



Board of Zoning Appeals

September 21, 2022

Board Meeting

Minutes

5:30 PM

CALL TO ORDER

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

Other in attendance: City Development Services Manager, Lacie Blankenhorn; City Law Director, P. Rob. Broeren; Pamela Smith; Ashley Smith; John Yoder; Kevin Mille; Patricia Ferenbaugh; et al

MINUTES APPROVAL

- Board of Zoning Appeals - Board Meeting - Sep 7, 2022 5:30 PM

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

BZA FILES

- 2022-BZA-30 : 200 S Rogers ST - Setback Variances for Single Family Dwelling

Miller (sworn in) explained the house he wants to build is 30' wide making the side setback 16' as opposed to the 20' required for the corner lot. The front setback requested is 14' instead of the Code required 30', to keep it more in line with the other homes in the neighborhood. The existing lot is 56' wide; substandard according to current Code requiring 80' for a corner lot in R-1. A detached garage meeting Code is planned on the rear of the lot.

A. Smith (sworn in) lives nearby the subject property. She spoke about the condition of the lot not being kempt after the last house was razed and before the current owners purchased it. The current owners have been keeping the lawn mowed. She wants to see a house built on the lot.

Yoder (sworn in) believes Kevin will do a great job with this house which will improve the community. He is in favor of it. He is the real estate agent for the property.

The staff report was read: September 20, 2022 Case: 2022-BZA-30 200 S Rogers ST, Parcel #66-03085.000 Kevin Miller of Stonewall Rentals, LLC requests variances to build a single-family dwelling in an R-1 District at 200 S Rogers ST, parcel #66-03085.000. Originally platted as lot #29 in the James Rogers Eastern Addition in 1872 as a 66' wide by 125' deep lot equaling 8,250 square feet. At some point in history 10' was split from the south side of the lot and combined with the neighboring lot #30, thus reducing the subject lot to a width of 56' and 7,000 square feet. The last home was razed in November of 2020. Current zoning requires a corner lot to be a minimum of 80' wide and 8,500 square feet. The substandard size of this lot presents a challenge to prospective developers to meet the current zoning regulations. Current zoning requires a single-family home to be 1,200 square feet plus a minimum 1 car garage. These original neighborhoods were not designed for 30 feet front setbacks, 20 feet exterior side setbacks on corner lots, or wider corner lots, as the current code calls for. A new build would look out of place in the neighborhood if it were setback 30' from the front property line. Meeting the 20' exterior side setback would reduce the square footage of the home, possibly making it less desirable for families to live in. The house to the south at 202 S Rogers ST is approximately 11 feet from the front (Rogers ST) property line. The proposed house will set further from the front property line at approximately 14 feet. The house to the west at 201 S Rogers ST is approximately 11 feet from the front (Rogers ST) property line and 6 feet from the side (Oak ST) property line. The proposed house will set further from the Oak ST side property line at approximately 16 feet. The City is in desperate need of housing. Generally speaking, infill development is more widely accepted versus sprawling development on previously undeveloped land. The zoning staff supports this request. Pictures of the neighboring lots are provided. Cunningham made a motion to accept the variance request with a 14' front setback, 16' side setback, and developing a substandard sized lot.

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

- 2022-BZA-31 : 103 Oakway Dr- Front Setback Variance for Deck

P. Ferenbaugh (sworn in) explained she would like to tear down the existing handicap ramp on the front of the home that is falling apart and put up a new deck. She would like to leave 9 feet of the existing structure. She plans to remove half of the ramp to reduce the depth, thus increasing the setback from the road. She would then extend the deck 10' across the front of the home. The proposed setback will be 22'.

There was no one else to speak about the request.

The Staff Report was read: September 20, 2022 Case: 2022-BZA-31 103 Oakway DR, Parcel #66-06334.000 Patricia Ferenbaugh requests a variance to the 30 feet front setback requirement to change the accessory structure on the front of her home at 103 Oakway DR. There is currently a wood handicap ramp with the same proposed setback of 22 feet. (It was determined during the meeting, the existing structure is closer to the road.) There is no record of a permit for the handicap ramp. This home is located on a quiet street with limited traffic at slow speeds. The reduced setback of the existing handicap ramp has not caused any noted safety issues for the general public. The home across the street at 104 Oakway DR was granted a variance in August 2021 for a 7 feet by 12 feet front porch extending 25.4 feet from the front property line. The house on the corner of Oakway DR and North Mulberry Street has a privacy fence that sets 20 feet from their side property line, as permitted by Code. This fence sets closer to Oakway DR than the propose accessory structure. A picture is provided below. The Zoning Staff supports this request to reconfigure the accessory structure on the front of this home.

Cunningham made a motion to approve the request as presented.

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

ADJOURN

- Adjourn Motion

Boucher made a motion to adjourn the meeting, Smith seconded and the meeting was adjourned at 5:51 PM

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



Board of Zoning Appeals Meeting: 09/21/22 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 # 3648)

DOC ID: 3648

2022-BZA-30 : 200 S ROGERS ST - SETBACK VARIANCES FOR SINGLE FAMILY DWELLING

Item Number	2022-BZA-30
Site Address	200 S Rogers ST
Parcel Number	66-03085.000
Zoning District	R-1
Presented By	Kevin Miller, Stonewall Rentals LLC

Quick Guide to Codified Ordinance Sections (may not be inclusive):
 1160.02 Development Standards (R-1)
 1154.05(a) Nonconforming Lots of Record
 1173.17 Setback Requirements for Corner Buildings

Request: Construct a single-family dwelling on an existing substandard corner lot.

COMMENTS - Current Meeting:

Miller (sworn in) explained the house he wants to build is 30' wide making the side setback 16' as opposed to the 20' required for the corner lot. The front setback requested is 14' instead of the Code required 30', to keep it more in line with the other homes in the neighborhood. The existing lot is 56' wide; substandard according to current Code requiring 80' for a corner lot in R-1. A detached garage meeting Code is planned on the rear of the lot.

A. Smith (sworn in) lives nearby the subject property. She spoke about the condition of the lot not being kempt after the last house was razed and before the current owners purchased it. The current owners have been keeping the lawn mowed. She wants to see a house built on the lot.

Yoder (sworn in) believes Kevin will do a great job with this house which will improve the community. He is in favor of it. He is the real estate agent for the property.

The staff report was read: September 20, 2022 Case: 2022-BZA-30 200 S Rogers ST, Parcel #66-03085.000 Kevin Miller of Stonewall Rentals, LLC requests variances to build a single-family dwelling in an R-1 District at 200 S Rogers ST, parcel #66-03085.000. Originally platted as lot #29 in the James Rogers Eastern Addition in 1872 as a 66' wide by 125' deep lot equaling 8,250 square feet. At some point in history 10' was split from the south side of the lot and combined with the neighboring lot #30, thus reducing the subject lot to a width of 56' and 7,000 square

feet. The last home was razed in November of 2020. Current zoning requires a corner lot to be a minimum of 80' wide and 8,500 square feet. The substandard size of this lot presents a challenge to prospective developers to meet the current zoning regulations. Current zoning requires a single-family home to be 1,200 square feet plus a minimum 1 car garage. These original neighborhoods were not designed for 30 feet front setbacks, 20 feet exterior side setbacks on corner lots, or wider corner lots, as the current code calls for. A new build would look out of place in the neighborhood if it were setback 30' from the front property line. Meeting the 20' exterior side setback would reduce the square footage of the home, possibly making it less desirable for families to live in. The house to the south at 202 S Rogers ST is approximately 11 feet from the front (Rogers ST) property line. The proposed house will set further from the front property line at approximately 14 feet. The house to the west at 201 S Rogers ST is approximately 11 feet from the front (Rogers ST) property line and 6 feet from the side (Oak ST) property line. The proposed house will set further from the Oak ST side property line at approximately 16 feet. The City is in desperate need of housing. Generally speaking, infill development is more widely accepted versus sprawling development on previously undeveloped land. The zoning staff supports this request. Pictures of the neighboring lots are provided.

Cunningham made a motion to accept the variance request with a 14' front setback, 16' side setback, and developing a substandard sized lot.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Cynthia Cunningham, Vice-Chairman
SECONDER:	Tonya Boucher, Member
AYES:	Michael Percy, William Smith, Tonya Boucher, Cynthia Cunningham
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 Stonewall Rentals, LLC			
Agent's Name, Address and Phone Kevin Miller, 25745 Twp Rd 111, Warsaw, C			
Site Information			
Site Address 200 S Rogers St.		Legal Description 740-562-4542 43844	
Parcel Number 66-03085.000	Deed Volume and Page Number	Zoning District R1	
Existing use of property Single Family		Proposed use of property Single family	
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 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: 7/18/22		By:	
Status of Application			
Filing Date 08/25/2022		Case Number 2022-BZA-30	
		Hearing Date September 21, 2022	
Fee deposit \$75.00		Date Paid 07/22/2022	Receipt Number 1070
Status of Board's Action ☐ Approved ☐ Denied			

Attachment: 2022-BZA-30 Application Packet (3648 : 2022-Bza-30)

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.

I need to be able to put a 30' wide house on a 56' corner lot
I think I need 16' from the ^{street} corner instead of 20'
So in the end I would be 10' off the neighbor property
on 16' off the street corner

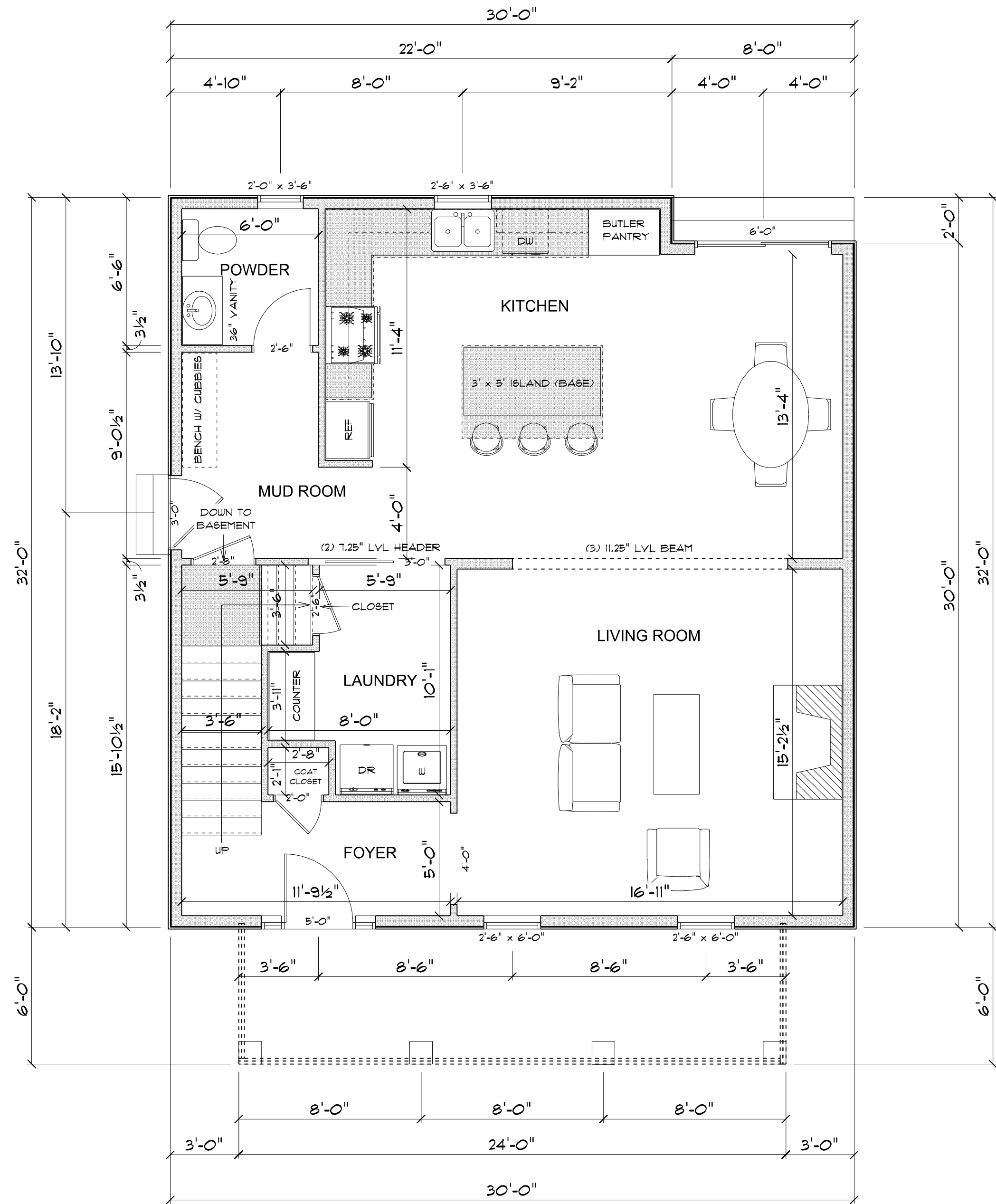
4) Explain the proof of hardship created by the strict application of this Zoning Ordinance.

I want be able to build a 30' wide house
on this corner lot with 20' set backs off the
street

✓ 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.

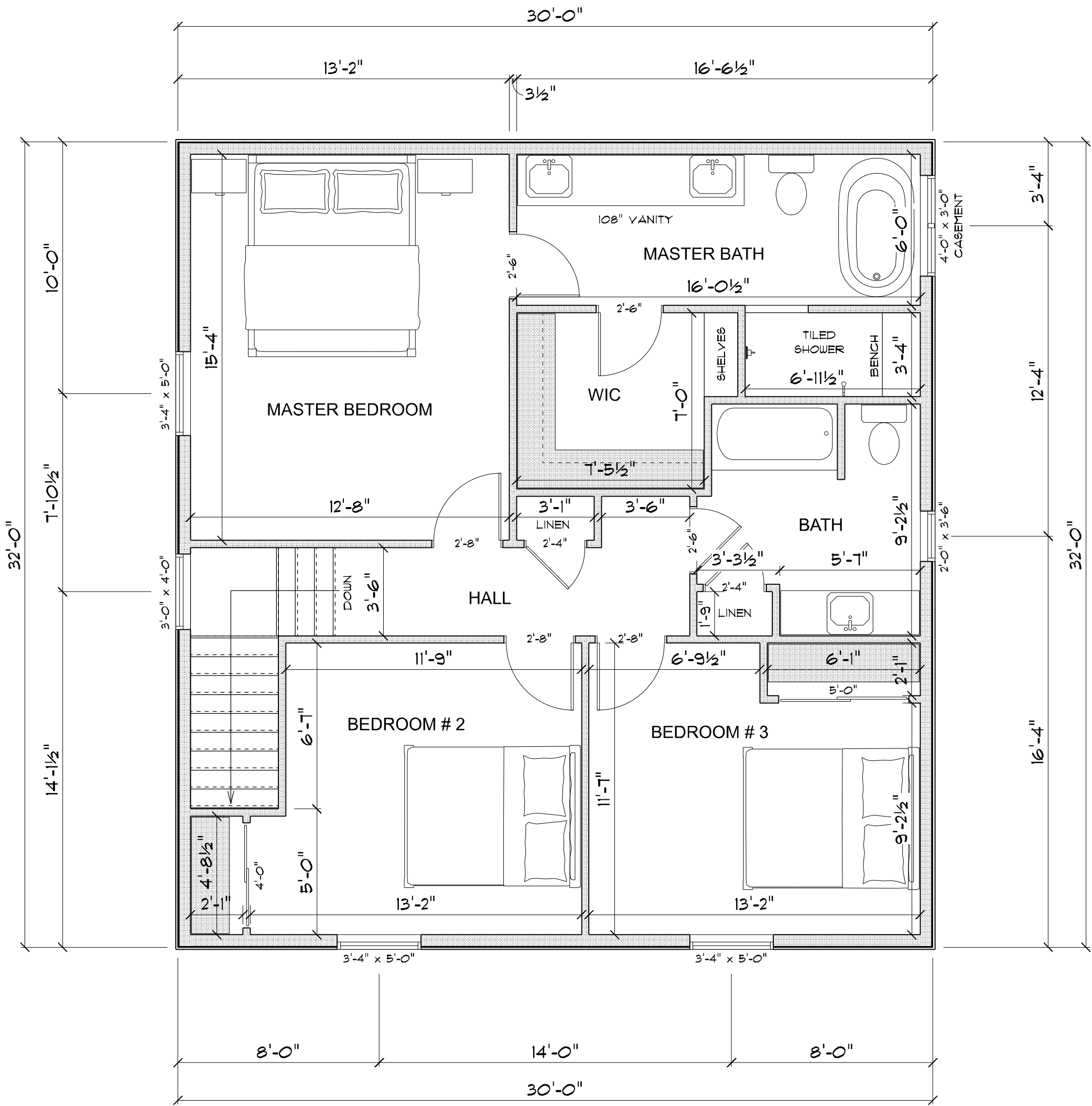
✓ 6) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

✓ 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.



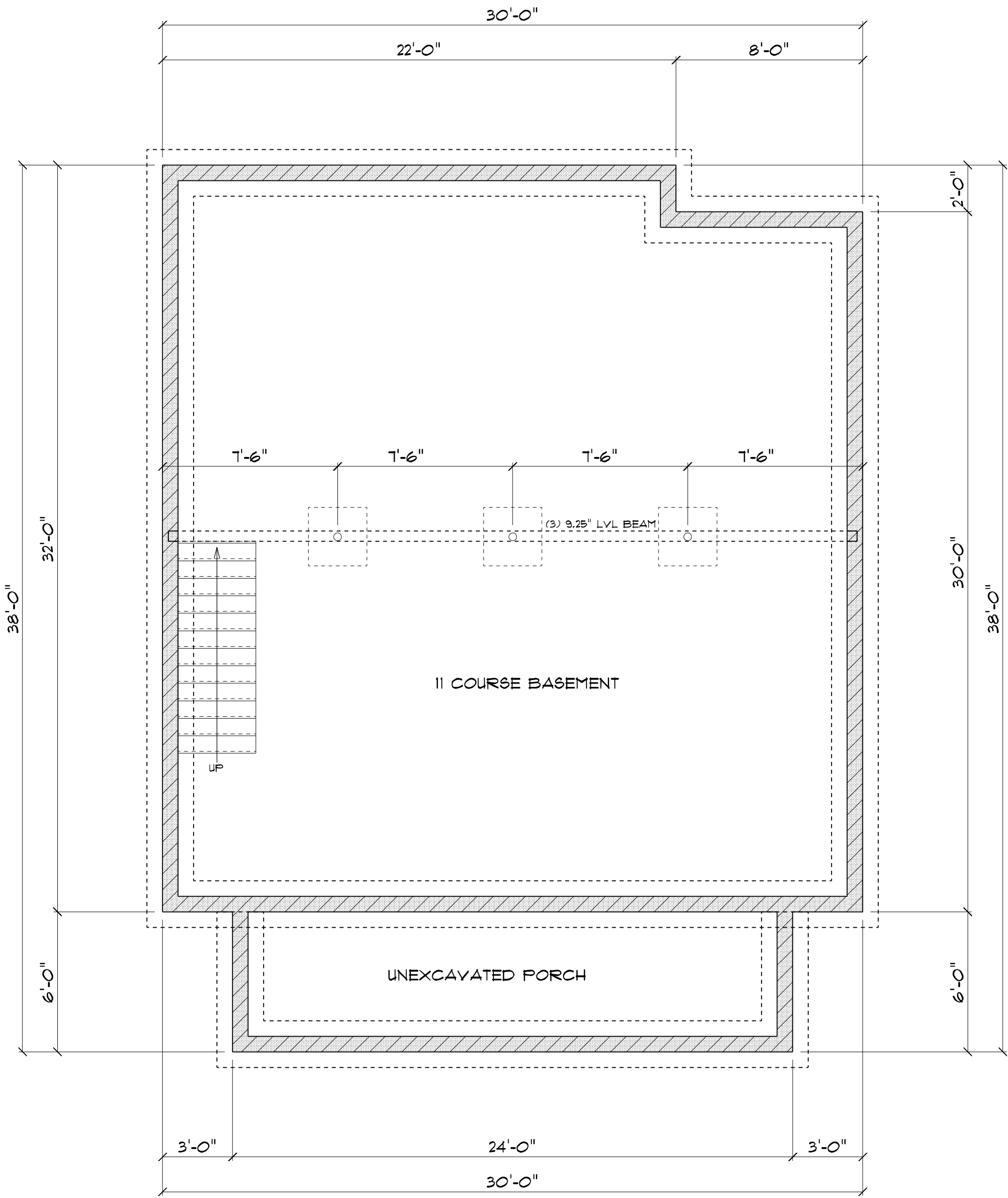
MAIN FLOOR
SCALE: 1/4" = 1'-0"

Kevin Miller	CREATIVE DRAFTING LLC  Mervin: (330) 465-0571 Wendall: (330) 641-1738 email: hiltycreative@gmail.com	These drawings are for drafting purposes only. contractor/ builder shall be responsible to ensure that all materials and workmanship be in accordance to all Ohio residential building codes. All measurements may vary. Creative Drafting LLC will not accept any responsibility.		
		DRAWN BY: WENDALL HILTY	PAGE: 1/3	MAIN FLOOR
		SCALE: 1/4" = 1'-0"		
		DATE: 6/1/2022		



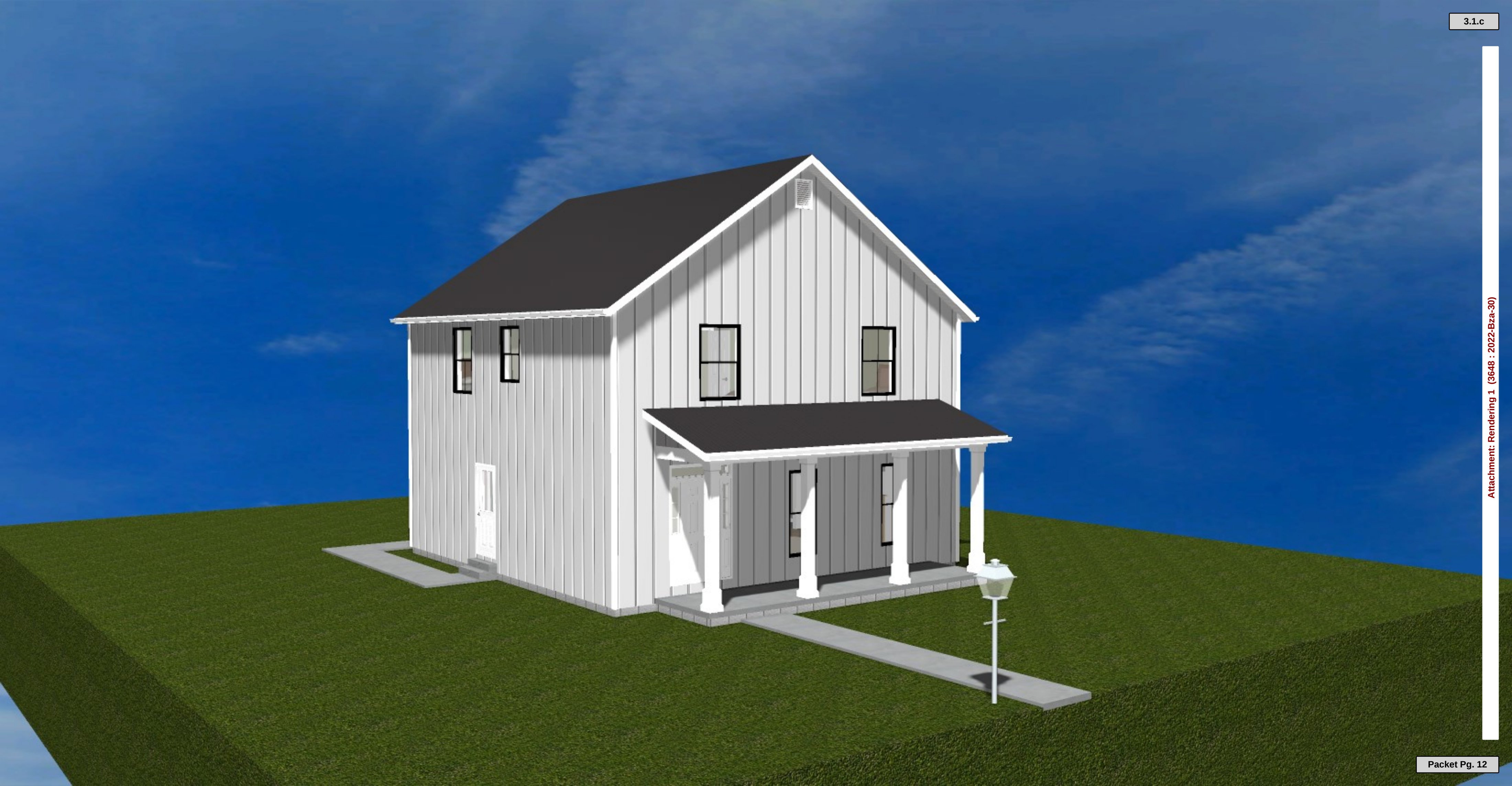
SECOND FLOOR
SCALE: 1/4" = 1'-0"

Kevin Miller	CREATIVE DRAFTING LLC  Mervin: (330) 465-0571 Wendall: (330) 641-1738 email: hiltycreative@gmail.com	These drawings are for drafting purposes only. contractor/ builder shall be responsible to ensure that all materials and workmanship be in accordance to all Ohio residential building codes. All measurements may vary. Creative Drafting LLC will not accept any responsibility.	DRAWN BY: WENDALL HILTY	PAGE: 2 / 3	SECOND FLOOR
			SCALE: 1/4" = 1'-0"		
			DATE: 6/1/2022		



BASEMENT
SCALE: 1/4" = 1'-0"

Kevin Miller	CREATIVE DRAFTING LLC  Mervin: (330) 465-0571 Wendall: (330) 641-1738 email: hiltcreative@gmail.com	These drawings are for drafting purposes only. contractor/ builder shall be responsible to ensure that all materials and workmanship be in accordance to all Ohio residential building codes. All measurements may vary. Creative Drafting LLC will not accept any responsibility.	DRAWN BY: WENDALL HILTY	
			SCALE: 1/4" = 1'-0"	
			DATE: 6/1/2022	
		PAGE: 3/3		BASEMENT











Board of Zoning Appeals Meeting: 09/21/22 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 # 3649)

DOC ID: 3649

2022-BZA-31 : 103 OAKWAY DR- FRONT SETBACK VARIANCE FOR DECK

Item Number	2022-BZA-31
Site Address	103 Oakway DR
Parcel Number	66-06334.000
Zoning District	R-1
Presented By	Patricia Ferenbaugh

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

Request: Replace a portion of the existing ramp with a deck on front of home with a 22' setback

COMMENTS - Current Meeting:

P. Ferenbaugh (sworn in) explained she would like to tear down the existing handicap ramp on the front of the home that is falling apart and put up a new deck. She would like to leave 9 feet of the existing structure. She plans to remove half of the ramp to reduce the depth, thus increasing the setback from the road. She would then extend the deck 10' across the front of the home. The proposed setback will be 22'.

There was no one else to speak about the request.

The Staff Report was read: September 20, 2022 Case: 2022-BZA-31 103 Oakway DR, Parcel #66-06334.000 Patricia Ferenbaugh requests a variance to the 30 feet front setback requirement to change the accessory structure on the front of her home at 103 Oakway DR. There is currently a wood handicap ramp with the same proposed setback of 22 feet. (It was determined during the meeting, the existing structure is closer to the road.) There is no record of a permit for the handicap ramp. This home is located on a quiet street with limited traffic at slow speeds. The reduced setback of the existing handicap ramp has not caused any noted safety issues for the general public. The home across the street at 104 Oakway DR was granted a variance in August 2021 for a 7 feet by 12 feet front porch extending 25.4 feet from the front property line. The house on the corner of Oakway DR and North Mulberry Street has a privacy fence that sets 20 feet from their side property line, as permitted by Code. This fence sets closer to Oakway DR than the propose accessory structure. A picture is provided below. The Zoning Staff supports this request to reconfigure the accessory structure on the front of this home.

Cunningham made a motion to approve the request as presented.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Cynthia Cunningham, Vice-Chairman
SECONDER:	Tonya Boucher, Member
AYES:	Michael Percy, William Smith, Tonya Boucher, Cynthia Cunningham
EXCUSED:	Susie L. Simpson, Otho Eyster, Kate Aryanata

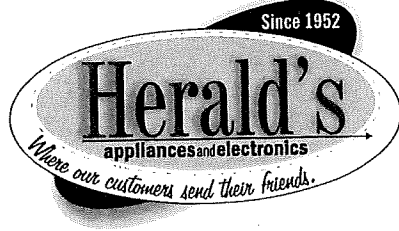


City of Mount Vernon, Ohio
Board of Zoning Appeals

Request for Hearing

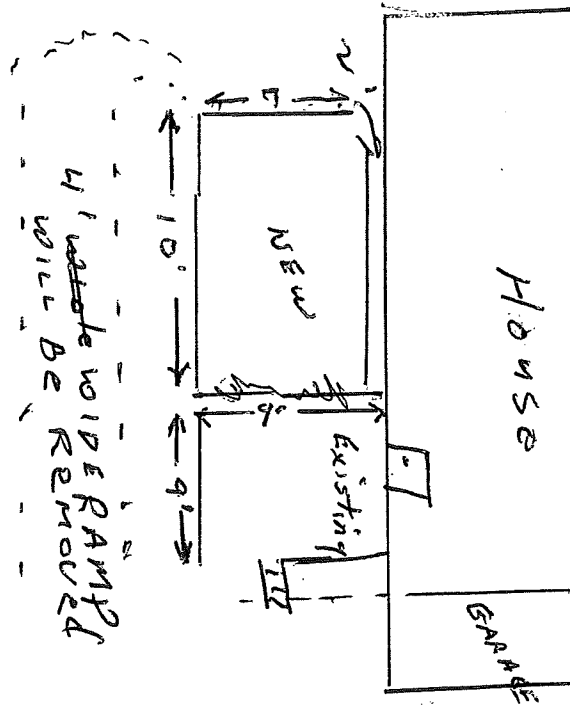
Applicant's Information			
Owner's Name, Address and Phone <i>Patricia Ferenbaugh - 3490 Rangeline Rd Mt. V 43050</i>			
Agent's Name, Address and Phone <i>740-507-856</i>			
Site Information			
Site Address <i>103 OAKWAY</i>		Legal Description	
Parcel Number <i>17</i> <i>Attached</i>	Deed Volume and Page Number	Zoning District	
Existing use of property <i>Tenante</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>Remove Handicap Ramp and replace part of it with a deck. Ramp comes out 13' + 4' would be tore down leaving 9' of skirting. Length would be increased by 10' Width would be decreased by 4' TOTAL-9x19</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>9-2-22</i>		By: <i>Patricia K Ferenbaugh</i>	
Status of Application			
Filing Date <i>08/30/2022</i>		Case Number <i>2022-BZA-31</i>	
		Hearing Date <i>September 21, 2022</i>	
Fee deposit <i>\$75.00</i>		Date Paid <i>9/2/2022</i>	Receipt Number <i>CR# 1145</i>
Status of Board's Action ☐ Approved ☐ Denied			

Attachment: 2022-BZA-31 Application Packet (3649 : 2022-Bza-31)



22' to
FRONT
MARKER

BACK
NEW - 9x10
TOTAL 9x19





Knox County Ohio, GIS
Jonette Curry

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



Attachment: 2022-BZA-31 Application Packet (3649 : 2022-Bza-31)



20ft
2021-09-28

Take out 4' section width of ramp
Add 10' in length

[Click here for Legal Disclaimer](#)

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.

nails popping up, planks bowed up and are loose. Railing has rotten wood areas. Our contractor reports on repairable - needs replaced.

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

The handicap ramp has rotten wood planks that are coming loose. Nails & planks are popping up. The tenant reports deck is very slippery when raining/frost/snowing. We have several products to make ramp less slippery as the home owner. This ramp is very dangerous to tenant and their guest.

_____ 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.