



Board of Zoning Appeals

April 19, 2023

Board Meeting

Minutes

5:30 PM

VIDEO BROADCASTING & RECORDING

The meeting videos are now being broadcast live and published on YouTube.com
<https://www.youtube.com/@cityofmountvernon3369>

CALL TO ORDER

Attendee Name	Title	Status
Michael Percy	Chairman	Present
Susie L. Simpson	Member	Present
William Smith	Member	Present
Otho Eyster	Alt. Member	Excused
Tonya Boucher	Member	Present
Kate Aryanata	Alt. Member	Excused
Cynthia Cunningham	Vice-Chairman	Present

Others in attendance: City Development Services Manager, Lacie Blankenhorn; City Law Director, P. Rob. Broeren; Carl Payne; Mike Hillier

MINUTES APPROVAL

- Board of Zoning Appeals - Board Meeting - Apr 5, 2023 5:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Susie L. Simpson, Member
SECONDER:	Tonya Boucher, Member
AYES:	Percy, Simpson, Smith, Boucher, Cunningham
EXCUSED:	Eyster, Aryanata

BZA FILES

- 2023-BZA-08 : 400 Greenwood AVE - Variance for Setbacks

Payne (sworn in) explained his request for a setback variance along Elm Street. The existing footprint of the building that was destroyed was right up on the property line and they would like to, because of the way they had to raise the elevation of the land to comply with floodplain regulations and trying to put things in the middle so that there is as little slope and runoff as possible and stay away from the neighbors side a little bit extra for the water runoff reason. The proposed location seemed the best by his research.

Percy reviewed the written request for a setback variance on the east side and the north side. A variance is not needed on the west side. The house is proposed at 12' from the property line and 10' is needed by code. Blankenhorn explained, because it is a corner lot the setback from Elm Street is technically supposed to be 20' and 30' from Greenwood Avenue. The request is for 25' from Greenwood and 5.6' from Elm Street.

Percy said the proposed setbacks are better than how the house was situated before. Blankenhorn said that is correct.

There was no other testimony.

In addition to the pictures provided with the Staff Report Blankenhorn displayed a couple of pictures that were submitted during the Zoning Permit application process showing the former home under the tree and noting how close the front of the home was to Greenwood Avenue. Broeren noted that the front door on the proposed home will face Elm Street. Percy asked Payne how close the former home was to the Greenwood Avenue front property line because the picture looks closer than 25'. Payne said to the best of his knowledge the porch pad was over the property line.

Blankenhorn read the staff report: April 18, 2023 Case: 2023-BZA-08 400 Greenwood AVE Parcel # 66-01378.000 Carl Payne requests 2 setback variances to construct a single-family dwelling at 400 Greenwood AVE. This corner lot is substandard at 57.5 feet in width and 122 feet in depth, totaling 7,027.2 square feet. Current code requires a new interior lot to be 75 feet wide and a corner lot to be 80 feet wide, with a minimum 8,500 square feet. There was a nonconforming home on the lot measuring 1,032 square feet that was destroyed when a tree fell on it during a storm. There is a detached 30' x 24' garage that remains, fulfilling the single-auto garage requirement in the current Zoning Code regulations. A home could have been re-built utilizing the prior home's footprint per the exception in §1154.07(b). However, FEMA regulations require new construction to place the base floor elevation at a minimum 1 foot about projected flood stage. This increase in elevation from the prior home requires the proposed home to be relocated to accommodate gradual grading. The proposed 40' x 40' single family dwelling totaling 1,600 square feet, to be located 25 feet from the Greenwood AVE front property line and 5.6' from the Elm ST side property line will be situated a similar distance from Greenwood AVE as the former home and further from the Elm ST side property line than the former home placement. The existing garage is closer to the Elm ST side property line than 5.6'. Other homes on the Greenwood AVE block are closer than 25 feet to their front property lines. Pictures of the site are provided on the back.

Simpson made a motion to accept the proposal as presented.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Susie L. Simpson, Member
SECONDER:	William Smith, Member
AYES:	Percy, Simpson, Smith, Boucher, Cunningham
EXCUSED:	Eyster, Aryanata

ADJOURN

- Adjourn Motion

Cunningham made a motion to adjourn the meeting, Boucher seconded and the meeting was adjourned at 5:40 PM



Board of Zoning Appeals Meeting: 04/19/23 5:30 PM
City of Mount Vernon Dept: Board of Zoning Appeals
Mount Vernon, OH 43050

ADOPTED

Category: N/A
 Prepared By: Lacie Blankenhorn
 Initiator: Lacie Blankenhorn

BZA FILE (ID # 3795)

DOC ID: 3795

2023-BZA-08 : 400 GREENWOOD AVE - VARIANCE FOR SETBACKS

Item Number	2023-BZA-08
Site Address	400 Greenwood AVE
Parcel Number	66-01378.000
Zoning District	R-1
Presented By	Carl Payne

Quick Guide to Codified Ordinance Sections (may not be inclusive):
 1160.02 Development Standards (R-1 Single Family District)

Request: Build a 40' x 40' (1,600 sf) Single Family Dwelling 5.6' from the Elm ST property line and 25' from the Greenwood AVE property line.

Additional information: The original 1,032 sf home, built in 1936, was severely damaged when a tree fell on it during a storm. The remainder of the home was razed. Per §1154.07 the home could have been rebuilt on the same, nonconforming footprint. FEMA regulations require new construction to be compliant, with the base floor elevation at least 1' above projected flood stage. In order to achieve this and sufficiently slope the ground away from the home, the home needed to be relocated on the property.

COMMENTS - Current Meeting:

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SECONDER:	William Smith, Member
AYES:	Percy, Simpson, Smith, Boucher, Cunningham
EXCUSED:	Otho Eyster, Kate Aryanata



City of Mount Vernon, Ohio
Board of Zoning Appeals

Request for Hearing

Applicant's Information

Owner's Name, Address and Phone

Carl Payne 9087 Overly Rd. Fredericktown, OH 43019 740-507-7200

Agent's Name, Address and Phone

Site Information

Site Address

400 Greenwood Ave

Legal Description

C G PARK 24 57 1/2 X 122

Parcel Number

66-01378.000

Deed Volume and Page Number

Zoning District

R-1

Existing use of property

Vacant after house demolition

Proposed use of property

Single Family Home

Hearing Request

Type of Hearing Requested

☒ Variance
Use

☐ Conditional Use

☐ Appeal of Decision

☐ Map Interpretation

☐ Substantially Similar

In the following section, please list a brief description of the request. Narrative statements and any additional documents or information required by the Zoning Code and Chapter 1155 should be attached to this application as separate sheets.

Request:

Footprint of 40'x40' new build that is 12' from the interior lot line, 5.6' from the Elm St. property line (20' from road edge), 25' from the Greenwood Ave. property line (40' from road edge) in order to comply with FEMA floodplane regulations by raising the elevation above the base flood elevation and having enough room for a reasonable slope away from the house.

I hereby certify that the information submitted on this application and on any sketches, drawings or other documents submitted with this application is true and exact.

March 29th, 2023

Date:

By:

Status of Application

Filing Date

Case Number

Hearing Date

Fee deposit

\$75.00

Date Paid

Receipt Number

Status of Board's Action

☐ Approved

☐ Denied

Attachment: BZA Application 400 Greenwood (3795 : 2023-Bza-08)

Narrative statements

establishing and substantiating that the variance conforms to the following standards:

CP 1) The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Zoning Ordinance on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.

CP 2) The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.

3) Describe the special circumstances or conditions, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Zoning Ordinance would deprive the applicant of the reasonable use of such land or building. There must be deprivation of beneficial use of land.

DUE TO FEMA FLOOD PLAIN REGULATIONS, THE EXISTING BASEMENT + FOUNDATION CAN NOT BE USED TO REBUILD THE HOUSE. IN ORDER TO RAISE THE ELEVATION + HAVE ADEQUATE SLOPE AWAY FROM THE HOUSE IT NEEDS TO BE CLOSER TO THE PROPERTY LINES. IT WILL STILL BE FARTHER FROM THE PROPERTY LINES THAN THE ORIGINAL HOUSE WAS,

4) Explain the proof of hardship created by the strict application of this Zoning Ordinance.

IT WOULD NOT ALLOW A LARGE ENOUGH FOOTPRINT FOR THE HOUSE.

CP 5) The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.

CP 6) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

CP 7) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.



Knox
County
Ohio, GIS
Sarah

400 Greenwood Ave.
Permit #:2023109



Attachment: 14962327-Greenwood Ave. 400 drawing #2 (3795 : 2023-Bza-08)



20ft

2023-03-10

[Click here for Legal Disclaimer](#)

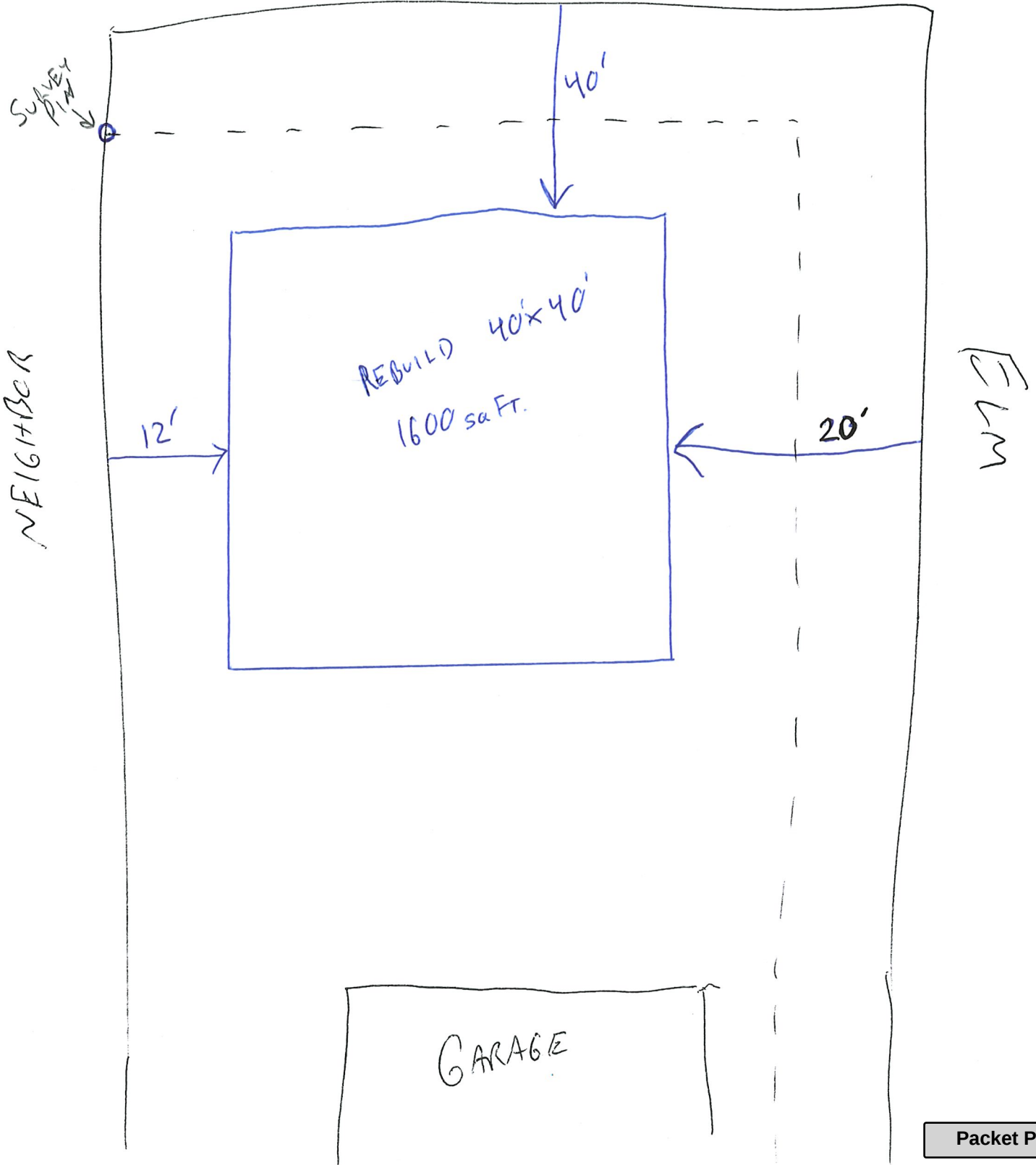
400 GREENWOOD AVE.

PARCEL 6601378000

PERMIT # ~~2022~~ 652

4.1.c

GREENWOOD



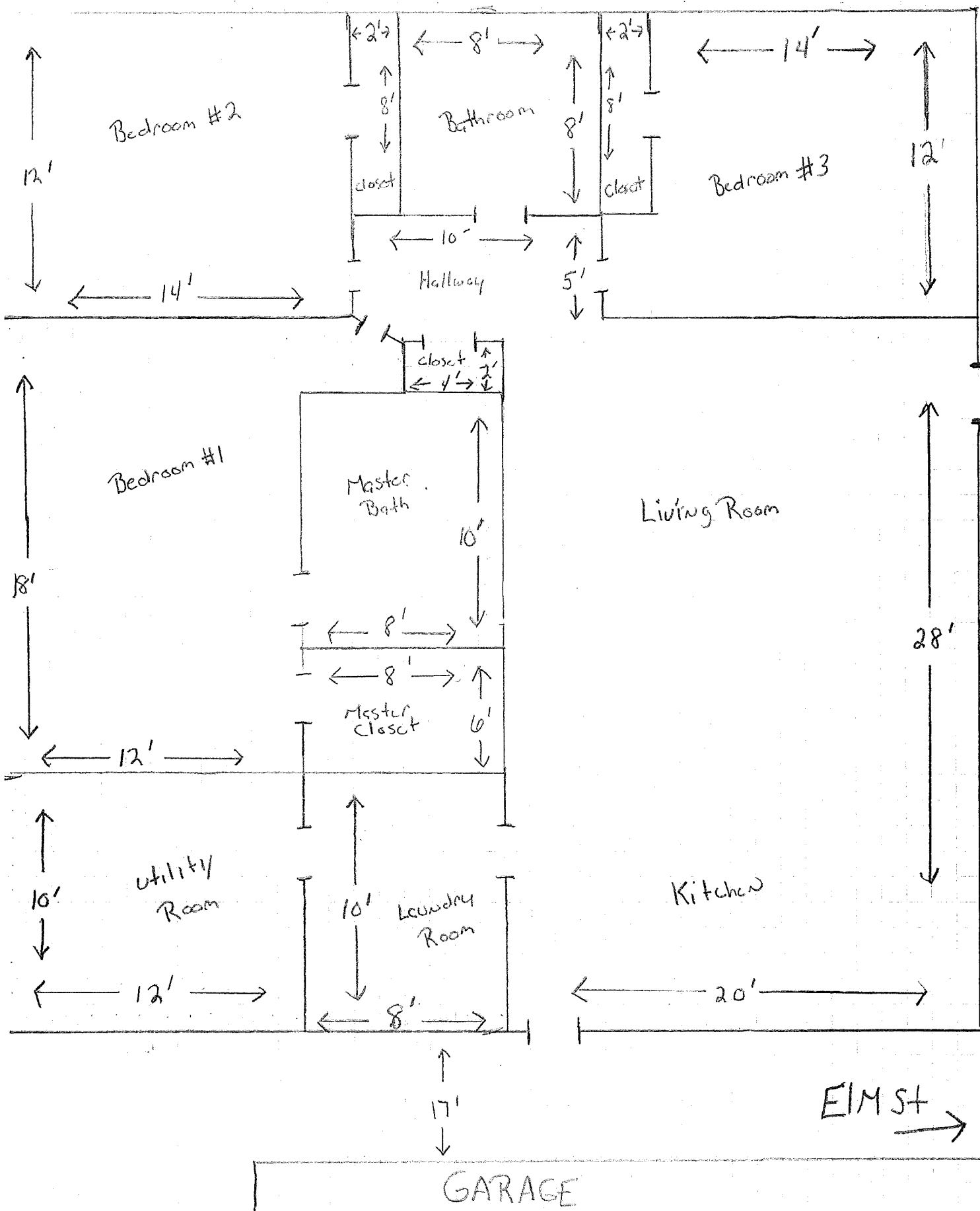
Attachment: Drawings (3795 : 2023-Bza-08)

N ↑

400 Greenwood Ave.
1600 Sq ft. 40' x 40' Structure

Greenwood Ave

4.1.c



Attachment: Drawings (3795 : 2023-Bza-08)



Knox
County
Ohio, GIS
Sarah



Attachment: Drawings (3795 : 2023-Bza-08)



20ft

2023-03-10

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