



Board of Zoning Appeals
Board Meeting

Minutes

August 2, 2023
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	Vice-Chairman	Present
Kate Aryanata	Alt. Member	Present
Cynthia Cunningham	Member	Present

Others in attendance: City Development Services Manager, Lacie Blankenhorn; City Law Director, P. Rob. Broeren; Ryan Holmes; Anthony Naylor; Laura LaBenne; Kim McCann; Richard McCann; Linda Wilson; Sherry Schwarcz; Jeannette Riebel; Julius Schwarcz; Sam Filkins; Mike Hillier; Michael Brown

MINUTES APPROVAL

- Board of Zoning Appeals - Board Meeting - Jun 21, 2023 5:30 PM

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

BZA FILES

- 2023-BZA-14 : 0 Whiteheirs - Variance for Accessory Structures

J. Schwarcz (sworn in) explained he purchased the subject property on Whiteheirs in May and they would like to add fencing and a shed to use the property for a run for their dogs, a private dog park.
Percy reviewed the proposed layout showing a setback of 30' from the road right of way.
Blankenhorn explained that 2 variances are needed, 1 for a fence and 1 for a shed, because they are both considered accessory structures and there is not a primary structure to be accessory to.

Hillier (sworn in) questioned if or when the proposed private dog park could become a public dog park. Who would watch to ensure that doesn't happen? At first it could be just for the Schwarcz's dogs, then they could invite their friends with dogs. Hillier encouraged the Board to consider that. He emphasized it is a residential area.

Blankenhorn read a public comment that was received via voicemail. Tracy Ryan of 210 Whiteheirs ST called to say: She reviewed the request online. She is not too happy about this request. Homework should have been done before the purchase to know it is zoned residential. Of more concern is that Mr. Schwarcz mentioned to her husband that the plan is for a private paid dog park. Doesn't that elevate it to a business? They could say it's going to be quiet, no noise, and not much traffic, but she has concerns. As far as a hardship mowing it, they live right around the corner on High Street where they could drive a lawnmower over to mow. She has reservations. She saw a copy of the fence they are proposing and she thinks it is an eyesore. She is totally against the request. She wants to live in a zoning district where people aren't just erecting structures out of thin air.

Blankenhorn read the Staff Report: July 12, 2023 Case: 2023-BZA-14 0 Whiteheirs ST & 0 Union ST Parcels # 66-0477.000 & 66-04771.000 Julius and Sherry Schwarcz have requested to construct a 6' tall fence to enclose 2 otherwise undeveloped parcels they recently purchased along Whiteheirs Street for a private dog park. They would also like to place a shed up to 12' x 24' on the same property inside the proposed fence. Fence and sheds are considered accessory structures by the Zoning Code. There is currently no principal use or building on either lot to be accessory to. The two subject parcels are platted with an alley separating each other. There is a sanitary sewer line running north to south on the west side of both parcels. There aren't any utilities in the platted alley. There is a sanitary sewer line running east to west on the south side of the southern subject parcel in the platted yet undeveloped Union Street. Mr. and Mrs. Schwarcz met with the City's Safety Service Director, Rick Dzik; Engineer, Brian Ball; and Development Services Manager, Lacie Blankenhorn, to discuss their request and review the details of the City's utilities and rights-of-way affecting the parcels. A detailed drawing was then put together by a City Engineering Technician to show the rights-of-way, utilities, setbacks, and desired location of the fence and shed. Gates are planned to span the undeveloped alley on each side of the property to allow City crews access when necessary. This is similar to allowing property owners to construct fence across an easement utilizing a gate or removable panels for access to the easement and utility when necessary. After thorough discussions, the City employees that met with the Schwarcz's are supportive of the request. It was explained to the Schwarcz's that they would need to request a variance from the Board of Zoning Appeals because there is not a primary use or structure on the property that would allow the Safety Service Director to approve a Zoning Permit for an accessory structure.

Hillier - He brought attention to the public comment mention of a private paid dog park, and asked if Mr. Schwarcz could elaborate on that. That would be considered a business in this residential neighborhood.

Percy asked Broeren about a paid dog park. Broeren explained the property is zoned R-1. R-1 has certain various home-based businesses that can be allowed. Those are specifically enumerated within the Code. A private animal shelter, dog run, is not one of the enumerated businesses for a home-based business in an R-1. If the Schwarcz's would choose to use the property for that it would be a violation of the Zoning Code.

Percy explained, all that the BZA is being asked to approve is the fence and the shed. They are not considering a business use or any other Conditional Use of the property.

J. Schwarcz said he understands that, and further explained their primary goal was to have a private dog run for their own dogs. Their thought was, in the future, if it actually worked out well, they could pursue that avenue as well. He understands there would be a process in that and that is not their primary intention. Their primary intention is for their own fur-babies to be able to have a place where they can run around. At some point in the future, they may pursue that avenue, by getting the zoning changed or something else. He explained it as baby steps. They want to do things the right way and keep the neighbors happy.

Simpson made a motion to accept the proposal as presented.

RESULT:	DENIED [2 TO 3]
MOVER:	Susie L. Simpson, Member
SECONDER:	Tonya Boucher, Vice-Chairman
AYES:	Percy, Aryanata
NAYS:	Simpson, Smith, Boucher
EXCUSED:	Eyster
RECUSED:	Cunningham

- 2023-BZA-17 : 301-303 N Norton ST - Conditional Use Permit for Residential

Boucher led the hearing.

Filkins (sworn in) explained the subject property is 2 lots that were zoned R-1 and recently zoned Planned Commercial Development District. The intent is to build 2 four-unit residential structures for affordable senior house on the lots with the Area Agency on Aging. AAA5 will build, maintain, and operate the structures and property. It will be age-in-place housing for seniors. The Knox County Reutilization Corporation, AKA the land bank, thinks this is a great fit for this particular lot because it will be a bridge property between the residential neighborhood to the north and the industrial property of the former Siemens plant, now called Heartland Commerce Park to the south. It also adds, by being managed by AAA5, we know all exterior maintenance will be handled and maintained. It will be a positive addition to the neighborhood. With the housing shortage that we have, more senior housing is needed. Senior housing is being built at Ohio Eastern Star, but those are necessarily affordable for everyone. This will also some seniors to remain in their neighborhood. They are requesting a Conditional Use. Residential is a Conditional Use within the PCDD. They are asking to be allowed to put residential on this space, particularly multi-family residential.

Simpson asked how bid the units will be. Filkins said they will be 1-bedroom, 1-bath units, but didn't know the square footage. Blankenhorn found the square footage on the submitted plans, showing 813 sf each. Filkins added, a shared parking lot is planned with an entrance off of Burgess ST, as opposed to Norton ST. The addresses will be changing.

Hillier (sworn in) explained part of this plan have come before City Council and Council has spoke favorably about is. Personally he supports infill, and not annexing property on the outskirts of the City. This will get rid of some pretty ugly property. This is definitely an improvement and a good start in helping the area. He hopes this will spur other landlords to clean up their property.

Blankenhorn read the Staff Report: July 31, 2023 Case: 2023-BZA-17 301-303 N Norton ST Parcels # 66-05329.000 & 66-02335.000 The Knox County Land Reutilization Corporation requests a Conditional Use Permit for residential in a Planned Commercial Development District (PCDD). Residential, as determined compatible with other uses in the area, is a listed Conditional Use in a PCDD. The property was formerly zoned R-1 and is flanked by R-1 properties to the north, east, and west, and a PCDD zoned property to the south that was formerly zoned M-1. The property was rezoned to PCDD to match the adjacent property to the south also owned by the 'Land Bank', with the intention to construct senior living without spot zoning. A Comprehensive Development Plan for these properties was presented to the Municipal Planning Commission as part of the requirements of the PCDD regulations. The plan was recommended for approval to City Council and is now positioned for review by City Council. Single story housing is limited in the area. The plan to construct 8 1-level dwelling units in 2 structures for senior housing on the 2 narrow, but deep adjoining parcels is an ideal use for the limited available yard area. The white house in the pictures below is located on the 303 N Norton ST parcel and will be razed soon.

Broeren noted Conditional Uses are covered under Codified Ordinance 1155.22-28. The specific standards in 1155.24 are required to be met.

Aryanata made a motion to accept the request as proposed.

RESULT:	ACCEPTED [5 TO 0]
MOVER:	Kate Aryanata, Alt. Member
SECONDER:	William Smith, Member
AYES:	Simpson, Smith, Boucher, Aryanata, Cunningham
EXCUSED:	Eyster
RECUSED:	Percy

- 2023-BZA-15: 208 Miller AVE - Variance for Accessory Structure Size

Holmes (sworn in) explained his request to construct a large accessory structure that exceeds the Code provision of 35% to store his personal property in and improve the aesthetics of his home. The home was purchased by Holmes and his wife as their first home with the initial plan to move out of the City to facilitate their lifestyle a little bit better. He described himself as a gearhead, owning several vehicles. He is a mechanic by trade and has no intentions to have any commercial use in the building. He wants a place to tinker on his own stuff, work on his own cars, and store his personal property out of the weather. He has considered attaching a garage to his home but he hasn't figured out a good way to do that. He did speak with the neighbors to the south and north of him and across the street about his desire to build a garage. He said they are ok with it.

Percy asked what the dimension of the house are. Holmes said 24' x 38'. It is 912 sf. The request is for a 1,200 sf garage.

Cunningham asked what the planned height of the garage is. Holmes said he is planning on 12' tall walls plus another 3-4' to the peak. Code allows up to 18'. Broeren asked what the height of the house is. Holmes was unsure. The house has a couple of courses of block above grade, with 8' interior walls and a typical 4/12 pitch roof. Holmes explained he chose 12' walls, to better blend in with the neighborhood. He would prefer to have a larger 20' tall structure. He likely wouldn't appreciate if one of his neighbors built that.

Hillier (sworn in) asked if the existing accessory structures will be removed. He thinks, if they are the proposed structure will be a definite improvement, along with being able to store the automobiles inside. He noted the 6' high fence in the backyard that will block some of the building from the neighbors. Hillier suggested the Board come to a compromise if they are not willing to approve the request.

Percy asked Holmes if he intends to keep the other two accessory structures. Holmes said he would like to keep the wooden shed that is built on a concrete foundation. It is 10' x 14'. Holmes said the other structure is temporary. It is being used to store items in until a permanent structure is built. He doesn't like the looks of it either. He said he is willing to compromise.

Blankenhorn read a Public Comment: Robert Norris of 206 Miller AVE, the next-door neighbor to the subject property called to say he is ok with the proposed garage.

Blankenhorn read the Staff Report: July 12, 2023 Case: 2023-BZA-15 208 Miller AVE Parcel # 66-05127.000 Ryan Holmes requests to construct a 30' x 40' accessory structure for storage of his multiple motorized vehicles and yard maintenance equipment on his property at 208 Miller AVE.

There is currently no enclosed parking on the property. The proposed siting meets the required 5' side and rear setbacks as well as the 35% lot coverage ratio.

While the lot meets minimum square footage requirements at 8,712 sf, the primary structure does not meet current code square footage requirements at 912 sf. Current code requires a single-family dwelling to be a minimum of 1,200 square feet plus 1 enclosed parking space.

Other properties in the neighborhood have sizable detached accessory structures including 200 Miller AVE with a 912-sf home and a 24' x 48' accessory structure with an additional 18' x 22' accessory structure on the same lot, marked in the right image in the yellow box.

Recent variance approvals for detached accessory structures ranged from 24' x 26' up to 30' x 36' for private storage needs.

Cunningham made a motion to accept the request as presented.

Percy requested a motion to amend the motion to add a condition that the temporary structure be removed.

Boucher made the suggested motion. Cunningham seconded the motion to amend. Voting was AIF.

A vote was taken on the amended motion to approve the request as submitted with the condition that the

temporary structure be removed.

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

- 2023-BZA-18 : 521 E Hamtramck ST - Variances for Accessory Structure Size & Side Setback

Naylor (sworn in) explained they have a 13' x 18' structure that he works on his racecar in. Percy clarified that the current structure is not attached to the house. Naylor said they also have a 7.5' x 11' temporary structure that holds their yard equipment. They plan to remove both accessory structure and replace them with a 24' x 40' garage in their place. It will be used to park his wife's car in, a bay to work on his car and then a shop area.

Percy asked if the variance is just for the size. Blankenhorn explained a variance for the requested 3' side setback is needed. Naylor said the existing structure is actually 4' from the side property line.

Holmes (sworn in) explained that is a coincidence that he and Naylor are there on the same day. Holmes has known Naylor for a while, as Holmes' father lives across the street from Naylor. Holmes said he is a good neighbor and that he keeps his property tidy. Holmes is confident the planned structure will increase the property value and improve the neighborhood.

Hillier (sworn in) said there is a 6' high wooden fence behind where the proposed structure would be located. If the fence stays, he doesn't think the 4' setback would be that big of a deal. He cautioned Naylor about being loud and disturbing the neighborhood.

Blankenhorn read the Staff Report: August 1, 2023 Case: 2023-BZA-18 521 E Hamtramck ST Parcel # 66-06321.000 Laura LaBenne & Anthony Naylor request variances for overall size of an accessory structure and side setback at 521 E Hamtramck ST. The request is for a 24' x 40' accessory structure to be located 3 feet from the West side property line. This 960 square feet proposed structure is 74.88% of the size of the primary dwelling. Code currently allows accessory structures to be up to 35% of the size of the primary structure, while also requiring at least 1 enclosed parking space. There is currently an 18' x 12' accessory structure and a 7.5' x 11' yard shed on the property. The proposed structure would be placed where these structures are currently located. The proposed structure would not exceed lot coverage maximum regulations. The following similarly sized accessory structures are located within a block of the subject property: a 24' x 48' at 510 E Burgess ST; a 24' x 30' at 513 E Hamtramck ST; a 24' x 32' at 515 E Hamtramck ST; a 20' x 40' at 516 E Burgess ST with a 22' x 32' attached carport.

Percy asked Naylor about the reduced setback. Naylor explained they want the garage as far from the street as possible to look more tucked back in. The main door from the garage will align with the main door into the house. Percy confirmed that the 2 existing accessory structure will be removed from the property.

Cunningham made a motion to approve the request as presented.

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

- 2023-BZA-19 : 1107 N Mulberry ST - Variance for Fence Height

Wilson (sworn in) explained she hired a fence contractor that said he would take care of the permit but he did not. She found out after the fact that a section of the fence is taller than allowed. She wanted to block the sight lines between her and the neighboring home. She described the run-down condition of the home next

door. The tall fence provides privacy for both homes. There are 2 - 8' sections that are 10' tall. Wilson contacted the contractor about not obtaining a permit. The contractor then filed for a permit. The permit was denied because it was known that the fence exceeded Code regulations.

Brown (sworn in) is Wilson's next door neighbor so the south. He attested to the investment Wilson has made in her property making improvements. He does not have any problem with the fence. He thinks it is good for the neighborhood. He praised the recent improvements made by the City to the neighborhood. He thinks everything Wilson has done to her property has added to its value.

Hillier (sworn in) drove past the property and had to look for the fence. There is an eyesore next door. He believes this is an improvement to the property. He would like to see the fence approved.

Blankenhorn read the Staff Report: August 1, 2023 Case: 2023-BZA-19 1107 N Mulberry ST Parcel # 66-06369.000 Linda Wilson requests a variance for fence height to allow for a 10' high fence, 16' long near her north side property line. The fence was built without a permit by Kenyon Building Company. The fence connects to the back corner of the garage on the property and extends into the back yard 16' where it continues as a new 6' high fence. When the fence was constructed, the Property Maintenance Enforcement Officer mailed a violation notice to Ms. Wilson. The contractor then applied for a Zoning Permit, stating the fence height was 6'. The application was denied, as the fence height was known to be higher than 6'. The property owner then applied for a variance through the Board of Zoning Appeals. There is no record of variances being approved for fences taller than 6'.

Simpson made a motion to approve the request as submitted.

RESULT:	ACCEPTED [4 TO 1]
MOVER:	Susie L. Simpson, Member
SECONDER:	Tonya Boucher, Vice-Chairman
AYES:	Simpson, Smith, Boucher, Cunningham
NAYS:	Percy
EXCUSED:	Eyster, Aryanata

ADJOURN

- Adjourn Motion

Cunningham made a motion to adjourn the meeting, Simpson seconded and the meeting was adjourned at 6:26 PM

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



Board of Zoning Appeals Meeting: 08/02/23 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 # 3841)

DOC ID: 3841

2023-BZA-14 : 0 WHITEHEIRS - VARIANCE FOR ACCESSORY STRUCTURES

Item Number	2023-BZA-14
Site Address	0 Whiteheirs ST
Parcel Number	66-04770.000 & 66-04771.000
Zoning District	R-2
Presented By	Julius J and Sherry A Schwarcz

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

- 1152.01(1) Accessory Building or Use definition
- 1161.01 Permitted and Conditional Uses (R-2)
- 1160.01 Permitted and Conditional Uses (R-1)
- 1178 Fences and Hedges

Request: Install a 6' tall fence for a private dog park and an 8' x 16' shed on vacant land with no existing structures.

COMMENTS - Current Meeting:

J. Schwarcz (sworn in) explained he purchased the subject property on Whiteheirs in May and they would like to add fencing and a shed to use the property for a run for their dogs, a private dog park.

Percy reviewed the proposed layout showing a setback of 30' from the road right of way.

Blankenhorn explained that 2 variances are needed, 1 for a fence and 1 for a shed, because they are both considered accessory structures and there is not a primary structure to be accessory to.

Hillier (sworn in) questioned if or when the proposed private dog park could become a public dog park. Who would watch to ensure that doesn't happen? At first it could be just for the Schwarcz's dogs, then they could invite their friends with dogs. Hillier encouraged the Board to consider that. He emphasized it is a residential area.

Blankenhorn read a public comment that was received via voicemail. Tracy Ryan of 210 Whiteheirs ST called to say: She reviewed the request online. She is not too happy about this request. Homework should have been done before the purchase to know it is zoned residential. Of more concern is that Mr. Schwarcz mentioned to her husband that the plan is for a private paid dog park. Doesn't that elevate it to a business? They could say it's going to

be quiet, no noise, and not much traffic, but she has concerns. As far as a hardship mowing it, they live right around the corner on High Street where they could drive a lawnmower over to mow. She has reservations. She saw a copy of the fence they are proposing and she thinks it is an eyesore. She is totally against the request. She wants to live in a zoning district where people aren't just erecting structures out of thin air.

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Hillier - He brought attention to the public comment mention of a private paid dog park, and asked if Mr. Schwarcz could elaborate on that. That would be considered a business in this residential neighborhood.

Percy asked Broeren about a paid dog park. Broeren explained the property is zoned R-1. R-1 has certain various home-based businesses that can be allowed. Those are specifically enumerated within the Code. A private animal shelter, dog run, is not one of the enumerated businesses for a home-based business in an R-1. If the Schwarcz's would choose to use the property for that it would be a violation of the Zoning Code.

Percy explained, all that the BZA is being asked to approve is the fence and the shed. They are not considering a business use or any other Conditional Use of the property.

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well, they could pursue that avenue as well. He understands there would be a process in that and that is not their primary intention. Their primary intention is for their own fur-babies to be able to have a place where they can run around. At some point in the future, they may pursue that avenue, by getting the zoning changed or something else. He explained it as baby steps. They want to do things the right way and keep the neighbors happy.

Simpson made a motion to accept the proposal as presented.

RESULT:	DENIED [2 TO 3]
MOVER:	Susie L. Simpson, Member
SECONDER:	Tonya Boucher, Vice-Chairman
AYES:	Michael Percy, Kate Aryanata
NAYS:	Susie L. Simpson, William Smith, Tonya Boucher
EXCUSED:	Otho Eyster
RECUSED:	Cynthia Cunningham



City of Mount Vernon, Ohio
Board of Zoning Appeals

Request for Hearing

Applicant's Information

Owner's Name, Address and Phone

Julius J. and Sherry A. Schwarcz

Agent's Name, Address and Phone

Same as above

Site Information

Site Address

0 Whiteheirs Street, Mount Vernon, OH 43050

Legal Description

Situate in the city of Mount Vernon, County of Knox and State of Ohio

Parcel Number

66-04770.000, 66-04771.000

Deed Volume and Page Number

BK 1974 PG 217 - 219

Zoning District

City of Mount Vernon

Existing use of property

Vacant Land

Proposed use of property

Private Dog Park

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:

We are requesting permission to install a 6' tall fence for a private dog park. This is vacant land with no existing structures. We would also install a 8'x16' shed between Center Run and a tree area. The shed would be out of public view as it is hidden between the run and the tree line. There would be a minimum of 30' setback from Whiteheirs Street to be used as a gravel parking area. 811 has been contacted to ensure there will be no conflict with easements/utilities.

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:

5/31/2023

By:

Julius Joe Schwarcz Sherry Anne Schwarcz
Julius Joe and Sherry Anne Schwarcz

Status of Application

Filing Date

Case Number

Hearing Date

June 21 - 5:30pm

DDA

Fee deposit

\$75.00

Date Paid

5-31-2023

Receipt Number

#1572
Permit 2023234

Status of Board's Action

☐ Approved

☐ Denied

Attachment: BZA app Schwarcz (3841 : 2023-Bza-14)

Narrative statements

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

_____ 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.

_____ 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.

The City's Zoning Code permits fences and sheds as accessory structures to primary structures. This property is vacant and doesn't have a primary structure, thus we are requesting variance for accessory structures. In addition, the fencing is open and will not detract from other similar type fencing as found nearby (e.g. - 202 S. Edgewood and 2 S. Center Street). The private nature of the park will not add noise, traffic or odors

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

We would not be able to safely store/secure equipment necessary to care for the property - such as mowing, landscaping tools, materials to maintain the shed, fencing and parking.

_____ 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.

_____ 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.

_____ 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.

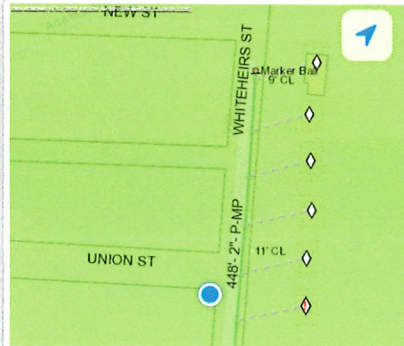


UtiliQuest EPR Notification

Ticket Information	Ticket Image
Ticket Number/Type: A315004656 - ROUT NEW POLY LREQ Caller: JULIUS SCHWARBZ Company: Call Date: 5/30/2023 2:43:00 PM Done For: SELF Street Address: WHITE HEIRS ST Place: MT. VERNON County: KNOX State: OH Nature of Work: FENCE AND SHED INSTALLATION	Ticket Identifier: 112965176 PILP 00012 OUPSa 05/30/23 15:00:46 A315004656-00A Ticket : A315004656 Rev: 00A Taken: 05/30/23 02:43 State: OH Cnty: KNOX Place: MT. VERNON Address : Street: WHITE HEIRS ST Cross 1 : FLORENCE ST Rail/Hwy: Milemarker(s): Where : WEST SIDE OF WHITE HEIRS ST STARTING AT THE : ST GOING 400 FT NORTH AND ENDING AT THE D : FARTHEST POINT OFF ROAD: 350 FT WEST FOR

The locate request for the following utilities ONLY have been updated by UtiliQuest

Company	Utility	Status	Notes
Columbia Gas MT Vernon (PILP)	Gas	Not in Conflict	



Exit

Ticket Notes

Date: 2023/05/31
 Notes: No gas in ticket scope. All mains on opposite side of the road.

Ticket information, facility maps, electronic locate manifests and any associated aerial images ("Materials") provided to the excavator via "Enhanced Positive Response" (EPR) are for internal excavator planning and communication purposes only and are not authorized to be redistributed to any third party. <911> If you damage any underground gas facility, please call 911 (or local emergency responders if 911 service is unavailable) immediately.

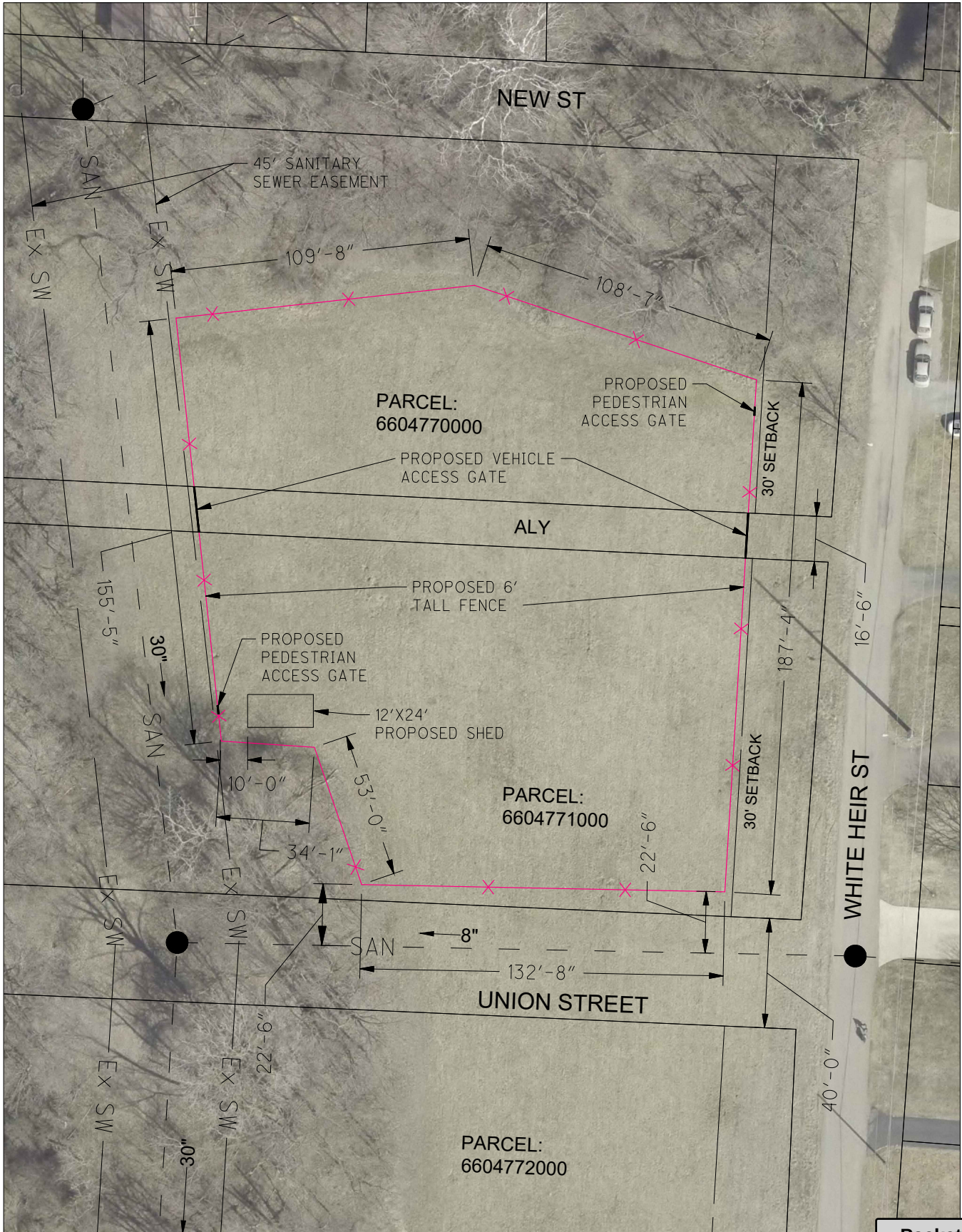
Attachment: BZA app Schwarcz (3841 : 2023-Bza-14)



Example of Dog Run we previously built ourselves.



0 25 50 100
HORIZONTAL
SCALE IN FEET



SCHWARC7 WHITEFIRS ST PROPERTY

Attachment: Whiteheirs St ROW-Layout3 (3841 : 2023-Bza-14)

CITY OF MOUNT VERNON





Board of Zoning Appeals Meeting: 08/02/23 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 # 3843)

DOC ID: 3843

**2023-BZA-17 : 301-303 N NORTON ST - CONDITIONAL USE PERMIT FOR
 RESIDENTIAL**

Item Number	2023-BZA-17
Site Address	301-303 N Norton ST
Parcel Number	66-05329.000 & 66-02335.000
Zoning District	PCDD
Presented By	Sam Filkins, Knox County Land Revitalization Corporation

Quick Guide to Codified Ordinance Sections (may not be inclusive):
 1185.01 Permitted and Conditional Uses (PCDD)
 1167.02(g) Conditional Uses (GB) Residential, as determined compatible with
 other uses in the area.

Request: A Conditional Use Permit for Residential in a PCDD, to allow the parcels to be redeveloped to allow affordable senior housing.

COMMENTS - Current Meeting:

Boucher led the hearing.

Filkins (sworn in) explained the subject property is 2 lots that were zoned R-1 and recently zoned Planned Commercial Development District. The intent is to build 2 four-unit residential structures for affordable senior house on the lots with the Area Agency on Aging. AAA5 will build, maintain, and operate the structures and property. It will be age-in-place housing for seniors. The Knox County Reutilization Corporation, AKA the land bank, thinks this is a great fit for this particular lot because it will be a bridge property between the residential neighborhood to the north and the industrial property of the former Siemens plant, now called Heartland Commerce Park to the south. It also adds, by being managed by AAA5, we know all exterior maintenance will be handled and maintained. It will be a positive addition to the neighborhood. With the housing shortage that we have, more senior housing is needed. Senior housing is being built at Ohio Eastern Star, but those are necessarily affordable for everyone. This will also some seniors to remain in their neighborhood. They are requesting a Conditional Use. Residential is a Conditional Use within the PCDD. They are asking to be allowed to put residential on this space, particularly multi-family residential.

Simpson asked how bid the units will be. Filkins said they will be 1-bedroom, 1-bath units, but didn't know the square footage. Blankenhorn found the square footage on the submitted plans,

showing 813 sf each. Filkins added, a shared parking lot is planned with an entrance off of Burgess ST, as opposed to Norton ST. The addresses will be changing.

Hillier (sworn in) explained part of this plan have come before City Council and Council has spoke favorably about is. Personally he supports infill, and not annexing property on the outskirts of the City. This will get rid of some pretty ugly property. This is definitely an improvement and a good start in helping the area. He hopes this will spur other landlords to clean up their property.

Blankenhorn read the Staff Report: July 31, 2023 Case: 2023-BZA-17 301-303 N Norton ST Parcels # 66-05329.000 & 66-02335.000 The Knox County Land Reutilization Corporation requests a Conditional Use Permit for residential in a Planned Commercial Development District (PCDD). Residential, as determined compatible with other uses in the area, is a listed Conditional Use in a PCDD. The property was formerly zoned R-1 and is flanked by R-1 properties to the north, east, and west, and a PCDD zoned property to the south that was formerly zoned M-1. The property was rezoned to PCDD to match the adjacent property to the south also owned by the 'Land Bank', with the intention to construct senior living without spot zoning. A Comprehensive Development Plan for these properties was presented to the Municipal Planning Commission as part of the requirements of the PCDD regulations. The plan was recommended for approval to City Council and is now positioned for review by City Council. Single story housing is limited in the area. The plan to construct 8 1-level dwelling units in 2 structures for senior housing on the 2 narrow, but deep adjoining parcels is an ideal use for the limited available yard area. The white house in the pictures below is located on the 303 N Norton ST parcel and will be razed soon.

Broeren noted Conditional Uses are covered under Codified Ordinance 1155.22-28. The specific standards in 1155.24 are required to be met.

Aryanata made a motion to accept the request as proposed.

RESULT:	ACCEPTED [5 TO 0]
MOVER:	Kate Aryanata, Alt. Member
SECONDER:	William Smith, Member
AYES:	Simpson, Smith, Boucher, Aryanata, Cunningham
EXCUSED:	Otho Eyster
RECUSED:	Michael Percy



City of Mount Vernon, Ohio
Board of Zoning Appeals

Request for Hearing

Applicant's Information

Owner's Name, Address and Phone *KNOX COUNTY LAND REVITALIZATION CORPORATION*
P.O. BOX 29, MOUNT VERNON, OHIO 43050 740-393-3806

Agent's Name, Address and Phone
SAM FILKINS, PO BOX 29, MOUNT VERNON, OHIO 43050 740-507-5762

Site Information

Site Address *301 + 303 NORTH NORTON STREET* Legal Description *NORTON ISLAND 359 + 360*

Parcel Number *66-05329.000* Deed Volume and Page Number *1871/65* Zoning District
66-02335.000 1891/596

Existing use of property *SINGLE FAMILY HOME AND VACANT LAND* Proposed use of property *MULTI FAMILY SENIOR HOUSING*

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: *Conditional use for multifamily.*

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: *7/5/2023* By: *[Signature]* *SAM FILKINS*

Status of Application

Filing Date	Case Number		
	Hearing Date		
	Fee deposit	Date Paid	Receipt Number
	<i>\$75.00</i>		

Status of Board's Action

☐ Approved ☐ Denied

Attachment: Norton ST BZA app (3843 : 2023-Bza-17)

Conditional Use Narrative AAA5 and Knox County Land Bank Project

The requested Conditional Use Permit for the parcels located at 301 & 303 N. Norton Street is to allow the parcel to be redeveloped to allow affordable senior housing. These parcels are owned by the Knox County Land Bank for the express purpose of redevelopment particularly due to their current condition and proximity to Heartland Commerce Park (former Siemens manufacturing facility). Per the code (1155.23) a narrative is required to address any negative impacts on surrounding properties, compatibility with adjoining properties,

(1) Effects on adjoining properties - particularly negative impacts

Because this conditional use would be residential within a residential area, there are no anticipated impacts related to noise, glare, odor, fumes, and vibration on adjoining property. In fact, as a buffer property between the industrial site to the south and the residential to the north, it can help lessen those impacts between the two uses. Additionally, these will be one-story buildings, so they will not seem massive compared to the neighboring properties.

(2) Compatibility of Conditional Use sought with the use of adjacent land, adjacent zoning, and with land use plans for the general area.

The plan for redevelopment is to add affordable senior housing. This residential use would align with the other adjacent properties becoming a bridge between the manufacturing and residential uses. This can help preserve the residential neighborhood feel.

(3) The relationship of the proposed use to the comprehensive plan

This Conditional Use and future development support the Knox County Comprehensive Plan (2018) in the following ways.

Chapter 3: Ensure responsible growth

Goal 3.3.3: Control scale and scope of development

“Encourage development in areas already on the grid.” We are not extending the grid further by building affordable senior multi-unit housing on these parcels. This means the development cost for taxpayers is less because there will be more users paying into the system without the need for new infrastructure. Projects like this are outlined as a target outcome of the Knox County Land Bank (3.3.3A Outcome D).

Chapter 5: Strengthening quality of life

5.2 - This chapter highlights housing as a community issue and priority for the county to be successful.

Goal 5.3.1: Diversify the county's housing stock

"Affordability, changes in household size, an aging population, and a growing preference for walkability, will all continue to reshape Knox County's residential development patterns moving forward. An attractive, high-quality, and safe housing stock is important for retaining and attracting residents." This project aligns with this goal because it provides safe, attractive, high-quality, and affordable housing for the aging population.

This Conditional Use is also supported through the Mount Vernon Strategic Plan (Phase 1, 2021) guiding principles.

Principle #1: *Foster a collaborative environment that is supportive of business and economic growth through fair, efficient, and transparent regulatory processes.*

This project is a collaboration between the Land Bank, AAA5, and the County Commissioners. By supporting this project through this zoning change and the following processes, the City of Mount Vernon can join on as a collaborator for affordable senior housing.

Principle #6: *Through initiatives such as streamlined development processes, innovative zoning, and strategic incentives, the City will support policies to ensure safe, abundant, and attainable quality housing.*

This project speaks directly to this project and the processes we are currently undertaking to make it a reality. Our hope is that the City will use this principle when evaluating the project for zoning, conditional use, and final development plans.

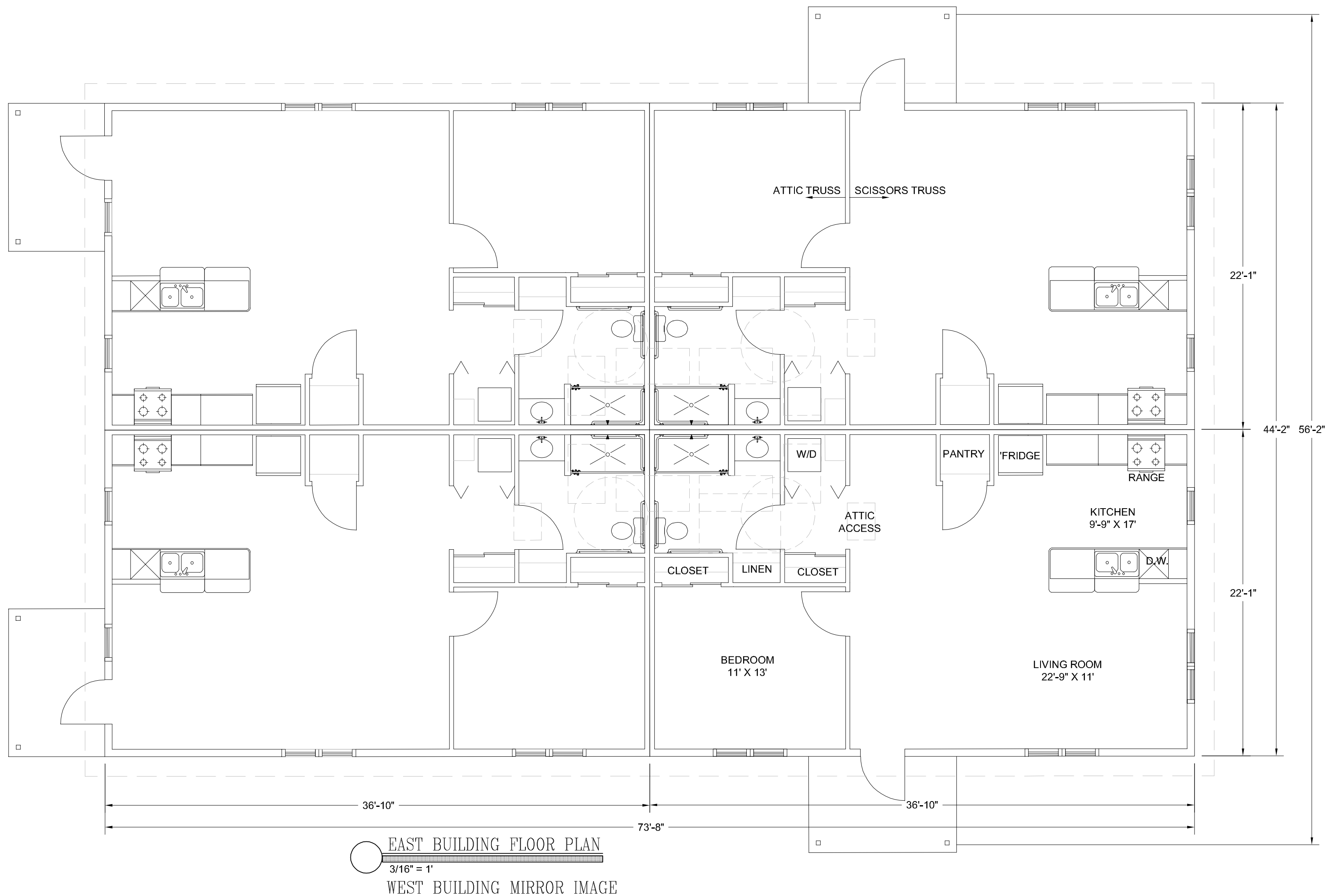
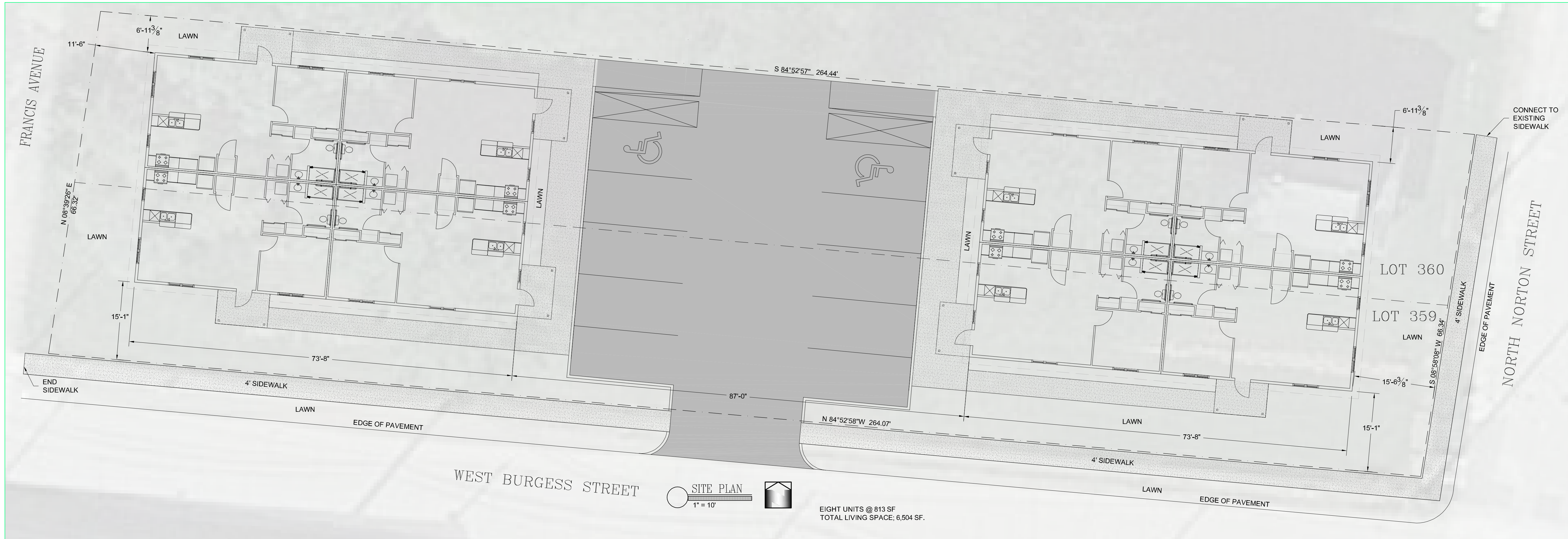
Conditional Use Approval Criteria

The following nine considerations for Conditional Use Approval are outlined in Chapter 1155.24 of the City of Mount Vernon Zoning Code.

- (a) Is in fact a conditional use as established under the Schedule of District Regulations adopted for the zoning district involved.
 - (i) Under the PCDD designation all allowed uses under General Business (GB) are permitted. In GB, residential is a Conditional Use.
- (b) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and/or the zoning ordinance.
 - (i) As mentioned in the Conditional Use Narrative, this project meets many objectives of the County Comprehensive Plan and the City Strategic Plan.
- (c) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
 - (i) These are multi-family senior housing structures, but the design is low profile and fits within the general neighborhood character. The look is aligned with traditional mid-western residential structures.
- (d) Will not be hazardous or disturbing to existing or future neighboring uses.
 - (i) There is no known impact on the environment or creation of any hazardous situations for existing or future uses.
- (e) Will be served adequately by essential public facilities and services such as highways, street, 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.
 - (i) These lots are in-fill, meaning they are already receiving these public facilities and services. By adding this use, it will not overextend any current offerings. Additionally, as the property owner, the Area Agency on Aging (AAA5) will maintain the grounds and units, along with checking in on the residents frequently. This allows AAA5 to keep an eye on things and make sure any issues that may arise are addressed early. For example, if there is a health issue they can help coordinate rides to the

doctor for preventative care as opposed to it getting worse requiring an ambulance.

- (f) 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.
 - (i) This will actually free up local housing stock to help benefit the economic welfare of the community.
- (g) Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odor.
 - (i) Being a residential use, there is no anticipated impact on traffic, noise, smoke, fumes, glare, or odor. With the population being housed in this site there is traditionally less traffic than in other areas.
- (h) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
 - (i) A new entrance off of Burgess Street will be included in the construction. This entrance will have a full view of the street and allow traffic without adding a dangerous intersection.
- (i) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
 - (i) These lots have been a residential use for generations but do not have any natural, scenic, or historical significance.



CITY OF MOUNT VERNON ZONING

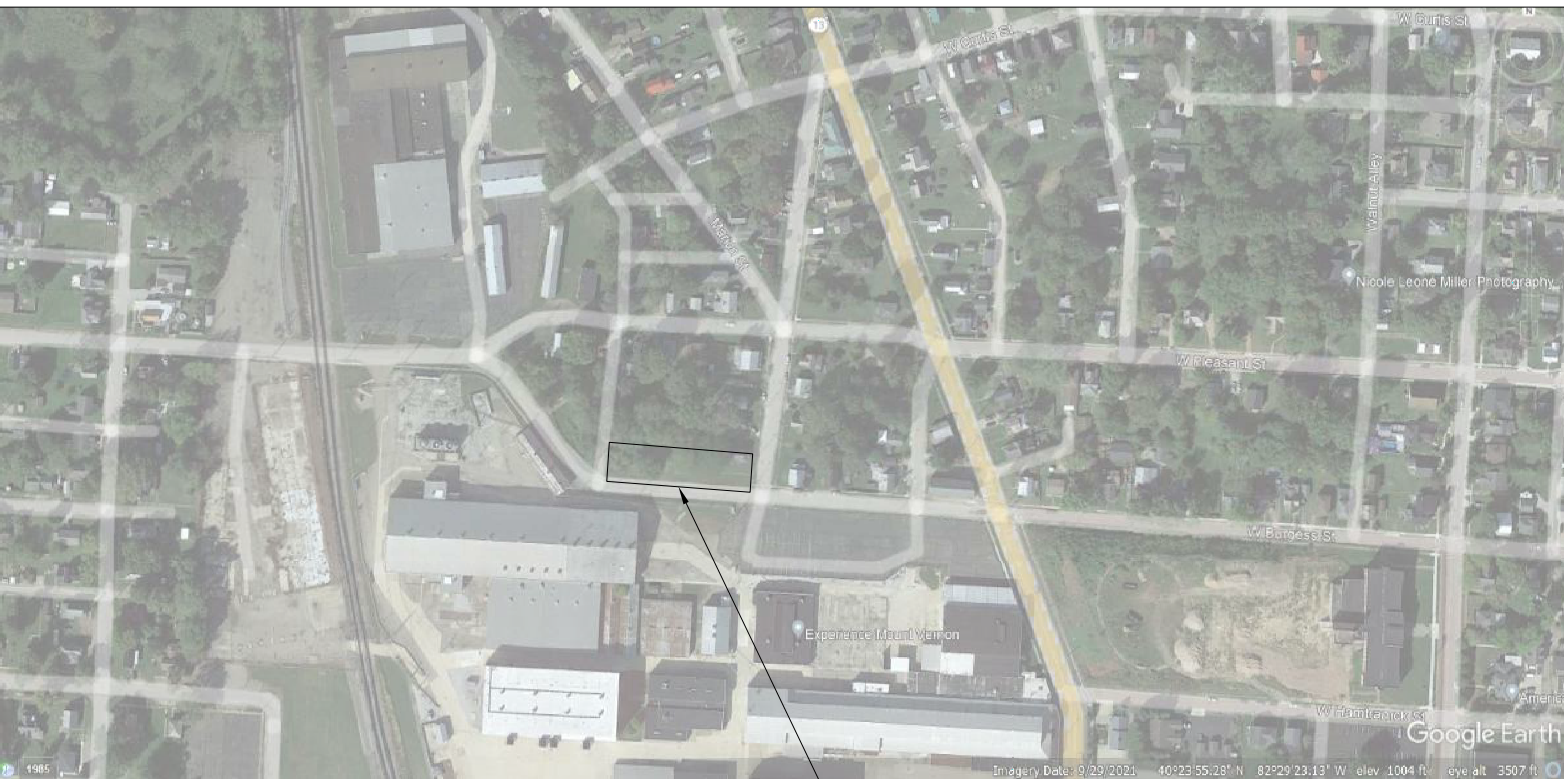
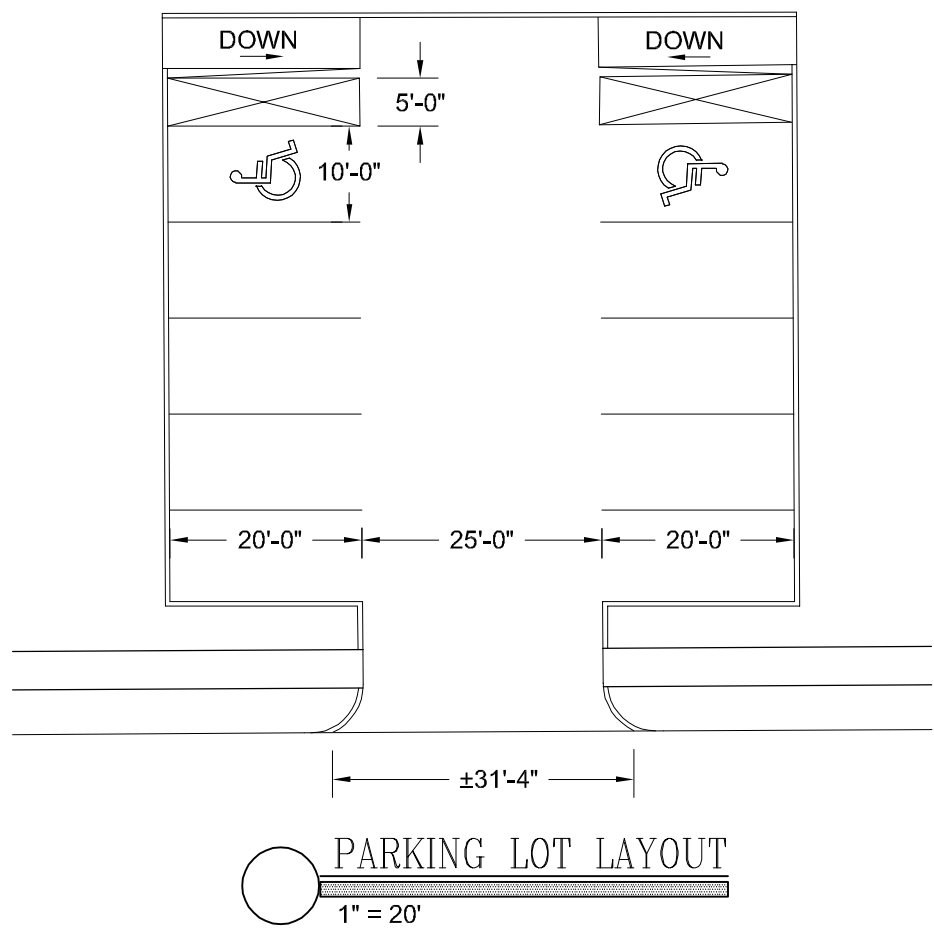
SITE ADDRESS: FORMERLY 301 AND 303 NORTH NORTON STREET
ZONING DISTRICT: PCDD, PLANNED COMMERCIAL DEVELOPMENT DISTRICT
MINIMUM REQUIRED LOT AREA: NONE
ACTUAL LOT AREA: 17,511 SQUARE FEET (0.402 ACRES)
MINIMUM REQUIRED LOT WIDTH: NONE
ACTUAL LOT WIDTH: 66.34' NORTH NORTON STREET
264.07' WEST BURGESS STREET
66.32' FRANCIS AVENUE

FRONT YARD: NORTON BURGESS FRANCIS
MINIMUM REQ. >20' >10' NONE
*NOTE: AVERAGE OF THOSE STRUCTURES ALONG THE SAME BLOCK FACE.
ACTUAL MIN. ±15' ±15' ±11'-6"

SIDE YARD: NO SIDE YARDS
MINIMUM REAR YARD: NONE
ACTUAL REAR YARD: ±7'
MAXIMUM BUILDING HEIGHT ALLOWED: 60'
ACTUAL BUILDING HEIGHT ±12'-7"
ALLOWABLE GROUND COVER: UP TO 95%
ACTUAL COVERAGE: 37%

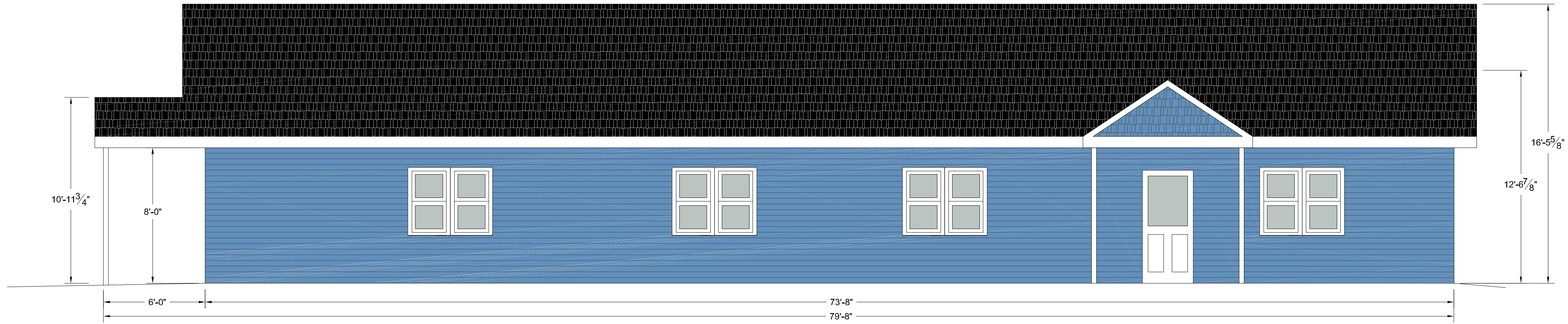
PARKING REQUIREMENT:
SECTION 1174.11 ELDERLY HOUSING PARKING
10' X 20' SPACES WITH 22' WIDE AISLE:
1 SPACE PER DWELLING PLUS ONE PER STAFF PER SHIFT.
NO FULL TIME ON SITE STAFF WILL BE PRESENT.

RESIDENCE SPACES: 8 REQUIRED, 10 PROVIDED (2 ADA STALLS)

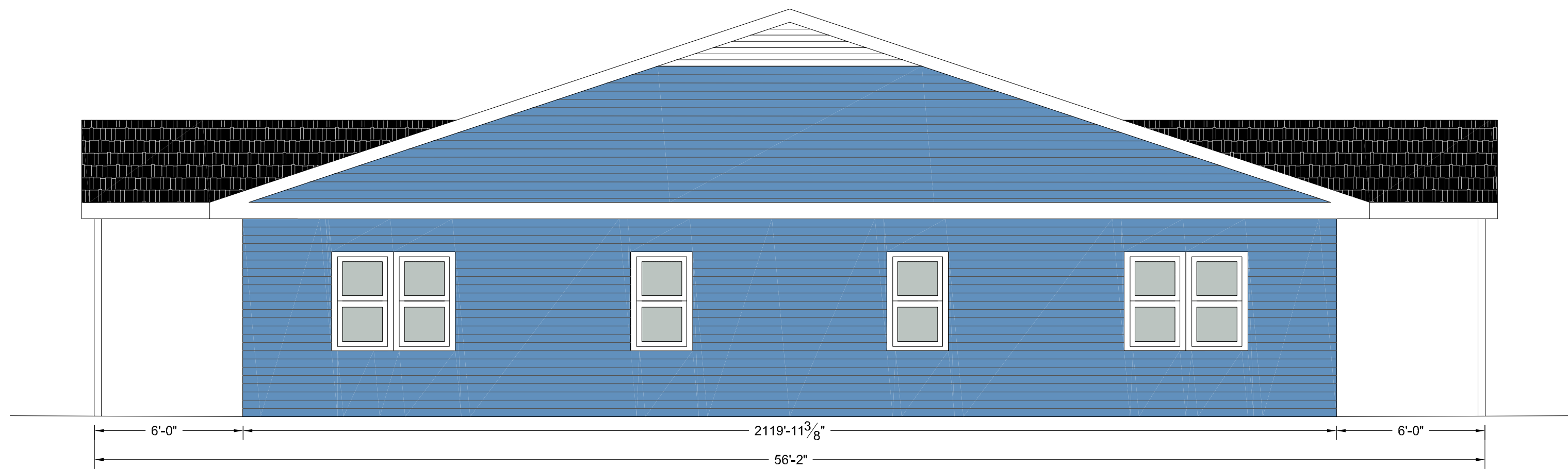


LOCATION MAP
NTS

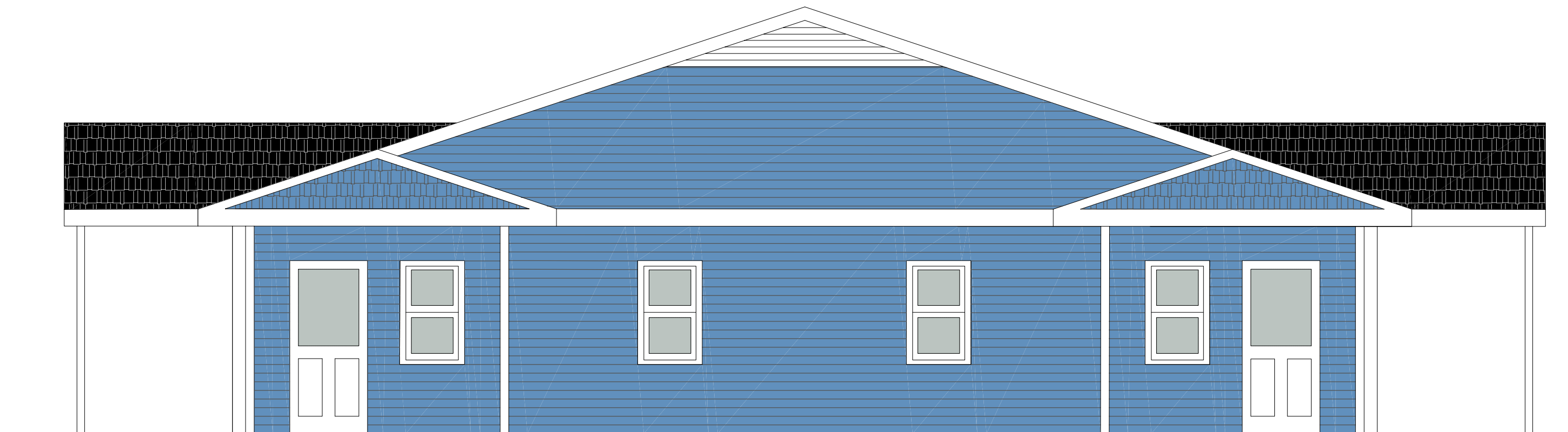
APPLESEED BUILDING COMPANY			
362 LENOX AVENUE, MANSFIELD, OHIO 44906 PHONE/FAX 419-756-4410			
AREA AGENCY ON AGING – DISTRICT 5			
SENIOR HOUSING – PRELIMINARY			
DATE	REVISIONS	SCALE	DR. BY
09-06-22	06-22-23	AS NOTED	DRW
APP. BY			1/2



SOUTH ELEVATION, EAST BUILDING
1/4" = 1'



EAST ELEVATION, EAST BUILDING
1/4" = 1'



WEST ELEVATION, EAST BUILDING
1/4" = 1'

09-06-22

06-20-23

SEAL

APPLESEED BUILDING COMPANY				
362 LENOX AVENUE, MANSFIELD, OHIO 44906 PHONE/FAX 419-756-4410				
AREA AGENCY ON AGING – DISTRICT 5				
SENIOR HOUSING – PRELIMINARY				
DATE	REVISIONS	SCALE	DR. BY	DRW
09-06-22	06-22-23	AS NOTED	APP. BY	2/2



Board of Zoning Appeals Meeting: 08/02/23 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 # 3842)

DOC ID: 3842

2023-BZA-15: 208 MILLER AVE - VARIANCE FOR ACCESSORY STRUCTURE SIZE

Item Number	2023-BZA-15
Site Address	208 Miller AVE
Parcel Number	66-05127.000
Zoning District	R-1
Presented By	Ryan Holmes

Quick Guide to Codified Ordinance Sections (may not be inclusive):
 1160.01 Permitted and Conditional Uses (R-1)
 1160.02 Development Standards (R-1)
 1173.04-06 Regulation of Accessory Uses and Buildings

Request: Construct a 30' x 40' building.

COMMENTS - Current Meeting:

Holmes (sworn in) explained his request to construct a large accessory structure that exceeds the Code provision of 35% to store his personal property in and improve the aesthetics of his home. The home was purchased by Holmes and his wife as their first home with the initial plan to move out of the City to facilitate their lifestyle a little bit better. He described himself as a gearhead, owning several vehicles. He is a mechanic by trade and has no intentions to have any commercial use in the building. He wants a place to tinker on his own stuff, work on his own cars, and store his personal property out of the weather. He has considered attaching a garage to his home but he hasn't figured out a good way to do that. He did speak with the neighbors to the south and north of him and across the street about his desire to build a garage. He said they are ok with it.

Percy asked what the dimension of the house are. Holmes said 24' x 38'. It is 912 sf. The request is for a 1,200 sf garage.

Cunningham asked what the planned height of the garage is. Holmes said he is planning on 12' tall walls plus another 3-4' to the peak. Code allows up to 18'. Broeren asked what the height of the house is. Holmes was unsure. The house has a couple of courses of block above grade, with 8' interior walls and a typical 4/12 pitch roof. Holmes explained he chose 12' walls, to better blend in with the neighborhood. He would prefer to have a larger 20' tall structure. He likely wouldn't appreciate if one of his neighbors built that.

Hillier (sworn in) asked if the existing accessory structures will be removed. He thinks, if they are the proposed structure will be a definite improvement, along with being able to store the automobiles inside. He noted the 6' high fence in the backyard that will block some of the building

from the neighbors. Hillier suggested the Board come to a compromise if they are not willing to approve the request.

Percy asked Holmes if he intends to keep the other two accessory structures. Holmes said he would like to keep the wooden shed that is built on a concrete foundation. It is 10' x 14'. Holmes said the other structure is temporary. It is being used to store items in until a permanent structure is built. He doesn't like the looks of it either. He said he is willing to compromise.

Blankenhorn read a Public Comment: Robert Norris of 206 Miller AVE, the next-door neighbor to the subject property called to say he is ok with the proposed garage.

Blankenhorn read the Staff Report: July 12, 2023 Case: 2023-BZA-15 208 Miller AVE Parcel # 66-05127.000 Ryan Holmes requests to construct a 30' x 40' accessory structure for storage of his multiple motorized vehicles and yard maintenance equipment on his property at 208 Miller AVE.

There is currently no enclosed parking on the property. The proposed siting meets the required 5' side and rear setbacks as well as the 35% lot coverage ratio.

While the lot meets minimum square footage requirements at 8,712 sf, the primary structure does not meet current code square footage requirements at 912 sf. Current code requires a single-family dwelling to be a minimum of 1,200 square feet plus 1 enclosed parking space.

Other properties in the neighborhood have sizable detached accessory structures including 200 Miller AVE with a 912-sf home and a 24' x 48' accessory structure with an additional 18' x 22' accessory structure on the same lot, marked in the right image in the yellow box.

Recent variance approvals for detached accessory structures ranged from 24' x 26' up to 30' x 36' for private storage needs.

Cunningham made a motion to accept the request as presented.

Percy requested a motion to amend the motion to add a condition that the temporary structure be removed. Boucher made the suggested motion. Cunningham seconded the motion to amend. Voting was AIF.

A vote was taken on the amended motion to approve the request as submitted with the condition that the temporary structure be removed.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Cynthia Cunningham, Member
SECONDER:	Tonya Boucher, Vice-Chairman
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

Ryan Holmes

Agent's Name, Address and Phone

Ryan Holmes 208 Miller Ave. Mount Vernon, Ohio 43050 740-504-0596

Site Information

Site Address

208 Miller Ave

Legal Description

Belmont Subdivision #66

Parcel Number

6605127000

Deed Volume and Page Number

1184/404

Zoning District

R1

Existing use of property

Residential

Proposed use of property

Residential

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:

Construct 30x40 foot building along with a 5 foot distance to property lines on the north and east sides.

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.

05-31-2023

Date:

By:

Ryan Holmes

Status of Application

Filing Date

5-31-2023

Case Number

Hearing Date

Fee deposit

\$75.00

Date Paid

5-31-2023

Receipt Number

1573

Status of Board's Action

☐ Approved

☐ Denied

Attachment: BZA app Holmes (3842 : 2023-Bza-15)

Narrative statements

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

RA 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.

RA 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.

The variance I am requesting has two parts. The first part, I would prefer to erect my building as far back into my lot, inline with my existing driveway, as possible. The second part I would like to have a 1200sqft out building. As I understand the size of desired outbuilding is larger than zoning allows for an outbuilding, but not larger than what is allowed for an addition to the primary structure. I feel the outbuilding would look better and be more beneficial to me.

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

As long as my family has resided at this address I have been the primary income. Along with that, the majority of this time I have been the only income. This being said, I cannot afford to relocate to an area that has the building I would like. This property is my only option. I am a mechanic by trade, and am forced to ~~maintain~~ maintain my vehicles in a gravel driveway. I have several vehicles, motorcycles, jeeps, trucks, ~~and~~ and ATVs, ~~and~~ along with yard equipment I ~~was~~ would like to be able to store under cover.

RA 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.

RA 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

RA 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.

Attachment: Holmes narrative statement (3842 : 2023-Bza-15)



Lacie Blankenhorn <dsm@mountvernonohio.org>

proposed garage location

1 message

Ryan Holmes <ryanholmes67@gmail.com>

Tue, Jun 6, 2023 at 7:07 PM

To: Lacie Blankenhorn <dsm@mountvernonohio.org>

I wish to build a permanent structure (pole barn) for the use of a residential garage. I understand that the zoning asks that there be a minimum stand off from the property lines, however I feel that a variance is reasonable due to all my neighbors to my rear having fences, two of them tall privacy fences. I have spoke on the matter to my neighbor immediately north of me on my intentions and he stated he has no issue with me building it. As for the size, I would really prefer to erect a larger structure, however I feel that it may appear gaudy and have an opposite effect of what I wish to accomplish. I own several non commercial vehicles, 2 jeeps, 2 cars and a large pickup truck along with three motorcycles and several atvs. This sounds like a lot, it is, but is why I would like to have this structure, to have adequate storage and keep the neighborhood aesthetically pleasing. Also there have been a few instances where vehicles have been broken into and have affected my family directly over the years. As of the location of the structure, I believe the zoning allows me to build this garage if it were attached to the house, however I am unable to conceive a way to execute that without compromising the appearance of my property or the neighborhood. Attached is a draft of how the property would be layed out. Im not certain that the scale on the image properly translated throughout the property so I included measurements where I felt it was relevant. If you have any questions please feel free to contact me via email, phone or text @ (740)504-0596 thank you for your time



Ryan Holmes proposed garage layout.pdf

1226K

Attachment: eMail - proposed garage location (3842 : 2023-Bza-15)



**Knox County
Ohio, GIS
Sarah Thorne**

(<https://www.knoxcountyauditor.org/>)



I attempted to draw the building to scale using a ruler over the computer screen. I feel that my measurements were correct however they dont appear to translate perfectly.

Attachment: Ryan Holmes proposed garage layout (3842 : 2023-Bza-15)



20ft

2023-03-10

[Click here for Legal Disclaimer](#)



Board of Zoning Appeals Meeting: 08/02/23 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 # 3853)

DOC ID: 3853

**2023-BZA-18 : 521 E HAMTRAMCK ST - VARIANCES FOR ACCESSORY
 STRUCTURE SIZE & SIDE SETBACK**

Item Number	2023-BZA-18
Site Address	521 E Hamtramck ST
Parcel Number	66-06321.000
Zoning District	R-1
Presented By	Anthony Naylor & Laura LaBenne

Quick Guide to Codified Ordinance Sections (may not be inclusive):
 1160.02 Development Standards (R-1)
 1173.06 General Requirements (accessory structure)

Request: Build a 24' x 40' garage 3' from the west side property line.

COMMENTS - Current Meeting:

Naylor (sworn in) explained they have a 13' x 18' structure that he works on his racecar in. Percy clarified that the current structure is not attached to the house. Naylor said they also have a 7.5' x 11' temporary structure that holds their yard equipment. They plan to remove both accessory structure and replace them with a 24' x 40' garage in their place. It will be used to park his wife's car in, a bay to work on his car and then a shop area.

Percy asked if the variance is just for the size. Blankenhorn explained a variance for the requested 3' side setback is needed. Naylor said the existing structure is actually 4' from the side property line.

Holmes (sworn in) explained that is a coincidence that he and Naylor are there on the same day. Holmes has known Naylor for a while, as Holmes' father lives across the street from Naylor. Holmes said he is a good neighbor and that he keeps his property tidy. Holmes is confident the planned structure will increase the property value and improve the neighborhood.

Hillier (sworn in) said there is a 6' high wooden fence behind where the proposed structure would be located. If the fence stays, he doesn't think the 4' setback would be that big of a deal. He cautioned Naylor about being loud and disturbing the neighborhood.

Blankenhorn read the Staff Report: August 1, 2023 Case: 2023-BZA-18 521 E Hamtramck ST Parcel # 66-06321.000 Laura LaBenne & Anthony Naylor request variances for overall size of an accessory structure and side setback at 521 E Hamtramck ST. The request is for a 24' x 40' accessory structure to be located 3 feet from the West side property line. This 960 square feet proposed

structure is 74.88% of the size of the primary dwelling. Code currently allows accessory structures to be up to 35% of the size of the primary structure, while also requiring at least 1 enclosed parking space. There is currently an 18' x 12' accessory structure and a 7.5' x 11' yard shed on the property. The proposed structure would be placed where these structures are currently located. The proposed structure would not exceed lot coverage maximum regulations. The following similarly sized accessory structures are located within a block of the subject property: a 24' x 48' at 510 E Burgess ST; a 24' x 30' at 513 E Hamtramck ST; a 24' x 32' at 515 E Hamtramck ST; a 20' x 40' at 516 E Burgess ST with a 22' x 32' attached carport.

Percy asked Naylor about the reduced setback. Naylor explained they want the garage as far from the street as possible to look more tucked back in. The man door from the garage will align with the main door into the house. Percy confirmed that the 2 existing accessory structure will be removed from the property.

Cunningham made a motion to approve the request as presented.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Cynthia Cunningham, Member
SECONDER:	Tonya Boucher, Vice-Chairman
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

Laura LaBenne (Naylor) 521 east hamtramck st. 740-258-8389

Agent's Name, Address and Phone

Site Information

Site Address

521 East Hamtramck st

Legal Description

Parcel Number

66-06321.000

Deed Volume and Page Number

1534/1004

Zoning District

Existing use of property

Home

Proposed use of property

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:

Remove breezeway from application and build 24x40 garage in place of existing one.

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: 7/07/2023

By: Anthony Naylor (Husband)

Status of Application

Filing Date

7/07/2023

Case Number

Hearing Date

Fee deposit

\$100.00

Date Paid

Receipt Number

083508

Status of Board's Action

☐ Approved

☐ Denied

Attachment: BZA-Hearing-Application (3853 : 2023-Bza-18)

Narrative statements

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

 X 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.

 X 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.

I am asking for a property line allowance so i can use my existing garage a starting point to keep the structure as far from the road as possible.

I am also asking for an additional square footage allowance which is sized similar to other buildings within my immediate area.

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

I am looking to build a larger garage to store and maintain my rare 1978 datsun and 1993 mazda RX7. As of right now i have barely enough room for my tools and storage of 1 car which has incurred damage from working around. Any other cars i must work on in my driveway which my opinion looks bad for my house and my neighbors.

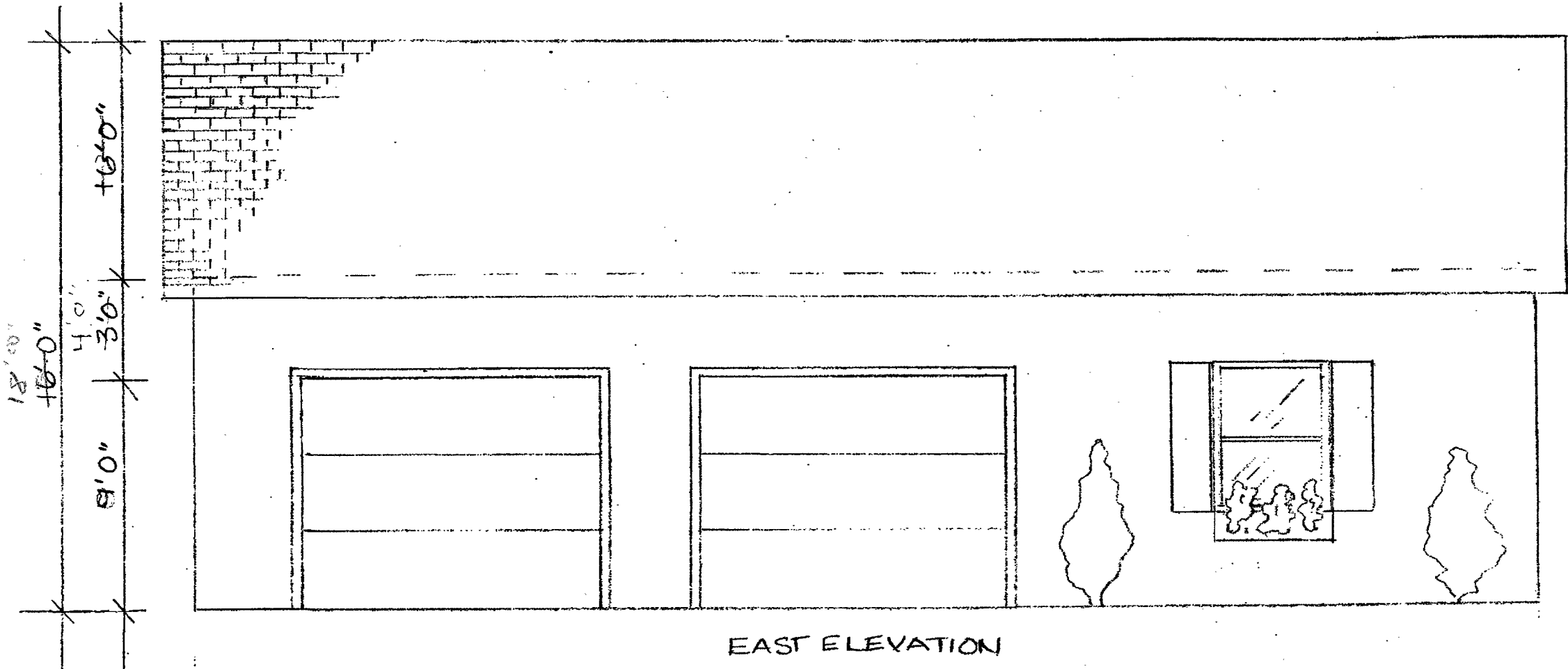
 X 5) The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.

 X 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.

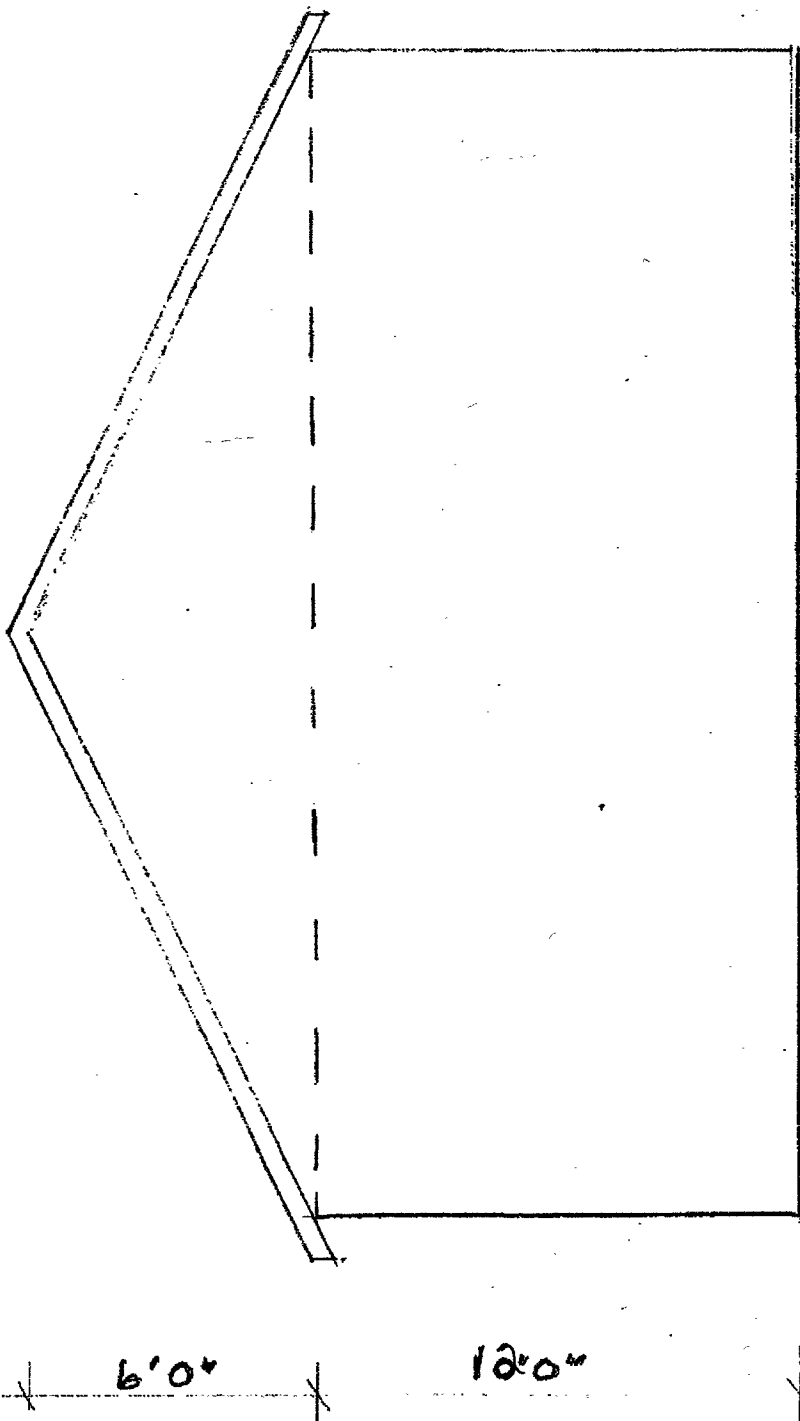
 X 7) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.



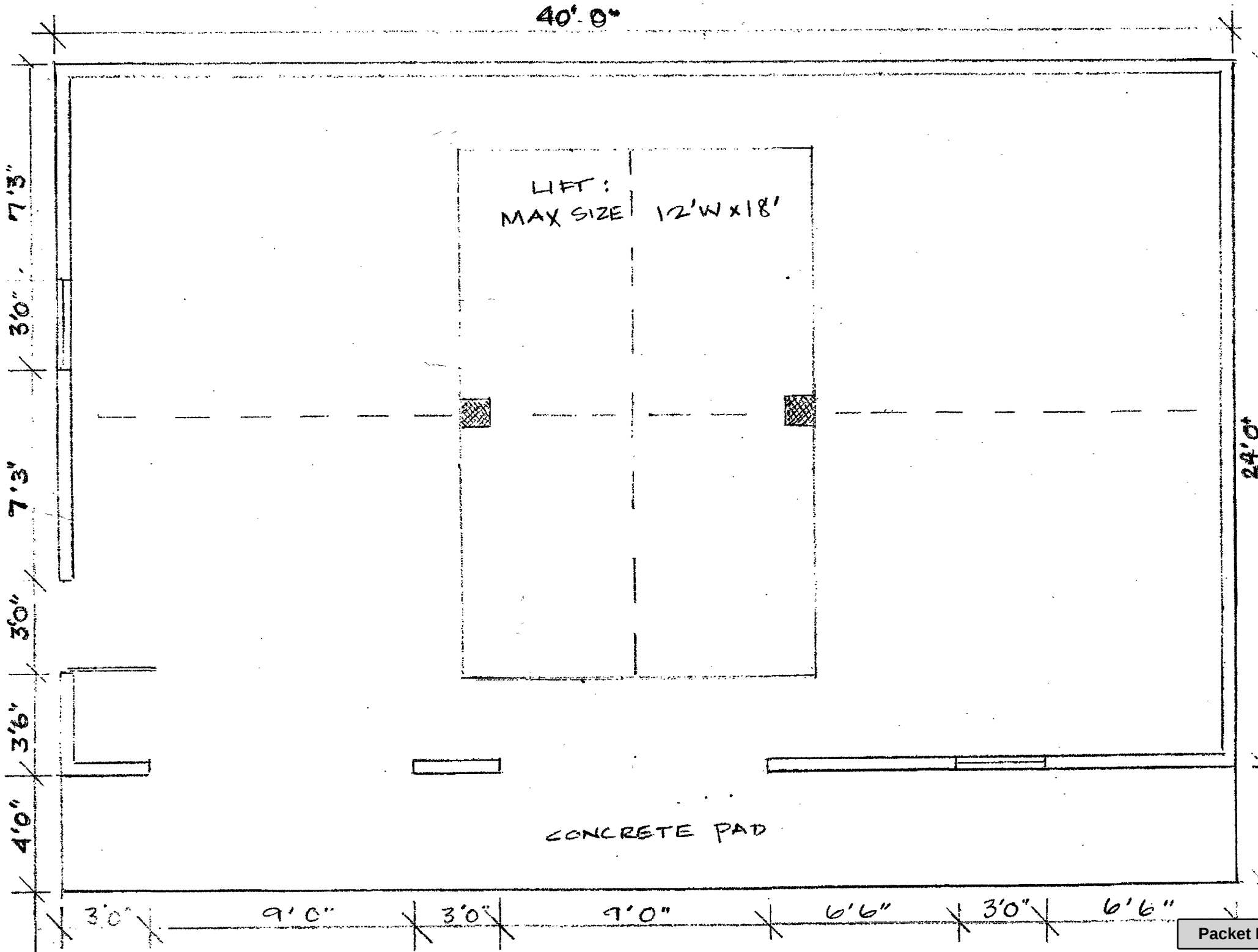
GARAGE SIZE 24' x 40'
WINDOWS 3'W x 4'H
DOOR 3'W x 6'8"H
GARAGE DOOR 9'W x 8'H
SCALE 1/4" = 1'0"



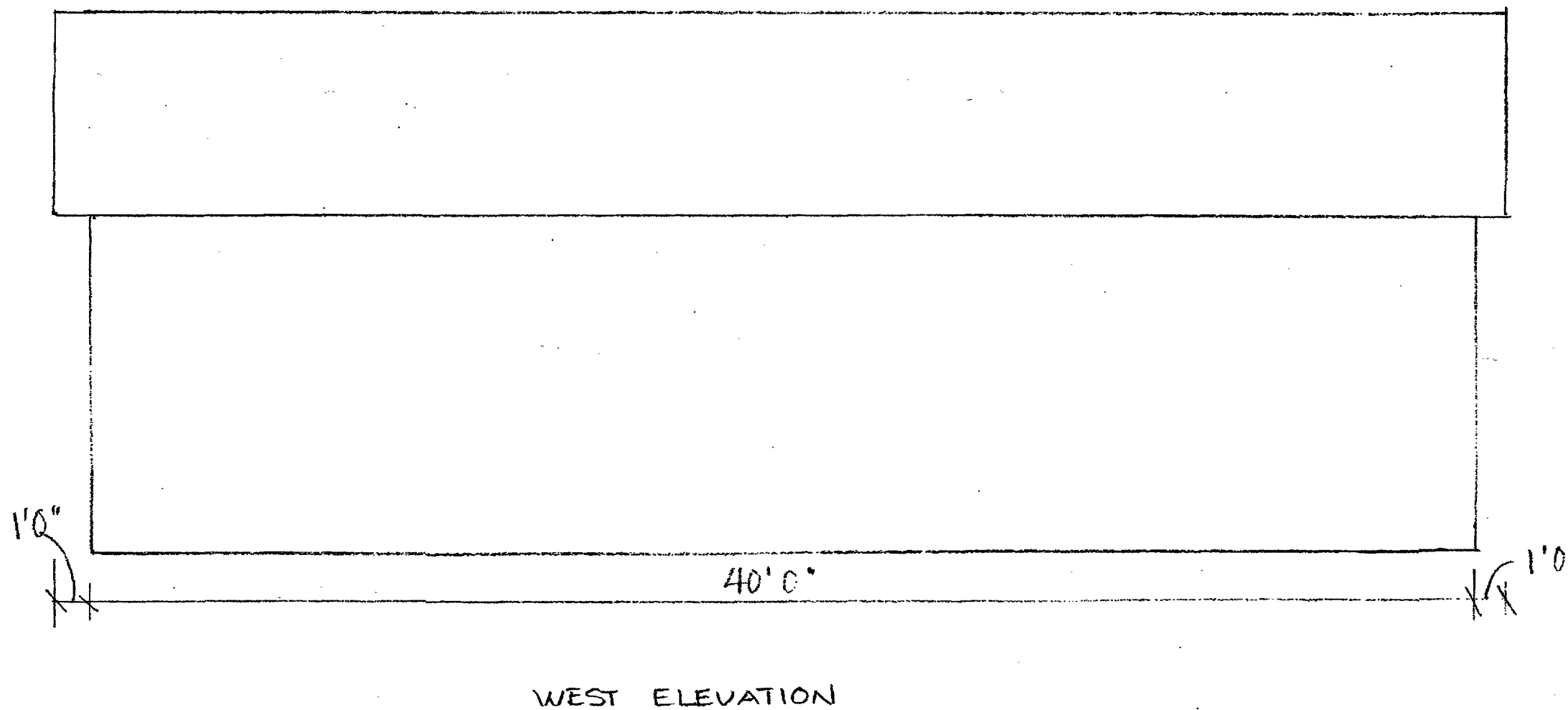
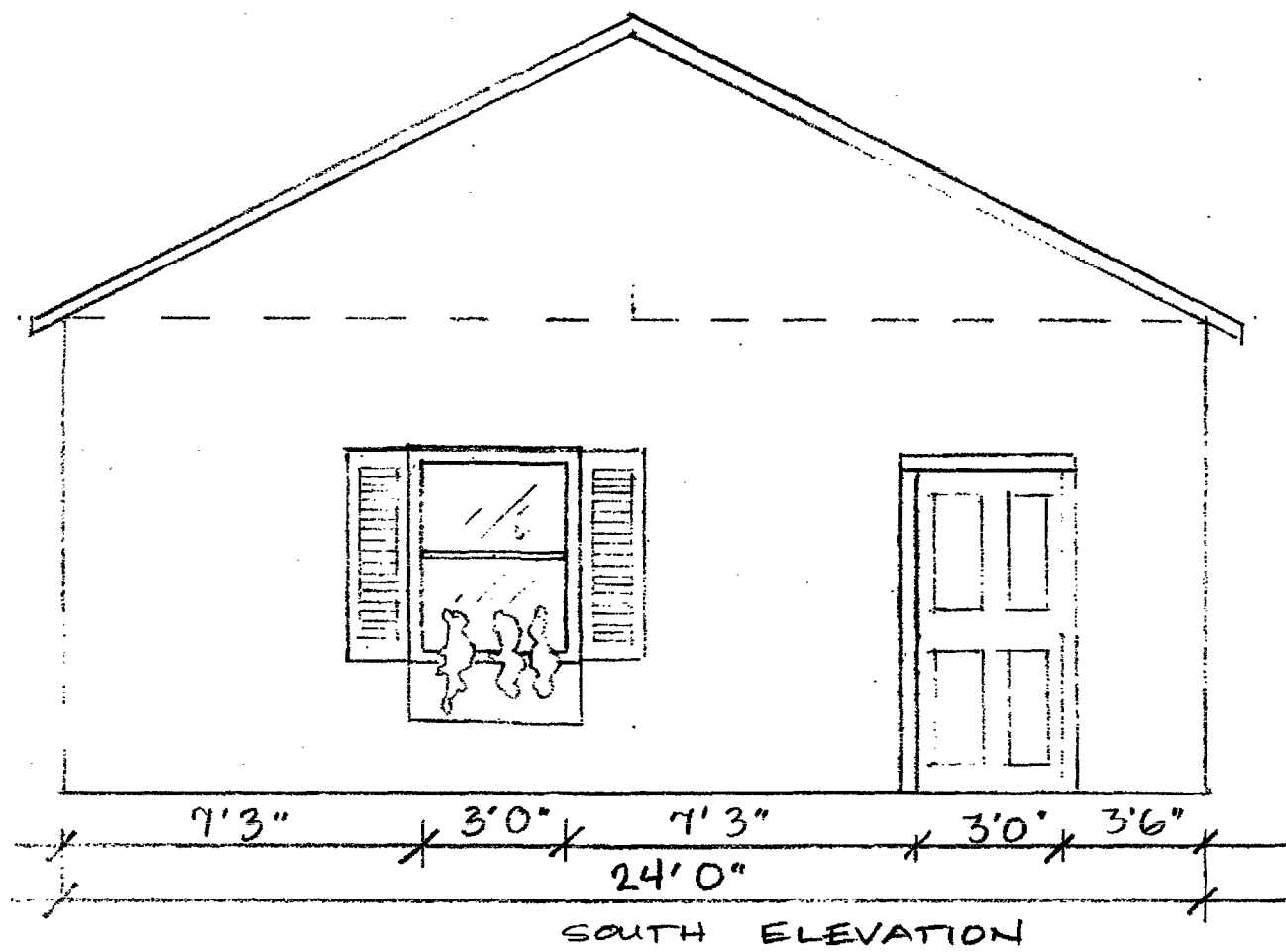
EAST ELEVATION



NORTH ELEVATION



CONCRETE PAD





Board of Zoning Appeals Meeting: 08/02/23 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 # 3854)

DOC ID: 3854

2023-BZA-19 : 1107 N MULBERRY ST - VARIANCE FOR FENCE HEIGHT

Item Number	2023-BZA-19
Site Address	1107 N Mulberry ST
Parcel Number	66-06369.000
Zoning District	R-1
Presented By	Linda Wilson

Quick Guide to Codified Ordinance Sections (may not be inclusive):
 1178.02 Regulations (Fences and Hedges)

Request: Keep a 16' long section of 10' tall/high fence

COMMENTS - Current Meeting:

Wilson (sworn in) explained she hired a fence contractor that said he would take care of the permit but he did not. She found out after the fact that a section of the fence is taller than allowed. She wanted to block the sight lines between her and the neighboring home. She described the run-down condition of the home next door. The tall fence provides privacy for both homes. There are 2 - 8' sections that are 10' tall. Wilson contacted the contractor about not obtaining a permit. The contractor then filed for a permit. The permit was denied because it was known that the fence exceeded Code regulations.

Brown (sworn in) is Wilson's next door neighbor so the south. He attested to the investment Wilson has made in her property making improvements. He does not have any problem with the fence. He thinks it is good for the neighborhood. He praised the recent improvements made by the City to the neighborhood. He thinks everything Wilson has done to her property has added to its value.

Hillier (sworn in) drove past the property and had to look for the fence. There is an eyesore next door. He believes this is an improvement to the property. He would like to see the fence approved.

Blankenhorn read the Staff Report: August 1, 2023 Case: 2023-BZA-19 1107 N Mulberry ST Parcel # 66-06369.000 Linda Wilson requests a variance for fence height to allow for a 10' high fence, 16' long near her north side property line. The fence was built without a permit by Kenyon Building Company. The fence connects to the back corner of the garage on the property and extends into the back yard 16' where it continues as a new 6' high fence. When the fence was constructed, the Property Maintenance Enforcement Officer mailed a violation notice to

Ms. Wilson. The contractor then applied for a Zoning Permit, stating the fence height was 6'. The application was denied, as the fence height was known to be higher than 6'. The property owner then applied for a variance through the Board of Zoning Appeals. There is no record of variances being approved for fences taller than 6'.

Simpson made a motion to approve the request as submitted.

RESULT:	ACCEPTED [4 TO 1]
MOVER:	Susie L. Simpson, Member
SECONDER:	Tonya Boucher, Vice-Chairman
AYES:	Susie L. Simpson, William Smith, Tonya Boucher, Cynthia Cunningham
NAYS:	Michael Percy
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 Linda Wilson 1107 N Mulberry St. Mt. Vernon Oh 43050 740 504 7781			
Agent's Name, Address and Phone			
Site Information			
Site Address 1107 N. Mulberry St. Mt. Vernon Oh 43050		Legal Description S 55° 50' 23 A	
Parcel Number 66-06369,000	Deed Volume and Page Number	Zoning District R1	
Existing use of property S/O Single family Dwg owner occupied		Proposed use of property same	
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 request to be able to keep a section of privacy fence higher than the rest to block out the eyesore that is visible from my backyard and provide privacy.			
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: 6/29/23		By: Linda Wilson	
Status of Application			
Filing Date		Case Number	
		Hearing Date	
		Fee deposit \$100.00 \$75.00	Date Paid 6/29/2023 CC
Status of Board's Action		Receipt Number	
☐ Approved ☐ Denied			

Attachment: Mulberry ST, 1107 N - Wilson BZA App RFS (3854 : 2023-Bza-19)

* 2023245

I have enclosed a picture of the previous old fence and the rotted addition to the house next to me that is visible over the old fence. The house next to me has been unoccupied for at least 6 years, it was a rental and hasn't been fit to be lived in since the last renters. The owner of the house states he is fixing the house up to sell and will put a deck on the back of the house. Anyone on the deck will be able to see over a 6 foot fence into my backyard, compromising my privacy. The contractor that I used said he would obtain the permit, but he did not and I wasn't aware until it was too late. I was fixing up my home for retirement and thought I would be able to be in my back yard without people looking over the fence at me, especially if they have parties on the deck. The fence looks very nice. It doesn't extend to the street, just the back yard. It is well off of the property line so I will be able to mow and maintain both sides of the fence. The owner of the home that is an eyesore from my back yard doesn't have a problem with it. It doesn't impair any light or air to the adjacent property. It is attractive and provides that property with privacy as well.

This request is very important to me so I can be in my backyard in peace during my retirement and watch the birds without neighbors watching me over the fence.

Thank you for your consideration,
Linda Wilson

Narrative statements

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

✓ 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.

✓ 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.

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

✓ 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.

✓ 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.

✓ 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



Attachment: Mulberry ST, 1107 N - Wilson BZA App RFS (3854 : 2023-Bza-19)

1107 N mulberry st

2023-03-10

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