



Board of Zoning Appeals

July 7, 2021

Board Meeting

Minutes

5:30 PM

CALL TO ORDER

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

Other in attendance: Jesse Ashcraft; Lacie Blankenhorn, City Development Services Manager; P. Rob. Broeren, City Law Director; Lori Gleeson; Mike Hillier; Terri Leighty; Steven Leighty; Mark Ramser

MINUTES APPROVAL

- Board of Zoning Appeals - Board Meeting - Jun 16, 2021 5:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Don Carr, Vice-Chairman
SECONDER:	Tonya Boucher, Member
AYES:	Percy, Carr, Smith, Boucher
EXCUSED:	Simpson, Eyster, Aryanata

BZA FILES

- 2021-BZA-10 : 405 N Mulberry ST - Variance for Front & Side Yard Setbacks

Steven Leighty (sworn in) - was present to request a variance to the required setbacks to build an accessory structure on his property. The request is for a 1' side setback from the North property line and a 6' setback from the front property line.

Mr. Percy asked the Development Services Manager about the lot coverage ratio. Mrs. Blankenhorn said the Code's definition of lot coverage includes only enclosed buildings, so the driveways and pool that were in question do not count toward the lot coverage. Her calculations show that the Leighty's existing structures do not exceed the 35% ratio, nor will the addition of the proposed structure.

Mr. Broeren read the definition under 1152.01(114) The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Mr. Carr asked about a deck being included. Mr. Broeren said based upon the lot coverage definition, a deck

would not be enclosed.

Mr. Percy verified the required setbacks for a detached accessory structure being 5' from the side and 30' from the front.

Mike Hillier (sworn in) - explained the presence of a knee wall on the property and said the citing of the proposed accessory structure would not take away anything from the neighboring property. There is a hillside that comes down to the wall. He doesn't think the side setback is an issue.

Mrs. Blankenhorn said she reached out to Jim Gibson at the Knox County Historical Museum to find out if there were any pictures of the old building. He left a voice mail saying it would be unusual for them to have any pictures of homes away from the central part of town. He did say he looked through city directories into the 1900's and didn't find any listing for a taxi business at the subject location. He did have a listing of occupants of the house throughout history if that would be of any interest to the Board.

Mrs. Blankenhorn read an email from Mr. Gary Koester: Per 405 N Mulberry St - Variance for Front & Side Yard Setbacks. I am against the applicant's request to build a 12' x 30' or a 12' x 24' deep garage on the existing driveway. Applicant is grossly exceeding the following Mt Vernon Zoning Code provisions for R-1 residential neighborhoods: Applicant would exceed Mt Vernon Code that requires a 30' street setback for any structure. This does not allow any additional structure in the front yard. Applicant would have side yard setback far less than the minimum 5' required for structures. Applicant would exceed code provision 1160.02 mandating only up to 35% lot coverage for additional structures. If these variances to the code are allowed, it would further deteriorate the neighborhood's appeal and the property values of residents who live in this R-1 zone neighborhood. I request BZA to protect the interests of those residents who have invested and own property in this neighborhood. Please vote NO. Thank you for your attention to these issues, Gary Koester, Resident, Mt Vernon, Ohio.

Mr. Percy asked if Mr. Koester's property address was provided. Mrs. Blankenhorn said no. Mr. Percy was curious if he lived in the neighborhood that is impacted by this request. Mrs. Blankenhorn said she believes he lives off of Coshocton AVE.

Mrs. Blankenhorn read an email from Julia and Brandon Warga. Their address is 210 E Sugar ST. They are the property owners of 403 N Mulberry ST. The email stated: In the time that we have been neighbors with Steve and Terry Leighty, we have observed that they are dedicated to continuously improving and maintaining their property. We do not object to this request.

Mr. Carr asked about the revised sketch that was submitted, reducing the proposed structure to 12' x 24', asking how the garage is going to be used.

Mr. Leighty said he may put a mower and garden equipment in it. It could house an automobile.

Mr. Carr asked Mr. Leighty to confirm that he has two 2-car garages on the back of the property. Mr. Leighty said yes. Mr. Carr said he'd like to see a sketch or rendering showing something similar to what is planned. The image that was submitted by Mr. Leighty was pointed out to Mr. Carr. Mr. Carr thought that was the old structure that was torn down. Mr. Leighty said the picture shows the construction style. The proposed structure would not be as large.

Mr. Carr asked what kind of a foundation is planned. It sounds as though the proposed structure will be placed on top of the existing driveway. Mr. Leighty explained 2" x 6" treated lumber would be anchored to the concrete.

Mr. Percy asked how far from the front property pin the house is located. Mr. Leighty estimated at least 20'. This determined the garage will be in front of the home, not inline.

Mr. Smith asked about the material to be used. Mr. Leighty said Eastern White Pine in a Batten Board construction. This consists of a 12" wide board with 2" strip boards covering the seams. Instead of a sliding door there would be an overhead door with big colonial hinges and barn style accessories. Mr. Smith confirmed it would not be made of metal. Mr. Leighty plans for black metal standing seam roof to match the house.

Mr. Carr asked about the sliding door in the picture submitted, as opposed to a swinging carriage door. Mr. Leighty explained his plans for a Colonial Carriage Style overhead door.

Mr. Carr asked Mr. Leighty if a survey had been done to locate the pin at the front of the property. Mr. Leighty said it was surveyed about 3 years ago by Tracy & Hines [sic] (Tracy & Mills). He found their stake in

the alley and a concrete nail in the wall. He verified with the surveyor that those were placed by them.

Mr. Broeren asked how much space there will be between the proposed garage and the home. Mr. Leighty said to the West (back), around 3.5' and to the South (side) 2'.

Mr. Percy asked if the requested 1' setback considers the overhang. Is the setback to the overhang or the side of the garage? The 12' wide building will have a 1' overhang which will be on the property line.

Mr. Carr made a motion to deny the request.

Mr. Carr voiced his concern about sketched drawings. The drawing that was submitted was not to scale and showed more distance between the house and garage and more distance to the property lines.

RESULT:	DENIED [0 TO 4]
MOVER:	Don Carr, Vice-Chairman
SECONDER:	William Smith, Member
NAYS:	Percy, Carr, Smith, Boucher
EXCUSED:	Simpson, Eyster, Aryanata

- 2021-BZA-09 : 600 Clinton ST - Variance for Fence Height or Location

The applicant or a representative were not present for the hearing.

Mrs. Blankenhorn talked with a resident on Spring ST. They called about the notice that was received in the mail and wanted to know how close the fence would be to the roadway. Mrs. Blankenhorn pulled a measurement on the Auditor's website to determine the property line is approximately 16' from the edge of pavement. The resident said she did not have a problem with a fence being placed at that distance. She was concerned about snow being plowed off the side of the street.

An email from Gary Koester was read to the Board. Per 600 Clinton St - Variance for Fence Height and Location. I am against applicant's request to build a 6' high chain link fence surrounding southern portion of this property; front yard, side yard and rear yard. Per Mt Vernon Code, only a 4' high fence is permitted. Please vote No so that the code is applied uniformly and properly within Mt Vernon city. Thank you for your attention to these issues, Gary Koester, Resident, Mt Vernon, Ohio.

Mr. Percy asked if the black line on the drawing is what is being requested for the fence location and what is the front of the property. Mrs. Blankenhorn pointed out on the aerial picture the home with 3 autos in the driveway on Clinton ST.

Mr. Percy asked how the frontage on Spring ST affects the fence height regulations. Mrs. Blankenhorn explained the Code, stating anything between the street right of way and the building setback is limited to 3'. As a corner lot, if they wanted a 6' fence it would have to be placed 20' from the Spring ST property line and 30' from the Clinton ST property line.

Mr. Carr questioned the drawing and whether or not the fence would cross the creek. Mrs. Blankenhorn said she thought the applicant drew the line then realized she was crossing the creek so she crossed it out.

The applicant shared with Mrs. Blankenhorn that she has had issues with people not realizing it's her private property and they mill about on there. She does not feel safe sending her kids out when there are random people on her property.

Mr. Percy asked about the platted alley. Mrs. Blankenhorn said the alley is not developed so it doesn't appear to be an alley.

Mr. Smith said the application indicates there could be some criminal activity taking place in the area. There is nothing to indicate there has been any police department activity or that she has requested any help from law enforcement. He thinks the applicant should take those necessary steps prior to requesting a 6' fence be permitted.

Mike Hillier (sworn in) wanted to know why the hearing couldn't be postponed until it's determined why the applicant isn't in attendance.

Mr. Percy asked if another meeting is scheduled. Mrs. Blankenhorn said there is not.

Mr. Smith asked if the petitioner was notified of the meeting date and time. Mrs. Blankenhorn mailed a notice to the applicant along with the surrounding property owners. Mrs. Blankenhorn said the applicant applied for the Zoning Permit on May 6. Mrs. Blankenhorn told her immediately a variance would need to be applied for.

The variance application was filled out and paid for during the same visit to the office. The narrative statement was still needed and the hearing would not be scheduled without it. The narrative statement was dropped off June 21. Mrs. Blankenhorn emailed the applicant that day and told her the hearing was being scheduled for July 7.

Mr. Hillier asked the Board to table the request.

Mr. Smith made a motion to deny the request.

Mr. Carr said many communities do not allow chain-link fence in front yards. He jumped for joy when a new owner removed a chain-link fence from a neighboring property. He thinks chain-link fences are very offensive in a front yard. He thinks a 6' fence is even more offensive. It will start looking like a jail. You may as well start putting razor blade on top of it.

RESULT:	DENIED [1 TO 3]
MOVER:	William Smith, Member
SECONDER:	Don Carr, Vice-Chairman
AYES:	Boucher
NAYS:	Percy, Carr, Smith
EXCUSED:	Simpson, Eyster, Aryanata

- 2021-BZA-13 : 305 S Division ST - Conditional Use Permit for Residential in a GB District

Jesse Ashcraft (sworn in) explained his desire to build a residence at 305 S Division ST. He wants to build a metal building to house his hobby wood working tools and a small living space while he builds a separate home. His plan would also require variances for the home's front and rear setbacks.

Mrs. Blankenhorn explained the planned order of development, building the shop first with living quarters in it would require a variance for dwelling size because the living area would not be 1,200 sf.

Mr. Broeren said there is going to be an issue with the eventual house and the ratio of size between the house and the garage/shop.

Mr. Percy suggested addressing the development plan in multiple bites. The Conditional Use for Residential in GB should be handled first, then the other variances can be addressed. Mr. Broeren agreed, stating without the authorization of a Conditional Use Permit the rest of the discussion is moot.

Mr. Carr asked how the R-1 regulation that a garage cannot be built on a lot without a house affects this GB property. Mr. Broeren said the request is for a Conditional Use Permit for Residential in a General Business District. It's not set as to R-1, R-2, R-3. Mr. Carr asked if there is any regulation for putting a shop up first before the house. Mr. Percy pointed out the shop will have living quarters in it. Initially, that will technically be the house.

Mr. Ashcraft said his idea is to sell his property in Kentucky and move all of his belongings to Ohio and have a place to store it while he builds the house.

Mr. Carr confirmed the proposed shop is 65' long x 40' wide.

Mr. Percy confirmed residential is a permitted Conditional Use in GB.

Mark Ramser (sworn in) said he bought the property at Sherriff's Sale. It had a single-family house on the property. He had the house tore down because of the condition. He thought someone would be interested in buying the property for general business purposes, however no one has stepped forward for that purpose. Mr. Ramser is in favor of the Conditional Use Permit being requested. Mr. Ashcraft has a purchase agreement in place with Mr. Ramser to buy the property, subject to approval.

Mr. Percy pointed out there was a residential use on the property prior to the former home being demolished.

Mrs. Blankenhorn noted from the County Auditor's website that Mr. Ramser purchased the property in June of 2015.

Mrs. Blankenhorn said 2 property owners on Ohio AVE that were sent notices of the request and hearing called to find out more. After the proposal was explained to them, neither one had an issue with it.

Mr. Carr made a motion to approved the request for a Conditional Use Permit for residential in a GB District.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Don Carr, Vice-Chairman
SECONDER:	Tonya Boucher, Member
AYES:	Percy, Carr, Smith, Boucher
EXCUSED:	Simpson, Eyster, Aryanata

- Approve a residential structure less than 1,200 sf

There was discussion about the next piece of the development and whether or not any variances for the planned home should be decided on during this hearing of whether Mr. Ashcraft would return at a later date to seek any needed variances for the home.

The submitted drawing shows the shop to be 27' from the rear property line. Mr. Ashcraft said he would adjust the shop location to be 30' from the rear property line. The shop will be viewed as a dwelling since it will be constructed first with temporary living quarters in it.

Mr. Smith made a motion to approve a residential structure with less than 1,200 sf of living space.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Smith, Member
SECONDER:	Tonya Boucher, Member
AYES:	Percy, Carr, Smith, Boucher
EXCUSED:	Simpson, Eyster, Aryanata

- Approve 12' front and rear setbacks for the planned home

There was discussion about Mr. Ashcraft's timeline for development and whether or not he wished to seek variances for the home at this hearing. The Code allows 12 months from the date of approval of a variance for a Zoning Permit to be issued. When the Zoning Permit is issued the applicant has 6 months to start construction and 1 year to finish.

There was discussion about what is considered the front since this is a corner lot. The given address is 305 S Division ST so Division ST is considered the front. There was discussion about the orientation of the home, the long vs short side facing Howard ST or Division ST.

Mr. Hillier said looking at the entire neighborhood, setbacks were thrown out a long time ago. Considering the improvement that is planned for this lot compared to what was there, he doesn't think the reduced setbacks are asking for a whole lot.

Mr. Carr made a motion to approve 12' front and rear setbacks for a dwelling.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Carr, Vice-Chairman
SECONDER:	Tonya Boucher, Member
AYES:	Percy, Carr, Smith, Boucher
EXCUSED:	Simpson, Eyster, Aryanata

ADJOURN AT THE CALL OF THE CHAIRMAN

- Adjourn Motion

The meeting was adjourned at 6:38 PM



Board of Zoning Appeals Meeting: 07/07/21 5:30 PM
City of Mount Vernon Dept: Board of Zoning Appeals
Mount Vernon, OH 43050

DEFEATED

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

BZA FILE (ID # 2341)

DOC ID: 2341

**2021-BZA-10 : 405 N MULBERRY ST - VARIANCE FOR FRONT & SIDE YARD
 SETBACKS**

Item Number	2021-BZA-10
Site Address	405 N Mulberry ST
Parcel Number	66-00900.000
Zoning District	R-1 Single Family District
Presented By	Steven Leighty

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

1173.04; .06; .10 Regulation of Accessory Uses and Buildings; General
 Requirements; Accessory Buildings Used for Storage

Request: Mr. and Mrs. Leighty request to build a 12' wide x 30' deep Colonial Style, gabled roof carriage barn, similar to the one that was on this spot the era of 1910-1920. It was a horse stable & then a taxi cab garage. See attached photo of spot for new building.

HISTORY:

06/16/21 Board of Zoning Appeals TABLED

COMMENTS - Current Meeting:

Steven Leighty (sworn in) - was present to request a variance to the required setbacks to build an accessory structure on his property. The request is for a 1' side setback from the North property line and a 6' setback from the front property line.

Mr. Percy asked the Development Services Manager about the lot coverage ratio. Mrs. Blankenhorn said the Code's definition of lot coverage includes only enclosed buildings, so the driveways and pool that were in question do not count toward the lot coverage. Her calculations show that the Leighty's existing structures do not exceed the 35% ratio, nor will the addition of the proposed structure.

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Mrs. Blankenhorn said she reached out to Jim Gibson at the Knox County Historical Museum to find out if there were any pictures of the old building. He left a voice mail saying it would be unusual for them to have any pictures of homes away from the central part of town. He did say he looked through city directories into the 1900's and didn't find any listing for a taxi business at the subject location. He did have a listing of occupants of the house throughout history if that would be of any interest to the Board.

Mrs. Blankenhorn read an email from Mr. Gary Koester: Per 405 N Mulberry St - Variance for Front & Side Yard Setbacks. I am against the applicant's request to build a 12' x 30' or a 12' x 24' deep garage on the existing driveway. Applicant is grossly exceeding the following Mt Vernon Zoning Code provisions for R-1 residential neighborhoods: Applicant would exceed Mt Vernon Code that requires a 30' street setback for any structure. This does not allow any additional structure in the front yard. Applicant would have side yard setback far less than the minimum 5' required for structures. Applicant would exceed code provision 1160.02 mandating only up to 35% lot coverage for additional structures. If these variances to the code are allowed, it would further deteriorate the neighborhood's appeal and the property values of residents who live in this R-1 zone neighborhood. I request BZA to protect the interests of those residents who have invested and own property in this neighborhood. Please vote NO. Thank you for your attention to these issues, Gary Koester, Resident, Mt Vernon, Ohio.

Mr. Percy asked if Mr. Koester's property address was provided. Mrs. Blankenhorn said no. Mr. Percy was curious if he lived in the neighborhood that is impacted by this request. Mrs. Blankenhorn said she believes he lives off of Coshocton AVE.

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something similar to what is planned. The image that was submitted by Mr. Leighty was pointed out to Mr. Carr. Mr. Carr thought that was the old structure that was torn down. Mr. Leighty said the picture shows the construction style. The proposed structure would not be as large.

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Mr. Percy asked if the requested 1' setback considers the overhang. Is the setback to the overhang or the side of the garage? The 12' wide building will have a 1' overhang which will be on the property line.

Mr. Carr made a motion to deny the request.

Mr. Carr voiced his concern about sketched drawings. The drawing that was submitted was not to scale and showed more distance between the house and garage and more distance to the property lines.

RESULT:	DENIED [0 TO 4]
MOVER:	Don Carr, Vice-Chairman
SECONDER:	William Smith, Member
NAYS:	Michael Percy, Don Carr, William Smith, Tonya Boucher
EXCUSED:	Susie L. Simpson, 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 <i>STEVEN & Terri LEIGHTY. 405 N. MULBERRY ST. 740-504-8555</i>			
Agent's Name, Address and Phone <i>MYSELF.</i>			
Site Information			
Site Address <i>405 N. MULBERRY ST.</i>		Legal Description <i>SINGLE FAMILY - Residential Property</i>	
Parcel Number <i>66 00900000.</i>	Deed Volume and Page Number	Zoning District	
Existing use of property <i>SINGLE Family. Residential.</i>		Proposed use of property <i>SAME:</i>	
Hearing Request			
Type of Hearing Requested ☐ Variance ☐ Conditional Use ☐ Appeal of Decision ☐ Map Interpretation ☐ Substantially Similar Use			
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: <i>TO BUILD A 12' WIDE X 30' Deep COLONIAL Style - GABLED ROOF GARAGE BARN. SIMILAR TO THE ONE THAT WAS ON THIS SPOT IN THE ERA OF 1910-1920. IT WAS A HORSE STABLE & THEN A TAXI CAB GARAGE. - SEE ATTACHED PHOTO OF SPOT FOR NEW BUILDING.</i>			
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.			
Date: <i>12-FEB. 2021.</i>		By: <i>Steven W. Leighty</i>	
Status of Application			
Filing Date <i>5/24/2021</i>		Case Number <i>2021-359</i> <i>2021-BZA-</i>	
		Hearing Date	
Fee deposit <i>\$75.00</i>		Date Paid	Receipt Number
Status of Board's Action ☐ Approved ☐ Denied			

Attachment: 2021-BZA-10 Application (2341 : 2021-Bza-10)

Google Maps 404 N Mulberry St



Mt Vernon, Ohio



Street View

Image capture: Oct 2019 © 2021 Google

12' WIDE x 30' Deep:
 Building A GABLED ROOF- COLONIAL STYLE CARRIAGE BARN.
 5' Foot BACK FROM SIDEWALK + 1 Foot IN
 FROM NORTH WALL. MY NEW BUILDING WILL NO
 BE USED FOR BUSINESS OR COMMERCIAL USE. WANTING
 THE BUILDING TO LOOK AS CLOSE TO 1915- 1920 ERA AS
 STABLE / GARAGE THAT WAS THERE.



May 26, 2021

- 1 inch -
Scale - 1:240

1 inch = 20 feet
1 inch = 0.004 miles

Knox County, OH; Bruce Harris & Associates

Attachment: 2021-BZA-10 Application (2341 : 2021-Bza-10)

Mail body:



Attachment: 2021-BZA-10 Application (2341 : 2021-Bza-10)



Lacie Blankenhorn <dsm@mountvernonohio.org>

Fwd: 1155.14. Application and Standards For Variances.

steve leighty <steveleighty11@gmail.com>
To: dsm@mountvernonohio.org

Mon, Feb 22, 2021 at 12:20 PM

Lacie, Is this ok ? I have to go to Staples to have it printed. Thanks Steven Leighty

Sent from my iPhone

Begin forwarded message:

From: Steven Leighty <leighty.steve@icloud.com>
Date: February 22, 2021 at 12:10:04 PM EST
To: steve leighty <steveleighty11@gmail.com>
Subject: 1155.14. Application and Standards For Variances.

1155.14. Application and Standards For Variances.
Steven W. Leighty, 405 North Mulberry St, Mt. Vernon, Ohio 43050
Phone # 7405048555.

Single family residence.

Wanting to build a garage to replace an old structure that was on
This same site until approximately 1925. It was a carriage house
And later a taxi cab garage.

Yes I will pay the required fee.

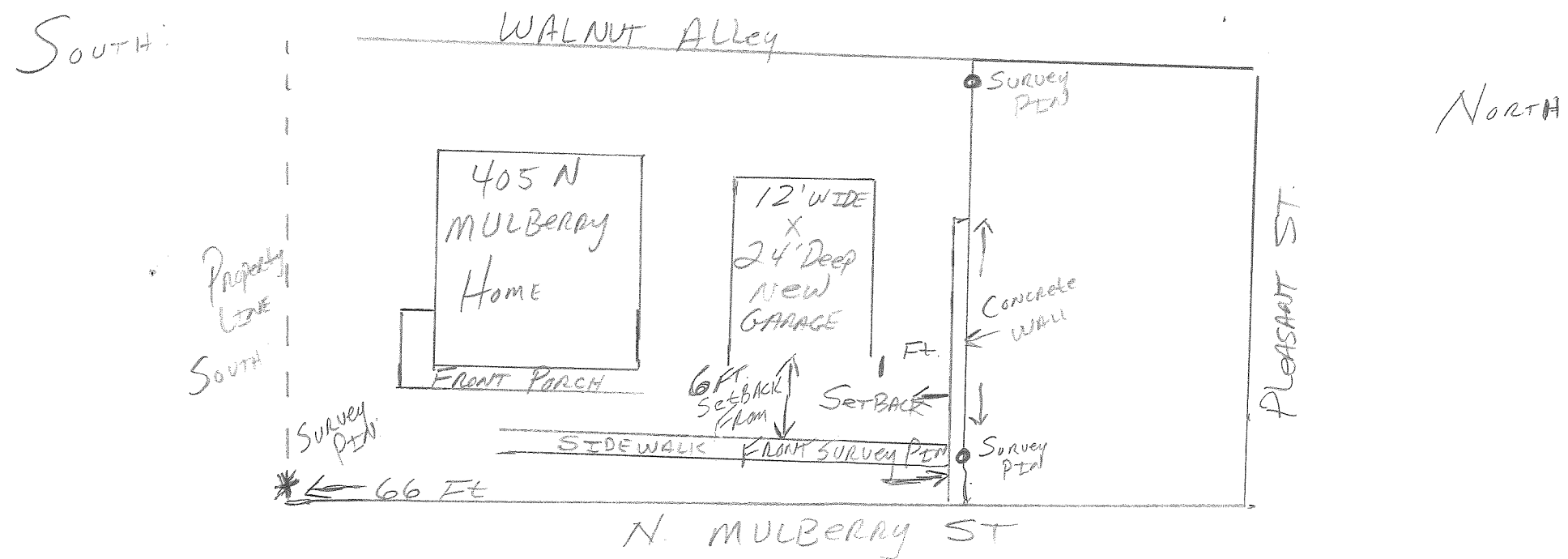
Yes I will conform to the following standards:

1. The new building will be accord with the general purpose imposed, and will not be injurious to the area or public welfare.
2. I will not use it for anything that is not permitted.
3. Want to get this building to look as original as the one in the 1920 Era.
4. No profits in any way on this project.
5. Yes. I need the variance for the reasonable use of the land and new building.
6. It will not impair an adequate supply of light and air to adjacent property.
7. This will not confer any special privileges to me on other lands or structures or buildings in the same district.

Sent from my iPad

Attachment: 2021-BZA-10 Narrative Statement (2341 : 2021-Bza-10)

LEIGHTY GARAGE
405 N. MULBERRY ST
STEVEN LEIGHTY
740-504-8535





Board of Zoning Appeals Meeting: 07/07/21 5:30 PM
City of Mount Vernon Dept: Board of Zoning Appeals
Mount Vernon, OH 43050

DEFEATED

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

BZA FILE (ID # 2354)

DOC ID: 2354

2021-BZA-09 : 600 CLINTON ST - VARIANCE FOR FENCE HEIGHT OR LOCATION

Item Number	2021-BZA-09
Site Address	600 N Clinton ST
Parcel Number	66-06918.000
Zoning District	R-1 Single Family District
Presented By	Dawn Kramer

Quick Guide to Codified Ordinance Sections (may not be inclusive):
 1178 Fences and Hedges

Request: Ms. Kramer would like to install a 6' high chain link fence on the lower half of her property running along N Clinton ST and Spring ST.

COMMENTS - Current Meeting:

The applicant or a representative were not present for the hearing.

Mrs. Blankenhorn talked with a resident on Spring ST. They called about the notice that was received in the mail and wanted to know how close the fence would be to the roadway. Mrs. Blankenhorn pulled a measurement on the Auditor's website to determine the property line is approximately 16' from the edge of pavement. The resident said she did not have a problem with a fence being placed at that distance. She was concerned about snow being plowed off the side of the street.

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placed 20' from the Spring ST property line and 30' from the Clinton ST property line.

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Mr. Smith said the application indicates there could be some criminal activity taking place in the area. There is nothing to indicate there has been any police department activity or that she has requested any help from law enforcement. He thinks the applicant should take those necessary steps prior to requesting a 6' fence be permitted.

Mike Hillier (sworn in) wanted to know why the hearing couldn't be postponed until it's determined why the applicant isn't in attendance.

Mr. Percy asked if another meeting is scheduled. Mrs. Blankenhorn said there is not.

Mr. Smith asked if the petitioner was notified of the meeting date and time. Mrs. Blankenhorn mailed a notice to the applicant along with the surrounding property owners. Mrs. Blankenhorn said the applicant applied for the Zoning Permit on May 6. Mrs. Blankenhorn told her immediately a variance would need to be applied for. The variance application was filled out and paid for during the same visit to the office. The narrative statement was still needed and the hearing would not be scheduled without it. The narrative statement was dropped off June 21. Mrs. Blankenhorn emailed the applicant that day and told her the hearing was being scheduled for July 7.

Mr. Hillier asked the Board to table the request.

Mr. Smith made a motion to deny the request.

Mr. Carr said many communities do not allow chain-link fence in front yards. He jumped for joy when a new owner removed a chain-link fence from a neighboring property. He thinks chain-link fences are very offensive in a front yard. He thinks a 6' fence is even more offensive. It will start looking like a jail. You may as well start putting razor blade on top of it.

RESULT:	DENIED [1 TO 3]
MOVER:	William Smith, Member
SECONDER:	Don Carr, Vice-Chairman
AYES:	Tonya Boucher
NAYS:	Michael Percy, Don Carr, William Smith
EXCUSED:	Susie L. Simpson, 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

Dawn Kramer

Agent's Name, Address and Phone

Site Information

Site Address

600 N. Clinton St.

Legal Description

CP64

Parcel Number

66-06134.000

Deed Volume and Page Number

1636/675

Zoning District

E-1

Existing use of property

Single Family home

Proposed use of property

fence

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:

I would like to place a chain link fence on lower half of property that would run along Clinton and Spring St. The fence is 6' tall. This would allow a safe place for kids.

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.

Date:

5-6-21

By:

Dawn Kramer

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: 2021-BZA-09 Application (2354 : 2021-Bza-09)

Dear members of the zoning board of appeals:

I am writing to seek a fence variance for my single-family home located at 600 North Clinton , Mt. Vernon Ohio. Current zoning rules state that a property fence should not exceed 36" on the street side of my property. I respectfully request a variance allowing the installation of a 6' chain link fence along the lower portion of my property on the street sides. I have addressed the 7 standards below establishing how I feel the variance would conform to the standards as written.

- 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. – The 30' of fence that I would like to install between the street right away line and the building set-back line will in no way be injurious to the area or detrimental to the public welfare. However, not having this fence can affect the safety of my family. Because this is an area that kids walk by often due to being close to Pleasant Street Elementary School, if the fence were only 36" tall, anyone pedestrian could go over the fence line and easily affect the safety of the children and securing our personal property. Due to the lower portion of our lot being on the other side of the "creek", many people think this is public property. We have all ages of children roaming in our yard and at times whole families will be hanging out on our property. My main goal for installing this fence is to keep the children safe and to allow us to enjoy the outside without worry of who may be in the yard.*
- 2) *The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district. The only use will be safe yard play and a place for the family to hang out together.*
- 3) *There must exist special circumstances or conditions, fully described in the findings, 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. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land. – Since installing a 36" fence would defeat the purpose of keeping people off the property and the children safe, we are in need of a taller fence to secure the lower portion of our property.*
- 4) *There must be proof of hardship created by the strict application of this Zoning Ordinance. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases without knowledge of the restrictions; it must result from the application of this Zoning Ordinance; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered. – The main hardship here is that even though we have the school next door for the*

children to play at, there are often teenagers and adults loitering around and it is unsafe to send the children to play. Also, it is an unfortunate truth that we have had people camp out on our property and found dirty, used needles that were left behind. We have had teenage kids on our property throwing knives, rocks and cussing the kids out. Although I can't guarantee their safety in my backyard, a privacy fence surrounding their play area will help to slow down the amount of foot traffic we see on our property.

- 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. –I am requesting that the property only goes from the corner of Clinton and down to the creek and on the other side it would just go to the edge of our lot.*
- 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. In no way will this small portion of fence impair the supply of light or air to my neighbors. Because the fence will not be near the intersection at all, there is no risk of public safety or congestion nor will there be an increase of fire.* 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. This variance will only benefit my family and does not grant me any special privilege denied to other lands, structures, or buildings in the same district.*

I hope that you all will agree that my request is justified and will bring a level of safety to my family. Should you have any questions or require any additional information, please do not hesitate to contact me at 740-263-1124 Thank you for your consideration of my request.

Kind regards,

Dawn Kramer

Permit No. 2021294

City of Mount Vernon, Ohio

Application for Zoning Permit

Application

Owner's Name, Address and Phone and e-mail

Dawn Kramer

Contractor's Name, Address and Phone and e-mail

Applicant's Name, Address and Phone and e-mail

Site Information

Site Address

600 N. Clinton St.

Side Street (if corner lot)

Spring St.

Legal Description

CP 64

Parcel Number

66-06134.000

Deed Volume and Page Number

Zoning District (circle one)

RR R-1 R-2 R-3 PND NC CB GB O/I M-1 M-1A P-1 R-MH

Flood Zone

☐ Floodway ☐ AE Zone ☐ A Zone ☒ X Zone

Historic District

Status of Historic Review Commission's Action

☐ Yes ☒ No☐ Approved☐ Denied

Case Number:

Project Information

Description of Proposed Work

chain link fence

(attach site plan and/or drawings)

Existing use of property

single family home

Proposed use of property

fence

Parking spaces/loading berths

Structure height

6'

Dwelling units

State Approval:
(commercial only)

Date

Approval Number

☐ Full approval
☐ Partial approval
☐ Not required

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. This permit shall expire and may be revoked if work has not begun within six months or substantially completed within one year.

Date:

5-6-21

By:

Dawn Kramer

Status of Application

Date

By

Reason(s)

☐ Application rejected
☐ Referred to Board of Appeals: Status of Board's Action: ☐ Approved ☐ Denied Case Number:

Code Review _____ Date: _____

Site Review _____ Date: _____

☐ Application approved

Comments

By:

Date:

Fee Calculation

Estimated Cost

Base Fee

Park Development Fee

Total Fee

Date Paid/Permit Issued:

Cash ☐ Check# ☐

Updated 4-30-2019

Packet Pg. 20

Attachment: APP - ZNG - Clinton ST, 600 N - fence (2354 - 2021-Bza-09)



May 6, 2021

Knox County, OH; Bruce Harris & Associates

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Board of Zoning Appeals Meeting: 07/07/21 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 # 2355)

DOC ID: 2355

**2021-BZA-13 : 305 S DIVISION ST - CONDITIONAL USE PERMIT FOR
 RESIDENTIAL IN A GB DISTRICT**

Item Number	2021-BZA-13
Site Address	305 S Division ST
Parcel Number	66-03056.000; 66-03057.000; 66-02982.000
Zoning District	GB – General Business
Presented By	Jesse Ashcraft

Quick Guide to Codified Ordinance Sections (may not be inclusive):

1167 – General Business District
 1155.22 – 155.27 Conditional Use Permit
 1160 – R-1 Single Family District

Request: Mr. Ashcraft would like to establish a residence on this GB – General Business property. See application for his detailed plan.

Other considerations: Variance(s) for Dwelling Size, Setbacks

COMMENTS - Current Meeting:

Jesse Ashcraft (sworn in) explained his desire to build a residence at 305 S Division ST. He wants to build a metal building to house his hobby wood working tools and a small living space while he builds a separate home. His plan would also require variances for the home's front and rear setbacks.

Mrs. Blankenhorn explained the planned order of development, building the shop first with living quarters in it would require a variance for dwelling size because the living area would not be 1,200 sf.

Mr. Broeren said there is going to be an issue with the eventual house and the ratio of size between the house and the garage/shop.

Mr. Percy suggested addressing the development plan in multiple bites. The Conditional Use for Residential in GB should be handled first, then the other variances can be addressed. Mr. Broeren agreed, stating without the authorization of a Conditional Use Permit the rest of the discussion is moot.

Mr. Carr asked how the R-1 regulation that a garage cannot be built on a lot without a house affects this GB property. Mr. Broeren said the request is for a Conditional Use Permit for Residential in a General Business District. It's not set as to R-1, R-2, R-3. Mr. Carr asked if there is any regulation for putting a shop up first before the house. Mr. Percy pointed out the shop will have living quarters in it. Initially, that will technically be the house.

Mr. Ashcraft said his idea is to sell his property in Kentucky and move all of his belongings to Ohio and have a place to store it while he builds the house.

Mr. Carr confirmed the proposed shop is 65' long x 40' wide.

Mr. Percy confirmed residential is a permitted Conditional Use in GB.

Mark Ramser (sworn in) said he bought the property at Sherriff's Sale. It had a single-family house on the property. He had the house tore down because of the condition. He thought someone would be interested in buying the property for general business purposes, however no one has stepped forward for that purpose. Mr. Ramser is in favor of the Conditional Use Permit being requested. Mr. Ashcraft has a purchase agreement in place with Mr. Ramser to buy the property, subject to approval.

Mr. Percy pointed out there was a residential use on the property prior to the former home being demolished.

Mrs. Blankenhorn noted from the County Auditor's website that Mr. Ramser purchased the property in June of 2015.

Mrs. Blankenhorn said 2 property owners on Ohio AVE that were sent notices of the request and hearing called to find out more. After the proposal was explained to them, neither one had an issue with it.

Mr. Carr made a motion to approved the request for a Conditional Use Permit for residential in a GB District.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Don Carr, Vice-Chairman
SECONDER:	Tonya Boucher, Member
AYES:	Michael Percy, Don Carr, William Smith, Tonya Boucher
EXCUSED:	Susie L. Simpson, 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 **KNOX COUNTY PROPERTIES** 740.392.2941
20718 DANVILLE AMITY ROAD, MT VERNON, OH
 Agent's Name, Address and Phone **JESSE L. ASHCRAFT** 859.341.0416
40 ARCADIA AVENUE, LAKESIDE PARK, KY 41017

Site Information

Site Address 305 SOUTH DIVISION SE	Legal Description 66-02982 FACTORY 23x36 SE COR S 1/2 OF 5, 66-03056 FACTORY 4, 66-03057 FACTORY N 1/2 OF 5
Parcel Number 66-02982 66-03056 66-03057	Deed Volume and Page Number GB
Existing use of property 500 RESIDENTIAL VACANT	Proposed use of property PRIVATE HOBBY SHOP, RESIDENCE, PRIVATE GARAGE

Hearing Request

Type of Hearing Requested

☒ Variance ☒ Conditional Use ☐ Appeal of Decision ☐ Map Interpretation ☐ Substantially Similar Use

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: **SEE ATTACHED**

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.

Date: **1 JUN 21**

By:

Jesse L. Ashcraft

Status of Application

Filing Date 6/14/2021	Case Number 2021-BZA-13
Hearing Date JULY 7, 2021	Fee deposit \$75.00
Date Paid 6/14/21	Receipt Number 449

Status of Board's Action

☐ Approved ☐ Denied

Attachment: 2021-BZA-13 Application (2355 : 2021-Bza-13)

Jesse L. Ashcraft

40 Arcadia Avenue
Lakeside Park, Kentucky
41017-2129
jesselashcraft@fuse.net
Phone: 859.341.0416

Application for Conditional Use permit for parcels 66-02982, 66-03056, and 66-03057 located at 305 South Division Street at the corner of Division and Howard.

I am requesting the property above be granted a Conditional Use wavier for me to establish a residence here.

It is my intention to erect a well lit, insulated and heated steel shop building on the site, 40' by 65', which would provide me with a garage for my vehicles, a wood shop area to pursue my hobby and temporary living quarters during construction of the house. This would be the first two structures erected on the site allowing me to store all my household belongings from Kentucky while the house is being built.

The goal is to make these business friendly buildings that fit in with the local surroundings and could easily be adapted into a commercial concern in the future.

I'm 71 years old and live alone. I've been thinking of putting a small single story post & beam home on the property with an open "great room" type floor plan, vaulted ceiling and few partitions that could be a future office space, reception area and/or conference room should the property be converted into a business at some point.

The effects of my home and shop to the surrounding residents should be minimal and unremarkable. Sounds that might emanate from the shop would include occasional and intermittent table saw, planer, air compressor and power tools but only during normal daylight hours, if that; and no more intrusive than a lawn mower, a leaf blower or a rototiller. I try to be a good neighbor in that I'm not very active early in the morning or late in the evening. I expect my steel shop building will be a handsome fit with the motif of the surrounding business structures.

This location is close to the bike path and walking distance to downtown, restaurants and groceries making it a desirable place to live out my retirement.

Thank you for your consideration.



Attachment: 2021-BZA-13 Application (2355 : 2021-Bza-13)

Jesse L. Ashcraft

40 Arcadia Avenue
Lakeside Park, Kentucky
41017-2129
jesselashcraft@fuse.net
Phone: 859.341.0416

Application for Conditional Use permit for parcels 66-02982, 66-03056, and 66-03057 located at 305 South Division Street at the corner of Division and Howard.

