 |

* Denotes meeting day changed to Wednesday due to holiday.
Effective Date: December 2019
Prepared by the Planning and Zoning Division

Commission Meetings
City Holidays

# 2020 CITY COMMISSION CALENDAR

| JANUARY 2020 | | | | | | |
|---|---|---|---|---|---|---|
| Su | M | Tu | W | Th | F | Sa |
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

| FEBRUARY 2020 | | | | | | |
|---|---|---|---|---|---|---|
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| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |

| MARCH 2020 | | | | | | |
|---|---|---|---|---|---|---|
| Su | M | Tu | W | Th | F | Sa |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | Election Day | | Retreat | |

| APRIL 2020 | | | | | | |
|---|---|---|---|---|---|---|
| Su | M | Tu | W | Th | F | Sa |
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | | |

| MAY 2020 | | | | | | |
|---|---|---|---|---|---|---|
| Su | M | Tu | W | Th | F | Sa |
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |

| JUNE 2020 | | | | | | |
|---|---|---|---|---|---|---|
| Su | M | Tu | W | Th | F | Sa |
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | | | | |

| JULY 2020 | | | | | | |
|---|---|---|---|---|---|---|
| Su | M | Tu | W | Th | F | Sa |
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

| AUGUST 2020 | | | | | | |
|---|---|---|---|---|---|---|
| Su | M | Tu | W | Th | F | Sa |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

| SEPTEMBER 2020 | | | | | | |
|---|---|---|---|---|---|---|
| Su | M | Tu | W | Th | F | Sa |
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | | | |

| OCTOBER 2020 | | | | | | |
|---|---|---|---|---|---|---|
| Su | M | Tu | W | Th | F | Sa |
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

| NOVEMBER 2020 | | | | | | |
|---|---|---|---|---|---|---|
| Su | M | Tu | W | Th | F | Sa |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | | Budget Mtg | | Election Day | |

| DECEMBER 2020 | | | | | | |
|---|---|---|---|---|---|---|
| Su | M | Tu | W | Th | F | Sa |
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | 1 | 2 |

2021 Important Dates: Friday, Jan. 1, 2021 – City Holiday