



Board of Zoning Appeals
Board Meeting

Minutes

October 19, 2022
5:30 PM

CALL TO ORDER

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

Others in Attendance: City Development Services Manager, Lacie Blankenhorn; City Law Director, P. Rob. Broeren; Mike Hillier; Rebecca Mott; Nathan Anderson; Brandie Daniels-Anderson; Larry Splain; Cheryl Splain; Sam Barone; Don Carr; Chris Hanna

MINUTES APPROVAL

- Board of Zoning Appeals - Board Meeting - Sep 21, 2022 5:30 PM

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

BZA FILES

- 2022-BZA-32 : 301 N Mulberry ST - Conditional Use Permit & Variances for Multi-Family Complex

The Board choose to handle part of the request as a renewal of previously issued approvals from the BZA: A Conditional Use Permit for Residential in an NC District; a Variance for Maximum Building Height with the Garden Apartments (2) up to 45' and the townhouse structure up to 35'; a Variance for Maximum Square Footage with the Garden Apartment Structures (2) up to 25,500 sf and the Townhouse Structure up to 8,250 sf; and a Variance for the Minimum Number of Parking Spaces at 1.88 per dwelling unit.

Mott (sworn in) reviewed the request with the Board. The aforementioned Conditional Use Permit & Variances were granted in February 2021. The request cites §1164.01(b)(1) stating Residential, as determined compatible with other uses in the area, utilizing structures existing at the time of passage of this Zoning Ordinance is a Conditional Use in the NC District. The applicant proposes to develop 102 multi-family

residential dwelling units utilizing the buildings shown on the site plan.

Smith asked about the funding for the property and the ability to obtain a loan since the original request to the BZA was submitted in 2019 and the development has not progressed since. He asked if there is anything going on with the property.

Mott said there was a demolition permit issued in 2021. Parts of the building have been demolished as planned. There are plans drawn up for construction. There is movement.

Smith asked if any action is anticipated on completing the project. Mott said absolutely. She said the plan is to start after the BZA requests are approved. Smith explained the property has been a hassle for many years and he wants assurance that something will be done. He asked Mott if she assures the BZA that the variances are necessary because they are actually going to do something. Mott responded, absolutely. The land use entitlements are absolutely necessary to build the plan as committed to in the application. They are committing to that plan and her client wants to start.

Boucher asked about the mention of lending is application has already been made for funding and the BZA approvals are a pending condition for moving the loan forward. Mott said no. A lot split request will be made so separate the new build area from the existing structure to be renovated. They will seek a lot split to allow for lending to be on specific areas and types of construction on the property.

There was no one else in attendance to speak to the request. An email was read for the record that was sent to the DSM from Bill & Debi Fry, property owners at 303 N Main ST. Blankenhorn explained they were recipients of the mailing that was sent out for this case as their property is within the 300 feet radius requiring notification for a Conditional Use Permit request. Hi Lacie, we are currently on vacation but would like to be included in this evening's meeting for the old Middle School building. Due to the current housing situation in our community, we do support and would like to see the building be used for housing purposes although our concern is that the building has sat for some time and has become an eyesore in addition to a hazard by its vacancy and current status. Our community currently has a homelessness problem and many of the areas homeless folks view the building as a shelter option. Additionally, those of us who are attempting to improve the area have properties in the neighborhood that value of our properties is directly affected by the Middle School property in a negative manner. We do support the housing efforts and housing use of the building only if this process is going to go into effect in a timely manner. If it's not going to take place in the very near future, we would like to see the building demolished due to its current status. Thank you, Bill and Debi Fry

There was not a staff report.

Boucher made a motion to renew the previously granted Conditional Use Permit and Variances. This does not include the existing school building.

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

- approve maximum height & square footage in the existing structure to be converted to residential

For lending purposes, a formal request for Variances involving the height and square footage of the existing former school structure was submitted. Lenders do not like to lend money on legal nonconforming statuses; therefore, the request is for variances to exceed the maximum height and square footage set forth in the Code. The structure exists at 50' tall and will be approximately 50,000 sf. Mott cited the County Comprehensive Plan conveying the need for affordable housing. This site will create a variety of housing stock. A landscape entrance feature will be created. Circulation and maneuverability were mentioned. They believe they meet the 7 factors practical difficulty test outlined in the application.

Hillier (sworn in) drew attending to agenda packet page 4. Mott mentioned vehicle entrances to the property but they do not match the narrative. The narrative states 1 vehicle access point on West Burgess ST and 2 on

North Mulberry. It doesn't mention Hamtramck ST. Mott said it is on the site plan. Hillier went on to say Mr. Mazza is on record with Mount Vernon City Council saying shovels will be in the ground before the end of the year.

There was no further input.

Boucher made a motion to approve.

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

- approve 0' pavement setback along proposed lot split

Mott explained the reasoning for the new request for a Variance for a zero feet setback of pavement from a property line. They plan to request a lot split that will be through the middle of the proposed parking lot which would then create a zero feet setback of the proposed pavement. The lot split will carve out 2 separate parcels. The explained the lot line will be invisible at the site. There will be a cross access easement established in case either property would be sold to a separate owner.

Broeren said the easements will need to be established before the split can be approved.

Mott explained no modifications have been made to the plan to incorporate the proposed lot line. It is simply a technical approval.

Blankenhorn clarified, approval of this Variance request does not approve the lot split. A request will need to be made to the Municipal Planning Commission to approve the proposed lot split.

There was no further input.

Simpson made a motion to approve.

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

- 2022-BZA-33 : 206 N Park ST - Variance for Accessory Structure

Hanna (sworn in) explained he has a 20' x 24' accessory structure that was built in 1955 at the bottom of a hill. Heavy rains flood it. The doors on it are not big enough to enable an automobile to be parked in it. He would like to build a new garage in a size that will hold the vehicles that they own.

Cunningham asked how big the house is. Hanna responded 2,300 sf. Smith added the proposed structure is 1,500 sf. Cunningham said proposed setbacks meet the Code requirements.

Blankenhorn explained the Code limits the size of an accessory structure to be 35% or less of the gross floor area of the primary use. The applicant's home is 2,218 sf. 35% of that is 776.3 sf which is approximately 24' x 32'. The request is for a 30' x 50' structure which exceeds the 35% regulation. The request is 67.63% of the size of the primary structure.

Carr (sworn in) commented that City Council is responsible for approving Zoning Codes. The intent is to create and control orderly and consistent development within the City. He cited §1160.02 New Development Standards for R-1 single family minimum standards. He further cited §1173.06 that allows for a structure to be up to 35% of the gross area of the house. As determined with the Auditor's report, it appears the gross square footage is 2,218. He stated an accessory building is one that serves the house on the lot and is subordinate to the house in size. He thinks the intent of what City Council wrote is that they don't want to see

garages and sheds and storage units that overpower the house that the lot sits on. He provided a list of calculations to the Board showing percentage increases above the allowed 776 sf. Carr guesses that 1,500 sf of garage represents about 70% of the number of 1-story ranch home in Mount Vernon. He further stated 1,500 sf is larger than many homes that were built in 1960. He described square footages of other houses around the City comparing them to the size of the proposed garage. He recalled a past BZA case that requested a garage 71% than allowed by Code. The Board agreed to garage that would be 11% larger than permitted by Code. Carr thinks it's difficult to suggest this house should have a new garage that is 3 times larger than the current garage on the property. He went on to say if the request is approved as presented the structure will be 94% larger than what City Council thought and approved as acceptable in Mount Vernon. He described the requested size as excessive and said he hopes it is denied. Carr said the Board has the power to approve anything below the requested size.

Hillier - said the subject property is in his neighborhood. Hanna has one of the better kept properties on the street. The condition of Hanna's existing garage and others on the alley warrant being torn down. Hillier would like to see a compromise between the Board and Hanna, not an outright denial. Hillier thinks a new garage will be an improvement to the property.

Simpson suggested 1,080 sf as a standard pole barn size and asked Hanna if he was willing to compromise on a smaller size. Hanna said yes. He needs a garage to store his camper in which requires 32'. He would like to park 2 other vehicles in the garage. He basically needs a 3-car garage that is 32' feet fit those 3 items. He would like to maximize the size to fit his lawn mower as well.

Blankenhorn calculated 1,080 sf to be a 30' x 36' structure. There was discussion about orientation. The drawing on the application was referenced to try to maintain Hanna's request for a 30' depth.

The staff report was read: October 19, 2022 Case: 2022-BZA-33 206 N Park ST, Parcel #66-02247.000 Chris Hanna requests a variance to Code §1173.06(a) stating an accessory structure shall be 35% or less of the gross floor area of the principal use or structure. The principal use is 2,218 sf which would provide for a 776.3 sf (approximately 24' x 32') accessory structure. The proposed structure would replace the existing 20' x 24' = 480 sf structure that the owner deems not functional for their needs such as storing dirt bikes, ATV's, automobiles, household maintenance equipment, and other general household storage.

- The proposed structure is 30' x 50' = 1,500 sf.
- The lot provides enough area to situate the proposed structure the permitted distance from the property lines, a minimum of 5'.
- The proposed size allows the property to stay under the maximum coverage ratio of 35%.
- The proposed height meets Code requirements.
- The proposed structure provides Code required off-street parking, which is currently not available.

Code and Size information:

1176.03(a) allows a 2,218-sf home to have a 776.3 sf accessory structure.

1160.02(c)(1) requires at least 2 off-street parking spaces, 1 of which must be enclosed.

1173.14 requires automotive vehicles without current license plates to be stored in a completely enclosed building. This section also mentions storage of recreational vehicles which the applicant mentioned in testimony as him owning.

1155.21(h) allows a variance to increase the maximum gross floor area of any use limited by applicable regulations, but generally not more than 25%.

- 776.3 sf x 25% increase = 194.0750 sf increase

- 776.3 sf + 194.0750 sf increase = 970.375 sf (30' x 32.3458') or 43.75% of the size of the primary structure

The proposed 1,500 sf structure is 67.63% of the size of the primary structure.

Smith asked the applicant would consider the Board granting him an additional 25% which would be 970 sf. Hanna said we discussed 36' x 30' earlier. That will work. A 30' x 32' structure would be difficult to fit everything. The Board continued to look at calculations. Simpson believed the calculations provided by Carr were incorrect and suggested following the Staff Report.

Broeren said a motion is needed to allow for discussion.

Simpson made a motion to approve the variance as presented. Broeren said the motion can be amended once it is on the floor. Smith seconded the motion.

Smith said it bothers him a bit that the proposed accessory structure is almost as large as the home. He is interested in giving Hanna some room to build a reasonable size accessory building to store his equipment in and get it out of the yard, stating that would probably be more attractive. There was discussion about what happens if the standing motion is denied. Simpson suggested approving a size that the Board is comfortable with and that would allow Hanna to build the size that suits him up to, but not exceeding that size.

Hanna said a 36' x 30' would work for his family

Cunningham clarified Hanna's home is 2-stories.

Smith made a motion to amend the motion to approve a 36' x 30' structure. Simpson seconded the amendment. There was no further discussion on the amendment. Voting was unanimous.

The motion is amended to approved a 30' x 36' structure. There was no further discussion.

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

- 2022-BZA-34 : 613 E Vine ST - Variance for Residential Addition

Anderson (sworn in) explained they want to build on to their home which sets 5 feet from the property line. The home will be extended an additional 20'. The existing home is nonconforming according to the current code. They want to add on instead of moving. They like the neighborhood, but have outgrown the home.

Broeren add the home was built in 1929. There may not have been a Zoning Code at that time.

Hillier looked at this property and saw how close the existing home is to the neighbor. This is one of the things that is being addressed in the Zoning Code Rewrite that is underway within the City. Nothing will change, the house will still sit close to the neighbor.

The Staff Report was read: October 19, 2022 Case: 2022-BZA-34 613 E Vine ST Parcel # 66-03657.000 Nathan & Brandie Anderson request a variance to the side yard setback to add a 20' x 23' addition to the back of their home. The existing home is 5' from the East side property line, not including the eve. The proposed addition would continue the alignment of the home another 20' parallel to the East property line. 1160.02(4) Minimum side yard: 10 feet for principal buildings and 5 feet for detached accessory buildings. It is common for structures in these older neighborhoods to not meet current day zoning regulations, including the size of the lot.

There was no further testimony.

Boucher made a motion to approve the request as presented.

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

- 2022-BZA-35 : 200 E Vine ST - Variance for Rear Setback

Barone (sworn in) explained their goal to create a carport in the back of their property to store their recreational vehicle under, through access from the alley. The RV is currently being stored in the driveway in front of their garage. The proposed carport will be situated inside their privacy fence and in alignment with the potting shed addition on the back of their garage. The edge of the addition is 22" inside the property line. (The garage is on the property line.) The design was selected to complement the adjacent structure. Valuable landscaping would need to be removed in order to meet the 5' rear setback and make room for the planned

carport. The proposed alignment will mesh up with the neighbor's garage directly across the alley and maintain maximum turning radius for both properties.

The neighbors, the Rummel's, provided a letter stating they are fine with the proposal.

Hillier said locating the carport at the proposed location will conceal the camper more than where it is currently parked. He thinks it will be an improvement and that it should be approved as requested.

The Staff Reports was read: October 19, 2022 Case: 2022-BZA-35 200 E Vine ST Parcel # 66-01760.000 Sam & Paula Barone request a variance to the rear yard setback to add a 16' x 32' open-sided carport/pavilion. The proposed structure would be located 22" from the rear property line, in-line with the existing addition on their garage. There is a 6' high privacy fence along the property line. 1160.02(5) Minimum rear yard: 5 feet for accessory buildings. It is common for structures in these older neighborhoods to not meet current day zoning regulations. Blankenhorn further noted the existing garage is on the property line.

Smith made a motion to approve the request as presented.

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

ADJOURN

- Adjourn Motion

Smith made a motion to adjourn the meeting, Boucher seconded and the meeting was adjourned at 6:35 PM

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



Board of Zoning Appeals Meeting: 10/19/22 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 # 3657)

DOC ID: 3657

**2022-BZA-32 : 301 N MULBERRY ST - CONDITIONAL USE PERMIT & VARIANCES
 FOR MULTI-FAMILY COMPLEX**

Item Number	2022-BZA-32
Site Address	301 N Mulberry ST
Parcel Number	66-00810.000
Zoning District	NC
Presented By	Rebecca J. Mott, Plank Law Firm, LPA for 301 Mulberry LLC

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

1164.01(b)(1) Conditional Uses in the NC District: Residential, as determined compatible with other uses in the area, utilizing structures existing at the time of passage of this Zoning Ordinance.

1164.02(b) Development Standards

Request: A Conditional Use Permit for Residential for a 102 Residential Dwelling Unit development and associated Variances for: maximum building height; maximum building square footage; required number of parking spaces; parking/pavement setback requirements. See supporting documentation for detailed information.

COMMENTS - Current Meeting:

The Board choose to handle part of the request as a renewal of previously issued approvals from the BZA: A Conditional Use Permit for Residential in an NC District; a Variance for Maximum Building Height with the Garden Apartments (2) up to 45' and the townhouse structure up to 35'; a Variance for Maximum Square Footage with the Garden Apartment Structures (2) up to 25,500 sf and the Townhouse Structure up to 8,250 sf; and a Variance for the Minimum Number of Parking Spaces at 1.88 per dwelling unit.

Mott (sworn in) reviewed the request with the Board. The aforementioned Conditional Use Permit & Variances were granted in February 2021. The request cites §1164.01(b)(1) stating Residential, as determined compatible with other uses in the area, utilizing structures existing at the time of passage of this Zoning Ordinance is a Conditional Use in the NC District. The applicant proposes to develop 102 multi-family residential dwelling units utilizing the buildings shown on the site plan.

Smith asked about the funding for the property and the ability to obtain a loan since the original request to the BZA was submitted in 2019 and the development has not progressed

since. He asked if there is anything going on with the property.

Mott said there was a demolition permit issued in 2021. Parts of the building have been demolished as planned. There are plans drawn up for construction. There is movement.

Smith asked if any action is anticipated on completing the project. Mott said absolutely. She said the plan is to start after the BZA requests are approved. Smith explained the property has been a hassle for many years and he wants assurance that something will be done. He asked Mott if she assures the BZA that the variances are necessary because they are actually going to do something. Mott responded, absolutely. The land use entitlements are absolutely necessary to build the plan as committed to in the application. They are committing to that plan and her client wants to start.

Boucher asked about the mention of lending is application has already been made for funding and the BZA approvals are a pending condition for moving the loan forward. Mott said no. A lot split request will be made so separate the new build area from the existing structure to be renovated. They will seek a lot split to allow for lending to be on specific areas and types of construction on the property.

There was no one else in attendance to speak to the request. An email was read for the record that was sent to the DSM from Bill & Debi Fry, property owners at 303 N Main ST. Blankenhorn explained they were recipients of the mailing that was sent out for this case as their property is within the 300 feet radius requiring notification for a Conditional Use Permit request. Hi Lacie, we are currently on vacation but would like to be included in this evening's meeting for the old Middle School building. Due to the current housing situation in our community, we do support and would like to see the building be used for housing purposes although our concern is that the building has sat for some time and has become an eyesore in addition to a hazard by its vacancy and current status. Our community currently has a homelessness problem and many of the areas homeless folks view the building as a shelter option. Additionally, those of us who are attempting to improve the area have properties in the neighborhood that value of our properties is directly affected by the Middle School property in a negative manner. We do support the housing efforts and housing use of the building only if this process is going to go into effect in a timely manner. If it's not going to take place in the very near future, we would like to see the building demolished due to its current status. Thank you, Bill and Debi Fry

There was not a staff report.

Boucher made a motion to renew the previously granted Conditional Use Permit and Variances. This does not include the existing school building.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Tonya Boucher, Member
SECONDER:	William Smith, Member
AYES:	Susie L. Simpson, William Smith, Tonya Boucher, Cynthia Cunningham
EXCUSED:	Michael Percy, 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 301 Mulberry LLC, P.O. Box 536, Worthington, Ohio 43085			
Agent's Name, Address and Phone Rebecca J. Mott, Plank Law Firm, LPA, 411 E. Town Street, Columbus, Ohio 43215 - (614) 947-8600			
Site Information			
Site Address 301 North Mulberry Street		Legal Description Burgess Lots 544-553 & J Hunt 6 & Lots 311-314	
Parcel Number 66-00810.000	Deed Volume and Page Number	Zoning District Neighborhood Commercial	
Existing use of property Former school		Proposed use of property Multi-Family Residential	
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: The request is for an area variance from Section 1164.02(a)(4) of the Planning and Zoning Code for parking/pavement side side yard setback (from 10 feet to 0 feet) to accommodate and effectuate a lot split of the Property with lot lines as proposed on the site plan. Please see attached narrative for more information.			
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: 08-15-2022		By: <i>Rebecca J. Mott, Attorney</i>	
Status of Application			
Filing Date		Case Number	
		Hearing Date	
		Fee deposit \$75.00	Date Paid
		Receipt Number	
Status of Board's Action			
☐ Approved ☐ Denied			

Attachment: signed_variance - bza_application (3657 : 2022-Bza-32)

Exhibit “B”
Project Narrative

Applicant and Property Owner, 301 Mulberry LLC, intends to construct one hundred and two (102) multi-family residential dwelling units on real property currently zoned Neighborhood Commercial (“NC”) and containing approximately 4.20 +/- acres, the legal description of which accompanies this application (the “Property”). The Property is located west of North Mulberry Street, east of North Sandusky Street, and north of West Hamtramck Street.

The Applicant proposes to apply for a conditional use relative to this development under Section 1155.22 of the Mount Vernon, Ohio Code of Ordinances (the “Zoning Ordinance”) in accordance with Section 1164.01(b)(1), which lists residential, as determined compatible with other uses in the area, utilizing structures existing at the time of passage of the Zoning Ordinance as a conditional use in the NC district. The Applicant proposes to re-develop the Property, as depicted on the Site Plan dated August 1, 2022 (the “Site Plan”) accompanying this application.

The proposed development (for the buildings in the rear) will meet the development standards as delineated in Section 1164.02 of the Zoning Ordinance or previous variances that were granted by the Board of Zoning Appeals (“BZA”) relative to the Property. [Note: These same variances (except the parking setback variance necessitated by the proposed lot split) and the conditional use was granted by the BZA back in February, 2021.]

As it relates to the proposed re-development pertaining to the existing main school building along the frontage and the new buildings to be constructed, the Applicant requests a renewed conditional use (for the multi-family use) and area variances from the following sections of the Zoning Ordinance: (i) Section 1164.02(b) that the maximum height shall be thirty (30) feet (maximum building height, excluding chimneys and cupola shall be 50 feet for the main building, 35 feet for the townhome units, and 45 feet for the garden style units); (ii) Section 1164.02(b) that maximum building square footage shall be 8,000 (maximum square footage shall be 51,000 for the main building, 8,250 for the townhome units, and a minimum of 25,500 for the garden style units); (iii) a variance to the minimum number of parking spaces required under Section 1174.05(a) (at 2 spaces per dwelling units) is being requested to 1.88 parking spaces per dwelling unit, for a total of 192 parking spaces provided on the Property; and (iv) a variance to the parking setback requirement of Section 1164.02(a)(4) of the Zoning Ordinance in relation to the requirement for a parking/pavement side yard setback requirement of ten (10) feet for approval to zero feet (0’) to accommodate the lot split of the Property.

There shall be one (1) vehicular access point onto the Property to and from West Burgess Street to the north and two (2) vehicular access points onto the Property to and from Mulberry Street to the east. There will be an attractive, landscaped pedestrian entrance feature onto the Property offering connectivity to and from the public sidewalk along North Mulberry Street. All vehicular use and parking areas in the middle and rear of the Property shall be shielded from view by buildings and/or landscaping on the Property.

The Applicant will preserve the existing wall that surrounds the Property and the existing vegetation and trees to the rear of the Property. Ample landscaping and open/green space will be

provided throughout the Property to offer shade, tranquility, and beauty to the Property and to benefit the residents and guests of the apartments.

Attachment: project_narrative_-_exhibit_b_-_08-30-2022 (3657 : 2022-Bza-32)

Exhibit “C”
Conditional Use Argument

Applicant proposes to develop one hundred and two (102) residential dwelling units on the Property. Applicant meets the general standards applicable to all conditional uses in the City of Mount Vernon, Ohio (the “City”), as specified under Section 155.24 of the Zoning Ordinance. Such use at the proposed location:

1. Is in fact a conditional use as established under the Schedule of District Regulations adopted for the zoning district involved.

The Property is zoned Neighborhood Commercial (“NC”) district. The use as “residential” and more specifically, “multi-family residential” is a conditional use as specified in Section 1164.01(b)(1) in the Neighborhood Commercial (“NC”) district.

2. 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.

The proposed development meets the stated quality of life goals and objectives of the Knox County Comprehensive Plan, where it states at page 101: “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 proposed development will offer an affordable, high-quality, and attractive housing option for renters in the City. In addition, the Property’s location offers excellent walkability to nearby retail stores and offices to enhance the residents’ and guests’ convenience and quality of life.

3. Will not be hazardous or disturbing to existing or future neighboring uses.

The proposed development will not be hazardous or disturbing to existing or future neighboring uses. Properties to the north of the Property are zoned R-1; properties to the east are zoned O/I; properties to the south are zoned a mixture of R-3, M-1, and G-B; and the property to the west is zoned M-1. Therefore, the character of the neighborhood is a true mixed-use neighborhood, and the proposed use as multi-family residential not only fits in with the character of the neighborhood, but enhances and provides a good buffer and transitional use between the more intense mixed-uses to the south and the less intense residential uses to the north. All rear vehicular use and parking areas shall be screened from view by neighboring properties by buildings and/or landscaping on the Property. The front part of the main school building shall be preserved to the greatest extent possible, as it is structurally sound. The preserved portions of the building offer high quality and unique architectural features and qualities and create historical significance – Applicant is proud to preserve this portion of the main school building for its historical significance and as a landmark (bridging past generations to future generations, as to its use as a school to its proposed use as multi-family residential). The existing wall surrounding the Property and trees and vegetation to the rear of the Property shall be preserved. In addition, ample landscaping and open space will be provided to benefit the residents and guests of the apartments.

4. 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.

The Property is served adequately by essential public facilities and services, such as access to public roadways, police and fire services, on-site drainage structures (existing and improved), refuse disposal, water and sewer, and schools.

5. 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.

The proposed use will not create excessive additional requirements at public cost. The public facilities and infrastructure already exist to serve the Property. The proposed use will enhance the growth and economic welfare and development of the community by helping to provide additional and a more diverse housing stock for the residents of the Mount Vernon, Ohio, which supports the retention of people in the community to live and work and will support the businesses and industries that will be attracted to and commence operations on the Cooper Progress Park lands.

6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, flare or odor.

No uses on the Property will involve processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, and there will be no excessive or noxious uses involving noise, smoke, fumes, flare or odor.

7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

There shall be one (1) vehicular access point onto the Property to and from West Burgess Street to the north and two (2) vehicular access points onto the Property to and from Mulberry Street to the east. There will be an attractive, landscaped pedestrian entrance feature onto the Property offering connectivity to and from the public sidewalk along North Mulberry Street. All vehicular use and parking areas in the middle and rear of the Property shall be shielded from view by buildings and/or landscaping on the Property.

8. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

The Applicant's proposed development will help the City re-use and re-purpose (while preserving as much of the main school building as feasible) a site at a good location that was formerly used by the City as a public middle school. The site is ripe for new development, which will only enhance and beautify the neighborhood and help to increase the values of the properties in the vicinity.

Exhibit “D”
Variance Argument

The Applicant is requesting area variances from the Mount Vernon, Ohio Zoning Ordinance (the “Zoning Code”).

Area Variances Requested

- Zoning Code Section 1164.02(b) – Maximum Building Height. Buildings shall have a maximum height of thirty (30) feet.
 - The main school building along the frontage of the Property does and will continue (under this proposal) to exceed 30 feet as delineated in the Zoning Code. The building height on the Property shall not exceed 50 feet, and is limited to the height for the building as delineated on the approved site plan.
 - ¹*The rear buildings were granted variances to this standard to a maximum height of 45 feet. Applicant meets this standard with the two (2) 24-unit garden style unit buildings, with a height of 45 feet. However, Applicant is requesting a variance to renew this same variance request.
 - *The middle buildings were granted variances to this standard to a maximum height of 36 feet. Applicant meets this standard with the middle townhome units building with a height of 35 feet. However, Applicant is requesting a variance to renew this same variance request.
- Zoning Code Section 1164.02(b) – Maximum Building Square Footage. Buildings shall have a maximum square footage of 8,000 square feet.
 - The main school building along the frontage of the Property does and will continue (under this proposal) to exceed 8,000 square feet as delineated in the Zoning Code. The proposed square footage of the main school building shall be a maximum of 50,000 square feet.
 - *The rear buildings (garden style apartments) were granted variances to this standard to a maximum square footage of 25,500. Applicant meets this standard with the two (2) 24-unit garden style unit buildings containing 25,500 +/- square feet and 22,500 +/- square feet, respectively.

¹ The variances noted with an asterisk indicate that all of those area variances were obtained by Applicant in August, 2019, and, as modified and obtained, again, in February, 2021, as approved by the City of Mt. Vernon Board of Zoning Appeals (“BZA”). The land use approvals (conditional use and area variances) were obtained at the same time, in August, 2019, and, as modified and obtained, again, in February, 2021, and demolition started on the Property within 12 months of the approval of those variances. Furthermore, the Zoning Code delineates that use variances may expire within 12 months, but is silent as it relates to area variances. It is our legal position that the area variances granted run with the land and did not expire pursuant to the Zoning Code and Ohio caselaw and due to the fact demolition had started on the Property. However, in the spirit of cooperation, Applicant is applying for the same formerly-approved variances on various buildings to be constructed on the Property and one (1) new variance as it relates to the proposed lot split (parking setback variance).

- *The middle buildings (townhomes) were granted variances to this standard to a maximum square footage of 8,250. Applicant meets this standard with the middle townhome units building containing +/- 8,250 square feet.
- Zoning Code Section 1174.05(a) – Required Number of Parking Spaces by Use. One, two and multiple family uses shall provide a minimum two (2) parking spaces per dwelling unit.
 - *Applicant obtained a variance to provide a minimum of 1.88 parking spaces per dwelling unit. Applicant is now proposing to provide a minimum of 1.88 parking spaces per dwelling unit; therefore, Applicant meets this standard, as approved. However, Applicant is requesting a variance to renew this same variance request.
- Zoning Code Section 1164.02(a)(4) in relation to the requirement for a parking/pavement side yard setback requirement of ten (10) feet for approval to the proposed zero (0) foot parking/pavement side yard setback along the proposed new lot lines, as shown on the lot split site plan, in order to improve the Property and accommodate a lot split.

Argument

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

Under Zoning Code Section 1174.02, the purpose of the requirement for off-street parking is to promote orderly development of land within the City in accordance with the public's interest in promoting the safety of residents of the City by assuring the orderly handling of vehicles and vehicular traffic. The Site Plan depicts an efficient parking and vehicular circulation area buffered from neighboring land by landscaping, and a majority of such parking and vehicular circulation area is buffered by residential buildings. The other variances requested are technical in nature and are reasonable – given the building square footage requirement in the Zoning Code is quite low, generally, for commercial and residential buildings and the proposed heights of the buildings on the Property are only also slightly above the Zoning Code requirement and were approved in 2019 and 2021, respectively, by the BZA.

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

Zoning Code Section 1164.01(b) includes residential as a conditional use in the Neighborhood Commercial (NC) District. The Applicant filed this variance application in conjunction with a conditional use application. In addition, on August 7, 2019, and in February, 2021, the BZA approved Applicant's previous request for the same conditional use (for residential uses in the Neighborhood Commercial (NC) District).

3. There must exist special circumstances or conditions 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 strict application of the provisions of this Zoning Code would deprive the applicant of the reasonable use of such land or building.

Due to the reasons specified earlier, the Applicant desires to preserve as much of the main school building as is feasible. The Applicant desires to create a mix of multi-family residential housing types and styles to appeal to various renters. Creating and providing high quality, diverse housing stock to support the housing needs of residents in the City, which also supports the businesses and industries in the City (for employment and shopping), while retaining people to desire to live, work, and play within the City of Mt. Vernon are the goals of both the City, the Applicant, and the Knox County Comprehensive Plan. This proposal achieves those aligned goals and purposes. Furthermore, the proposed use and development not only is a reasonable use of the Property, but is the highest and best use of the land.

4. There must be proof of hardship created by the strict application of this Zoning Code. Furthermore, the hardship complained of cannot be self-created.

The “practical difficulties” that the Applicant encounters relate to the existing conditions and features of an existing structure. The building is already built and is currently legal, non-conforming. The fact that the existing main school building exceeds both the height and square footage requirements of the modern-day Zoning Code is no fault of Applicant. Applicant is requesting the minimum variances necessary to achieve the development purposes. In addition, Applicant seeks to conform the building and the rest of the development to modern-day urban infill development standards, or reasonable variances therefrom, to obtain all necessary land use permits and approvals from the City to reasonably re-develop the Property to support the multi-family residential needs of the City and its residents and to help attract and retain additional residents to the City (as more business and industry is also developed).

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

The granting of the variances is necessary in order to provide a multi-family residential development matching the goals of the Knox County Comprehensive Plan and complementing the surrounding area and are standard types of variances granted for infill development – confined to land already created and configured as a legal lot of record. The variances pertain to an existing, non-conforming building, which may be grandfathered (and may not legally require variances). However, Applicant chooses to conform the Property to modern day development standards and request only those area variances that are necessary to preserve the front part of the existing main school building and provide for a historically significant landmark to the City while preserving the unique and high quality architectural features and qualities it contains. Only five (5) area variances are necessary to accomplish this purpose.

6. The proposed variances 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.

The proposed variances will not impair an adequate supply of light and air to adjacent property, or increase the danger of fire, endanger public safety, or substantially diminish or impair property values. Property values in the area will be increased by the demolition of un-sound and unsightly (blighted) structures and the Property re-developed into a high quality, aesthetically pleasing multi-family residential development – which is the perfect transitional use in this mixed use area between the more intense uses to the south and the less intense, single family residential uses to the north. Although additional traffic will be generated, a multi-family residential use carries far less traffic than the commercial (retail and office uses) that are already permitted on the Property, and traffic concerns and improvements are addressed at the time of a re-zoning, not a request for area variances. There will not be a substantial increase in street congestion.

7. The granting of the variances 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.

The Applicant is requesting five area variances in order to re-develop a Property with efficient parking and vehicular circulation that is buffered from neighboring properties, and the variances actually pertain to a building structure and façade that is already existing (as an existing condition). Most certainly, approval of the variances requested will not provide the Applicant with any special privilege that is denied to other lands, structures, or buildings in the area.

SITE DATA

Total Site Area:	±4.2 Acres
Total Dwelling Units:	102 dwelling units
Gross Density:	±24.29 dwelling units/acre
Total Parking:	192 Spaces
• Surface Parking:	186 Spaces
• Townhome Garage Spaces:	6 Spaces
• Parking Ratio Provided:	1.88 spaces/dwelling unit (2 spaces/dwelling unit required by code, variance obtained in 2021 for min. 1.88 spaces/dwelling unit)
Maximum Lot Coverage: (structures/pavement)	±65% (maximum of 90%)

Building Setbacks:	
• Front Yard Setback	30 feet from Right-of-Way
• Side Yard Setback	30 feet from Right-of-Way (due to fronting on a street)
• Rear Yard Setback	30 feet from Right-of-Way (due to fronting on a street)

Parking Setbacks:	
• Front Setback	10 feet from Right-of-Way
• Side Setback	10 feet from Right-of-Way
• Rear Setback	10 feet from Right-of-Way

Parking Standards:	
• Parking Space Dimensions:	10 feet by 19 feet
• Drive Aisles:	20 Feet
• Parking Aisles:	22 Feet

Existing School (Renovation) - 48 Units:

- 50,000 square feet (allowable 8,000 square feet)
- 48-50 feet in height (allowable 30 feet)

Townhomes:

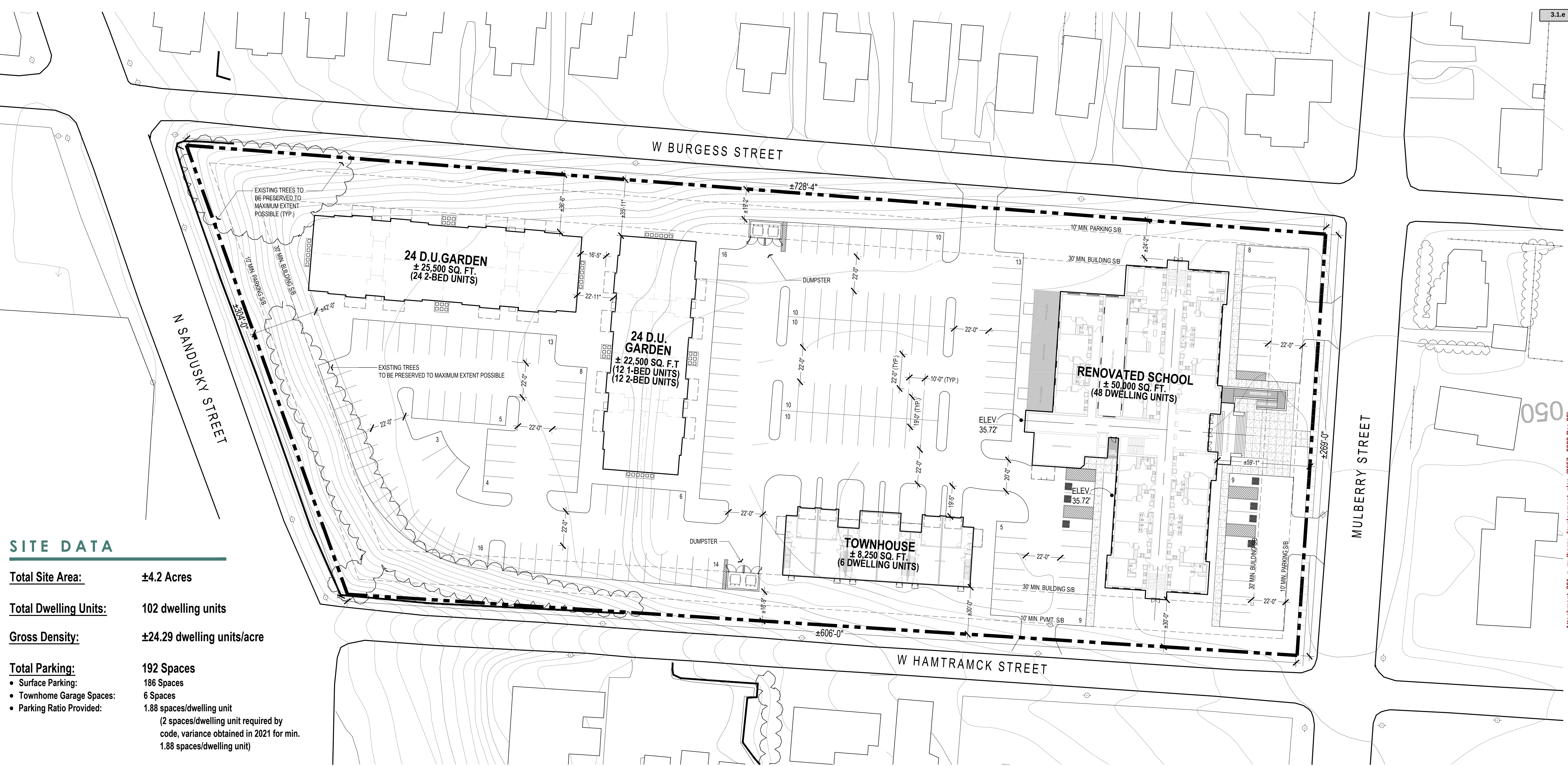
- 8,250 square feet (8,250 square feet allowable by 2021 variance)
- 35 feet in height (35 feet allowable by 2021 variance)

24-Unit Garden Unit Building:

- 25,500 square feet (25,500 square feet allowable by 2021 variance)
- 45 feet in height (45 feet allowable by 2021 variance)

24-Unit Garden Unit Building:

- 22,500 square feet (25,500 square feet allowable by 2021 variance)
- 45 feet in height (45 feet allowable by 2021 variance)



301 N Mulberry - Development Plan

Mt. Vernon, OH 08.01.2022

Exhibit for
301 Mulberry LLC

PARCEL # 66-00810.000
City of Mount Vernon, Knox County, Ohio

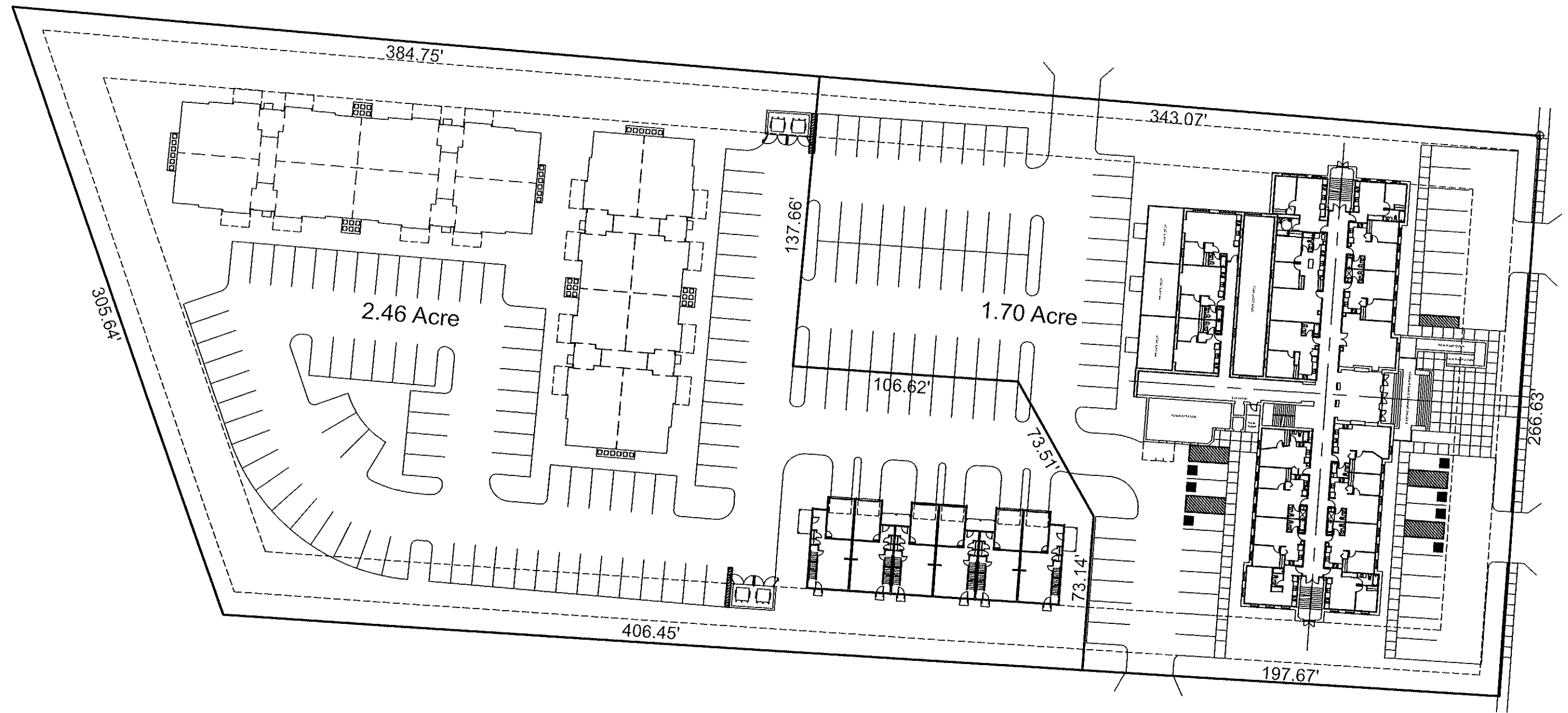
DAVID R. MILLS, PS
SURVEYOR #7157

AMY BERNICKEN, PS
SURVEYOR #8571

TRACY & MILLS SURVEYORS
10 East Vine Street - P.O. Box 642
Mount Vernon, Ohio 43050
Tel.: 740-397-8324 Fax: 740-397-5910
tracyandmills@aol.com

FLOYD W. BARNES, PS
1921-2018

THOMAS M. TRACY, PS
1941-2002



Date: July 19, 2022
Scale: 1" = 50'
0' 25' 50' 100'

Attachment: lot_split_exhibit - site_plan_for_lot_split (3657 : 2022-Bza-32)



Board of Zoning Appeals Meeting: 10/19/22 5:30 PM
City of Mount Vernon Dept: Board of Zoning Appeals
Mount Vernon, OH 43050

AMENDED

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

BZA FILE (ID # 3658)

DOC ID: 3658

2022-BZA-33 : 206 N PARK ST - VARIANCE FOR ACCESSORY STRUCTURE

Item Number	2022-BZA-33
Site Address	206 N Park ST
Parcel Number	66-02247.000
Zoning District	R-1
Presented By	Chris Hanna

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

- 1160.02 Development Standards (R-1)
- 1173.06 General Requirements (Accessory buildings)
- 1173.10 Accessory Buildings Used for Storage
- 1173.14 Parking and Storage of Vehicles and Trailers

Request: Variance to build a 30' x 50' garage. See application packet for further details.

COMMENTS - Current Meeting:

Hanna (sworn in) explained he has a 20' x 24' accessory structure that was built in 1955 at the bottom of a hill. Heavy rains flood it. The doors on it are not big enough to enable an automobile to be parked in it. He would like to build a new garage in a size that will hold the vehicles that they own.

Cunningham asked how big the house is. Hanna responded 2,300 sf. Smith added the proposed structure is 1,500 sf. Cunningham said proposed setbacks meet the Code requirements.

Blankenhorn explained the Code limits the size of an accessory structure to be 35% or less of the gross floor area of the primary use. The applicant's home is 2,218 sf. 35% of that is 776.3 sf which is approximately 24' x 32'. The request is for a 30' x 50' structure which exceeds the 35% regulation. The request is 67.63% of the size of the primary structure.

Carr (sworn in) commented that City Council is responsible for approving Zoning Codes. The intent is to create and control orderly and consistent development within the City. He cited §1160.02 New Development Standards for R-1 single family minimum standards. He further cited §1173.06 that allows for a structure to be up to 35% of the gross area of the house. As determined with the Auditor's report, it appears the gross square footage is 2,218. He stated an accessory building is one that serves the house on the lot and is subordinate to the house in

size. He thinks the intent of what City Council wrote is that they don't want to see garages and sheds and storage units that overpower the house that the lot sits on. He provided a list of calculations to the Board showing percentage increases above the allowed 776 sf. Carr guesses that 1,500 sf of garage represents about 70% of the number of 1-story ranch home in Mount Vernon. He further stated 1,500 sf is larger than many homes that were built in 1960. He described square footages of other houses around the City comparing them to the size of the proposed garage. He recalled a past BZA case that requested a garage 71% than allowed by Code. The Board agreed to garage that would be 11% larger than permitted by Code. Carr thinks it's difficult to suggest this house should have a new garage that is 3 times larger than the current garage on the property. He went on to say if the request is approved as presented the structure will be 94% larger than what City Council thought and approved as acceptable in Mount Vernon. He described the requested size as excessive and said he hopes it is denied. Carr said the Board has the power to approve anything below the requested size.

Hillier - said the subject property is in his neighborhood. Hanna has one of the better kept properties on the street. The condition of Hanna's existing garage and others on the alley warrant being torn down. Hillier would like to see a compromise between the Board and Hanna, not an outright denial. Hillier thinks a new garage will be an improvement to the property.

Simpson suggested 1,080 sf as a standard pole barn size and asked Hanna if he was willing to compromise on a smaller size. Hanna said yes. He needs a garage to store his camper in which requires 32'. He would like to park 2 other vehicles in the garage. He basically needs a 3-car garage that is 32' feet fit those 3 items. He would like to maximize the size to fit his lawn mower as well.

Blankenhorn calculated 1,080 sf to be a 30' x 36' structure. There was discussion about orientation. The drawing on the application was referenced to try to maintain Hanna's request for a 30' depth.

The staff report was read: October 19, 2022 Case: 2022-BZA-33 206 N Park ST, Parcel #66-02247.000 Chris Hanna requests a variance to Code §1173.06(a) stating an accessory structure shall be 35% or less of the gross floor area of the principal use or structure. The principal use is 2,218 sf which would provide for a 776.3 sf (approximately 24' x 32') accessory structure. The proposed structure would replace the existing 20' x 24' = 480 sf structure that the owner deems not functional for their needs such as storing dirt bikes, ATV's, automobiles, household maintenance equipment, and other general household storage.

- The proposed structure is 30' x 50' = 1,500 sf.
- The lot provides enough area to situate the proposed structure the permitted distance from the property lines, a minimum of 5'.
- The proposed size allows the property to stay under the maximum coverage ratio of 35%.
- The proposed height meets Code requirements.

- The proposed structure provides Code required off-street parking, which is currently not available.

Code and Size information:

1176.03(a) allows a 2,218-sf home to have a 776.3 sf accessory structure.

1160.02(c)(1) requires at least 2 off-street parking spaces, 1 of which must be enclosed.

1173.14 requires automotive vehicles without current license plates to be stored in a completely enclosed building. This section also mentions storage of recreational vehicles which the applicant mentioned in testimony as him owning.

1155.21(h) allows a variance to increase the maximum gross floor area of any use limited by applicable regulations, but generally not more than 25%.

- 776.3 sf x 25% increase = 194.0750 sf increase

- 776.3 sf + 194.0750 sf increase = 970.375 sf (30' x 32.3458') or 43.75% of the size of the primary structure

The proposed 1,500 sf structure is 67.63% of the size of the primary structure.

Smith asked the applicant would consider the Board granting him an additional 25% which would be 970 sf. Hanna said we discussed 36' x 30' earlier. That will work. A 30' x 32' structure would be difficult to fit everything. The Board continued to look at calculations. Simpson believed the calculations provided by Carr were incorrect and suggested following the Staff Report.

Broeren said a motion is needed to allow for discussion.

Simpson made a motion to approve the variance as presented. Broeren said the motion can be amended once it is on the floor. Smith seconded the motion.

Smith said it bothers him a bit that the proposed accessory structure is almost as large as the home. He is interested in giving Hanna some room to build a reasonable size accessory building to store his equipment in and get it out of the yard, stating that would probably be more attractive. There was discussion about what happens if the standing motion is denied. Simpson suggested approving a size that the Board is comfortable with and that would allow Hanna to build the size that suits him up to, but not exceeding that size.

Hanna said a 36' x 30' would work for his family

Cunningham clarified Hanna's home is 2-stories.

Smith made a motion to amend the motion to approve a 36' x 30' structure. Simpson seconded the amendment. There was no further discussion on the amendment. Voting was unanimous.

The motion is amended to approved a 30' x 36' structure. There was no further discussion.

RESULT: **ACCEPTED AS MODIFIED [UNANIMOUS]**
MOVER: Susie L. Simpson, Member
SECONDER: William Smith, Member
AYES: Susie L. Simpson, William Smith, Tonya Boucher, Cynthia Cunningham
EXCUSED: Michael Percy, 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 <u>Chris Hanna 206 N. Park St. Mt Vernon, OH 43850 740-583-8214</u>			
Agent's Name, Address and Phone			
Site Information			
Site Address <u>206 N. Park St Mt. Vernon, OH 43850</u>		Legal Description <u>Braddocks Fairground Mount Vernon 1st # 98</u>	
Parcel Number <u>66-02247.000</u> 100708-100	Deed Volume and Page Number <u>1394 pg 500-501</u>	Zoning District <u>R-1</u>	
Existing use of property <u>Single Family Residents (510)</u>		Proposed use of property <u>Single Family Residents</u>	
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: <u>I am requesting a 30X50 garage that will be 5 feet off of my property line and 10 feet off of the alley. This building will be for personal use such as parking, storage, vehicle and equipment maintenance. The structure will not obstruct any views in the neighborhood. Our current garage is not functional for our family. We are unable to park vehicles in it to be out of the weather. Our basement cannot be finished for storage.</u>			
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: <u>8-30-22</u>		By: <u>CH</u>	
Status of Application			
Filing Date		Case Number	
		Hearing Date	
		Fee deposit \$75.00	Date Paid
Status of Board's Action ☐ Approved ☐ Denied			

Attachment: 2022-BZA-33 Application (3658 : 2022-Bza-33)

Narrative statements

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

C.H. 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.

C.H. 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 seeking a building that will be 5 feet off my property line and 10 feet off of that all as stated in the zoning requirements. The building will be used for personal maintenance of personal vehicles dirt bikes and A.T.V.'s. The building will also be used for storage. The building will not block any views or cause any glares for our neighbors.

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

Our home does not have a basement that can be finished for storage. Our current garage is too small to park a vehicle in. The current garage is not functional for our needs.

C.H. 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.

C.H. 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.

C.H. 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.

Alley

Zoning
10ft. off of alley way
5ft. off of property line

Garage

Yard

Property Line
- 145 ft

Partners

Deck

House

Deck

Yard

Property Line
— 66 ft —

N. Park St.

Knox County, Ohio - Property Record Card
Parcel 66-02247.000
Card 1

3.4.a

GENERAL PARCEL INFORMATION

Owner HANNA ASHLEY & CHRISTOPHER
Property Address 206 N PARK ST
Mailing Address 1 FIRST AMERICAN WAY
WESTLAKE TX 76262
Land Use 510 - SINGLE FAMILY DWLG OWNER OCCUP
Deed CURRENT DEED VOLUME/PAGE: /
Legal Description F G 98



VALUATION

	Appraised	Assessed
Land Value	\$25,410.00	\$8,890.00
Improvements Value	\$93,330.00	\$32,670.00
CAUV Value	\$0.00	\$0.00
Taxable Value		\$41,560.00
Net Annual Tax		\$1,764.76

RESIDENTIAL

Building Style	Year Built	Stories	Finished Area	First Floor Area	Half Floor Area	Upper Floor Area	Rooms	Bedrooms	Family Rooms
SINGLE FAMILY	1900	2	2218	1103	0	1115	9	3	0
Full Baths	2	Half Baths	0	Basement	FULL BASEMENT	Finished Basement Area	0	Heating	GAS HEAT
Cooling	CENTRAL AIR	Exterior Wall	100% FRAME	Attic	NONE	Number of Fireplace Openings	0	Number of Fireplace Stacks	0

ADDITIONS

Description	Area	Year Built	Value
WDDK - Wood Deck	78	0	1200
WDDK - Wood Deck	160	0	2400
EFP - Enc Fr Porch	40	0	4380

IMPROVEMENTS

Description	Year Built	Dimension	Area	Value
Detch Fr Garage -	1900	24x20	480	\$6,650.00

LAND

Land Type	Acreage	Depth	Frontage	Depth	Value
F - Front Lot	0.2197	145	66	110	25410

AGRICULTURAL

SALES

Date	Buyer	Seller	Price
3/25/2013	HANNA ASHLEY &	BICKEL ANDREW S & AMY	120900
11/1/2010	BICKEL ANDREW S & AMY	EZZO AMY M	0
2/28/2006	EZZO AMY M	PORTER STEVE & PEGGY	122900
8/1/2005	PORTER STEVE & PEGGY	KESTER AARON & LAURA	13500
7/22/2005	KESTER AARON & LAURA	OMEGA PROPERTIES	8300
1/4/2005	OMEGA PROPERTIES	SZERLIP RUBIN	0
4/4/2002	SZERLIP RUBIN	CARLISI BARRY	0
2/20/2001	CARLISI BARRY	SZERLIP RUBIN J	0
1/25/1999	SZERLIP RUBIN J	SZERLIP RUBIN J & B	0
3/23/1994	SZERLIP RUBIN J & B	REISS GARRY K & DIANE	5000

COMMERCIAL

**Carport Direct**

1372 Boggs Dr
Lee@americanbuildingnetwork.com
(336) 715-8220

Sales: Bob Slate

1372 Boggs Dr
bob@americanbuildingnetwork.com

Building Quote
QTE-004046

3.4.a

Date
08/19/2022

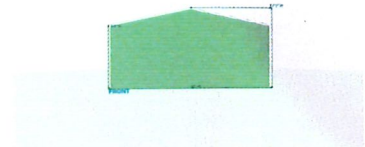
Total
\$25,776.46

CUSTOMER DETAILS**Chris**

Billing Address
Mt Vernon, OH, 43050
Shipping Address
Mt Vernon, OH, 43050
christopherhanna33@gmail.com
(740) 503-8214

Triple Wide Garages - 30 x 55 x 14

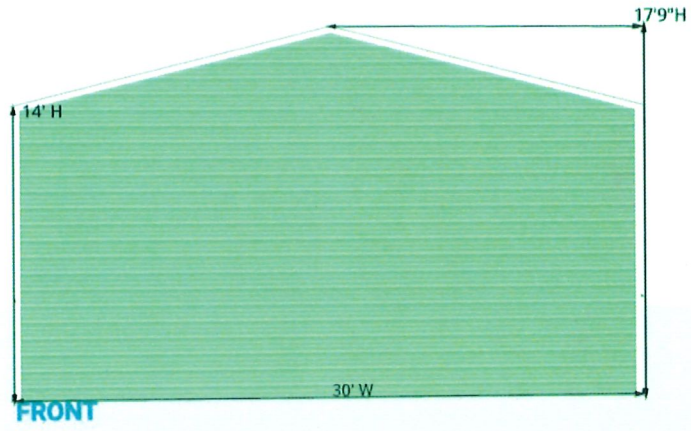
- ☒ Roof Color: Pewter Gray
☐ Trim Color: White
☒ Sides/Ends Color: Pewter Gray
☐ Door Color: NA
☐ Wainscot Color: NA



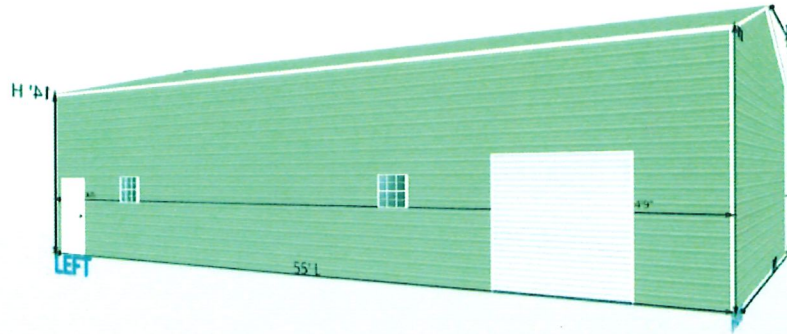
Ready for Installation? No Jobsite Level? No Permit Required? Yes Inside City Limit? No Electricity Available? No Installation Surface? Concrete

Building Dimension: **30'W x 55'L x 14'H** Roof Style: **Vertical** Gauge: **14 Gauge** Wind/Snow Rating: **30 PSF Certified** Distance on Center: **5 Feet**

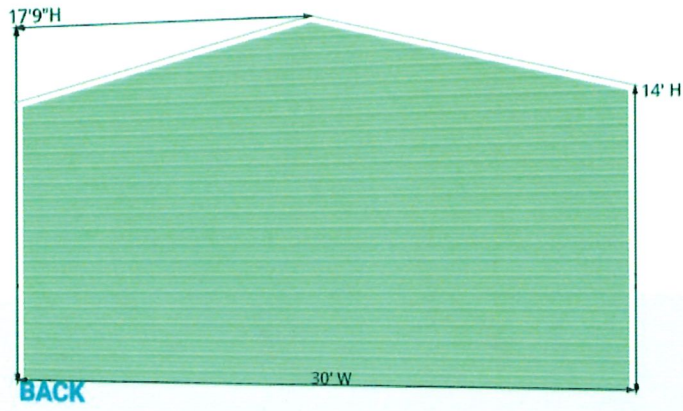
30x55' Vertical Roof	1
14' Height	1
30 PSF Certified	1
3/12' Roof Pitch	1
Front Wall Closed Horizontal	1
Back Wall Closed Horizontal	1
Left Closed Horizontal	1
Right Closed Horizontal	1
12x12ft Garage Door on Right Wall (Header Seal)	1
10x10ft Garage Door on Right Wall (Header Seal)	1
8x8ft Garage Door on Right Wall (Header Seal)	1
8x8ft Garage Door on Left Wall (Header Seal)	1
36x80in Walk-in Door on Left Wall	1
30x30in Window on Left Wall	1
30x30in Window on Left Wall	1
Manufacturer Discount	1
Inside City Limit : No	
Installation Ready : No	
Installation Surface Leveled : No	
Electricity : No	



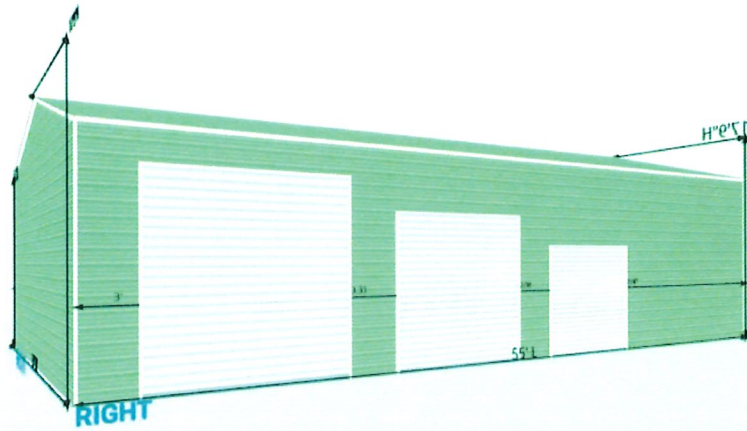
FRONT



LEFT



BACK



RIGHT



Board of Zoning Appeals Meeting: 10/19/22 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 # 3662)

DOC ID: 3662

2022-BZA-34 : 613 E VINE ST - VARIANCE FOR RESIDENTIAL ADDITION

Item Number	2022-BZA-34
Site Address	613 E Vine ST
Parcel Number	66-03657.000
Zoning District	R-1
Presented By	Nathan & Brandie Anderson

Quick Guide to Codified Ordinance Sections (may not be inclusive):
 1160.02 Development Standards (R-1)
 1154.07 Nonconforming Structure

Request: to add an addition to the existing house.
 - 5' side setback

COMMENTS - Current Meeting:

Anderson (sworn in) explained they want to build on to their home which sets 5 feet from the property line. The home will be extended an additional 20'. The existing home is nonconforming according to the current code. They want to add on instead of moving. They like the neighborhood, but have outgrown the home.

Broeren add the home was built in 1929. There may not have been a Zoning Code at that time.

Hillier looked at this property and saw how close the existing home is to the neighbor. This is one of the things that is being addressed in the Zoning Code Rewrite that is underway within the City. Nothing will change, the house will still sit close to the neighbor.

The Staff Report was read: October 19, 2022 Case: 2022-BZA-34 613 E Vine ST Parcel # 66-03657.000 Nathan & Brandie Anderson request a variance to the side yard setback to add a 20' x 23' addition to the back of their home. The existing home is 5' from the East side property line, not including the eve. The proposed addition would continue the alignment of the home another 20' parallel to the East property line. 1160.02(4) Minimum side yard: 10 feet for principal buildings and 5 feet for detached accessory buildings. It is common for structures in these older neighborhoods to not meet current day zoning regulations, including the size of the lot.

There was no further testimony.

Boucher made a motion to approve the request as presented.

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

Nathan & Brandie Anderson, 613 E Vine St 740-398-4087

Agent's Name, Address and Phone

Site Information

Site Address

613 E Vine St

Legal Description

Watson 6

Parcel Number

66-03657.000

Deed Volume and Page Number

Zoning District

R-1

Existing use of property

Single Family Dwelling

Proposed use of property

Addition- Residential- Single Family

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:

To add an addition to our existing house structure. Our family has outgrown our current house.

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

Date:

9/19/22

By:

[Signature]

Status of Application

Filing Date

Case Number

Hearing Date

Fee deposit

\$75.00

Date Paid

9/19/2022

Receipt Number

2022/46

Status of Board's Action

☐ Approved

☐ Denied

Attachment: 2022-BZA-34 Application (3662 : 2022-Bza-34)

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.

When our house was built in 1929 the zoning requirements were different than today. Our house is currently less than 10 feet to the property line of our neighbors. We would like to add an addition to our current house, ~~and~~ from the existing structure that would extend into our backyard, we would like to have a bigger house and update the siding, roof and overall betterment of the house.

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

We have outgrown our house with the growth of our family. If we are not granted this variance, we will have to move. We love our house and area but it has become too small. We have lived on E Vine since 2009, have brought both of our kids home from the hospital who are now 12 and years old. We love our neighbors and location to the school districts. We have served at East School Elementary for the past 7 years and our son went there until recent and our daughter is in the 2nd grade. We do not want her to have to leave East Elementary or our son leave MVMS. We do not want to sell our house or move out of the community. We want our family to grow up in this house and community.

✓ 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.

Attachment: 2022-BZA-34 Application (3662 : 2022-Bza-34)



opt
↓

standing seam roof panels 21"

20'

exi

48x

Attachment: 2022-BZA-34 Application (3662 : 2022-Bza-34)

board n batten siding 12"

sliding patio door

front

613 E. VINE ST.
NATE ANDERSON - BRANDIE DANIELS

CONTRACTOR: MLW 12 3.5.a
406 E. VINE ST.
IND. OH 48050
MARK WIE.
740-627-8097

ADDITION: 20' x 23'
5' TO EAST SIDE PROPERTY LINE

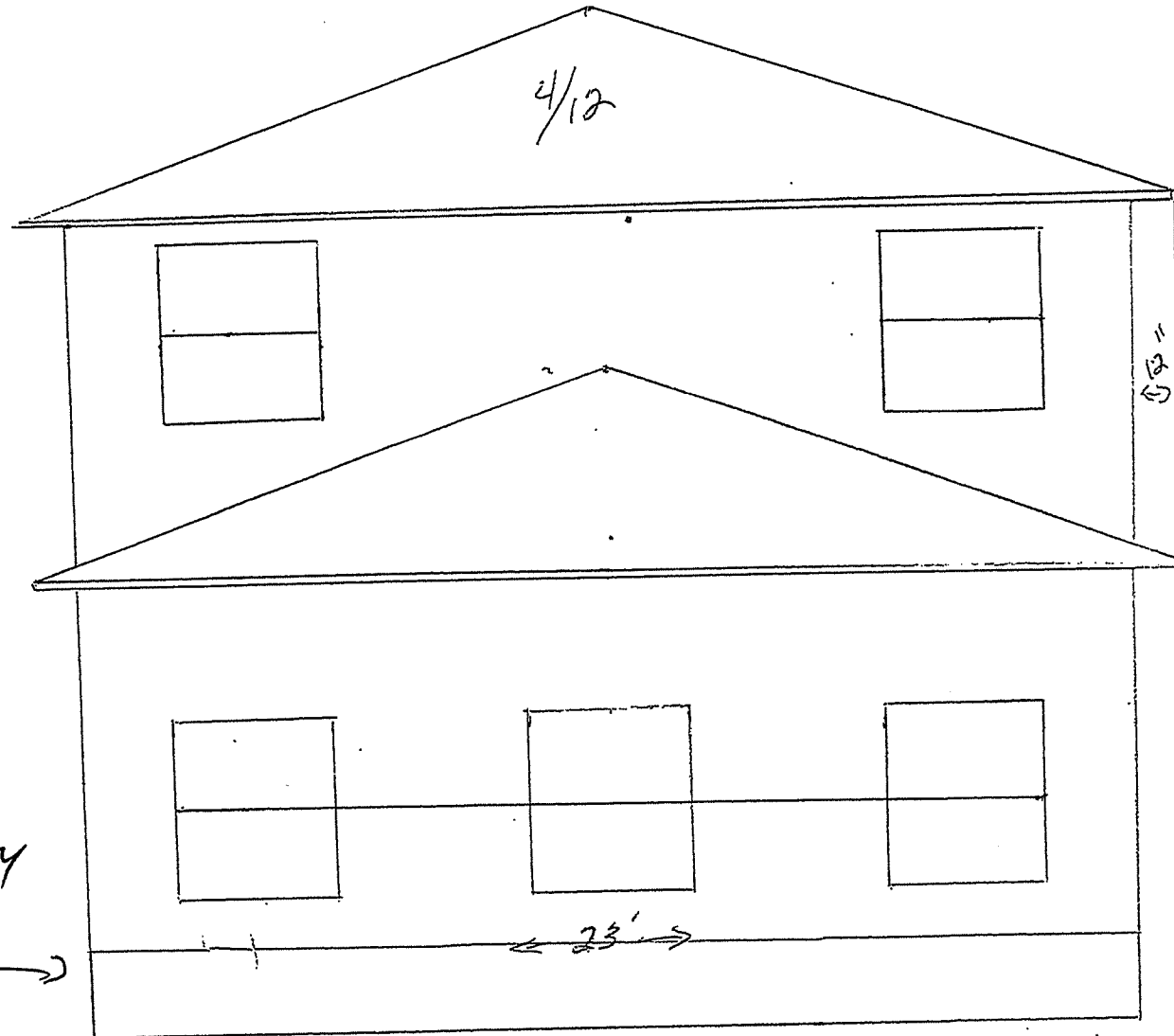
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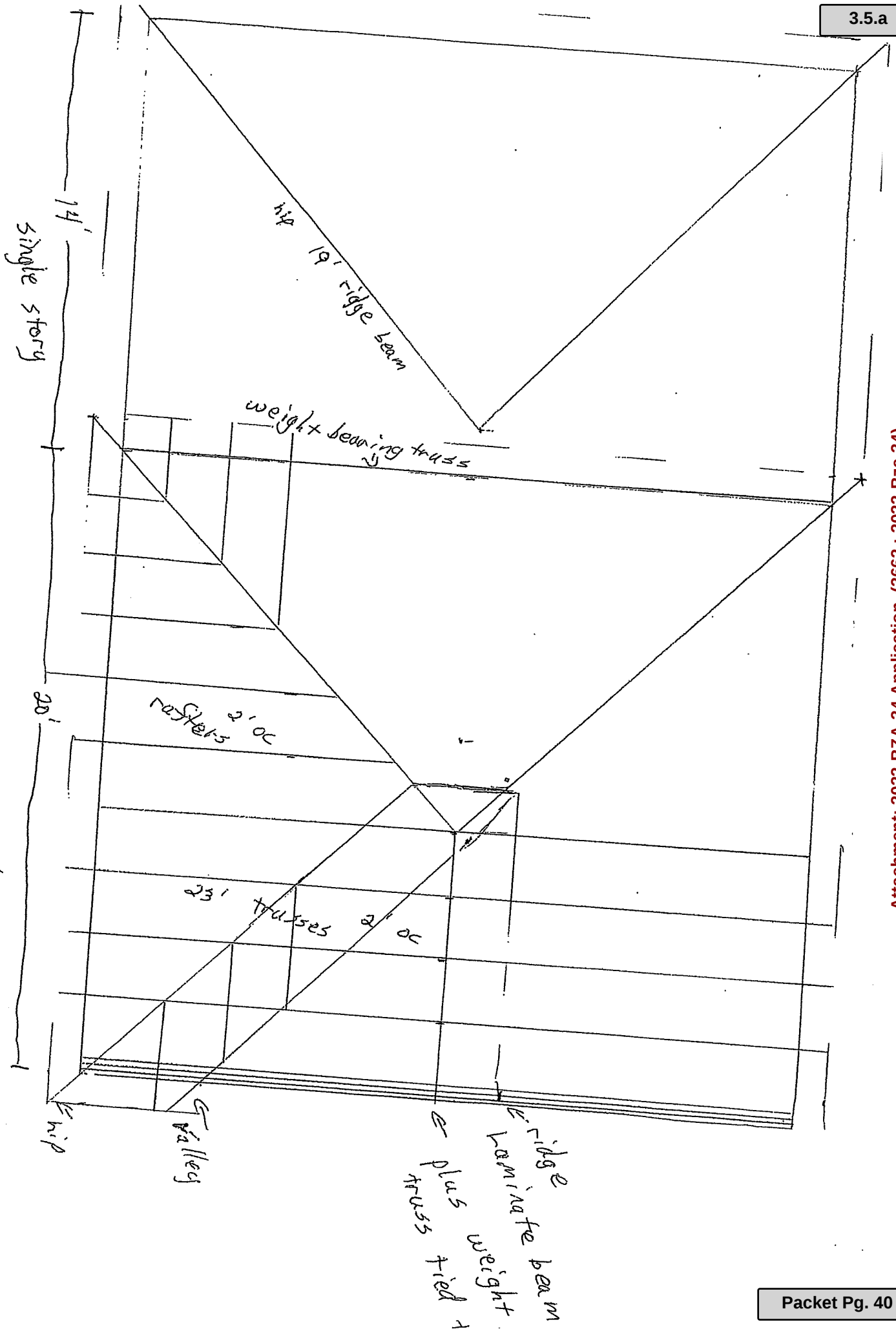


EAST
SIDE

5' TO PROPERTY
LINE

5'







Board of Zoning Appeals Meeting: 10/19/22 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 # 3664)

DOC ID: 3664

2022-BZA-35 : 200 E VINE ST - VARIANCE FOR REAR SETBACK

Item Number	2022-BZA-35
Site Address	200 E Vine ST
Parcel Number	66-01760.000
Zoning District	O/I
Presented By	Sam & Paula Barone

Quick Guide to Codified Ordinance Sections (may not be inclusive):
 1168.03 Development Standards for Residential Uses in the O/I District
 1161.02 Development Standards (R-2 Single and Two Family District)
 1160.02 Development Standards (R-1 Single Family District)

Request: We are requesting relief from the 60" (5') setback requirement from the lot lines to situate a 32' x 16' open-sided carport/pavilion 22" inside the fence on the south perimeter of our property.

COMMENTS - Current Meeting:

Barone (sworn in) explained their goal to create a carport in the back of their property to store their recreational vehicle under, through access from the alley. The RV is currently being stored in the driveway in front of their garage. The proposed carport will be situated inside their privacy fence and in alignment with the potting shed addition on the back of their garage. The edge of the addition is 22" inside the property line. (The garage is on the property line.) The design was selected to complement the adjacent structure. Valuable landscaping would need to be removed in order to meet the 5' rear setback and make room for the planned carport. The proposed alignment will mesh up with the neighbor's garage directly across the alley and maintain maximum turning radius for both properties.

The neighbors, the Rummel's, provided a letter stating they are fine with the proposal.

Hillier said locating the carport at the proposed location will conceal the camper more than where it is currently parked. He thinks it will be an improvement and that it should be approved as requested.

The Staff Reports was read: October 19, 2022 Case: 2022-BZA-35 200 E Vine ST Parcel # 66-01760.000 Sam & Paula Barone request a variance to the rear yard setback to add a 16' x 32' open-sided carport/pavilion. The proposed structure would be located 22" from the rear

property line, in-line with the existing addition on their garage. There is a 6' high privacy fence along the property line. 1160.02(5) Minimum rear yard: 5 feet for accessory buildings. It is common for structures in these older neighborhoods to not meet current day zoning regulations. Blankenhorn further noted the existing garage is on the property line.

Smith made a motion to approve the request as presented.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	William Smith, Member
SECONDER:	Susie L. Simpson, Member
AYES:	Susie L. Simpson, William Smith, Tonya Boucher, Cynthia Cunningham
EXCUSED:	Michael Percy, 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 Sam and Paula Barone			
Agent's Name, Address and Phone			
Site Information			
Site Address 200 East Vine Street		Legal Description Thomas 444	
Parcel Number 66-01760.000	Deed Volume and Page Number Vol. 386, Page 446	Zoning District O/I	
Existing use of property Residential		Proposed use of property Residential	
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: We are requesting relief from the 60" setback requirement from lot lines to situate a 32'x16' open-sided carport/pavilion 22" inside the fence on the south perimeter of our property. As the attached document illustrates, the proposed structure would essentially project eastward and align with the existing potting shed extension of our garage.			
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: September 28, 2022		By: Sam Barone	

Status of Application			
Filing Date		Case Number	
		Hearing Date	
		Fee deposit	Date Paid
		\$75.00	Receipt Number
Status of Board's Action			
☐ Approved ☐ Denied			

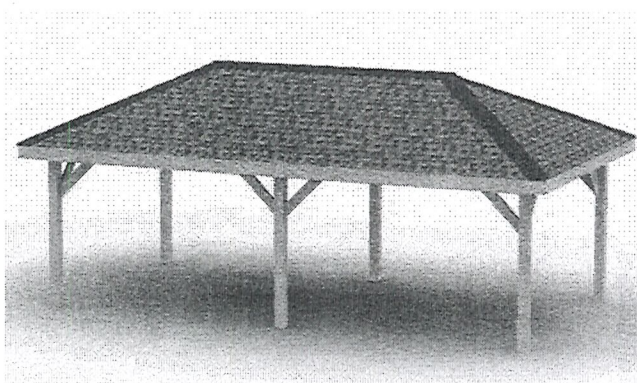
Attachment: 2022-BZA-35 Application (3664 : 2022-Bza-35)

Proposed Carport Construction with Alley Access



Our proposal consists of constructing a 16'x32" open carport for our recently acquired Airstream travel trailer, which is 25' in length. The carport would be a pole structure with 11' openings on all four sides. The roof will be a 5/12 pitch hip roof with standing seam steel sheathing. It will closely approximate the look of the hip roofs on our home and on the shed extension of our garage, which is immediately adjacent to the proposed building site. Its width is established to align and situate perfectly with the adjacent shed. Construction is envisioned to begin early December, with concrete flooring and apron, not to exceed 600 sq. ft. combined, to follow in Spring 2023.

Parcel Number:
66-01760.000



Carport Concept Illustration



Proposed Building Site (Alley View)

Existing fence line projects from southeast corner of Barone garage to alley. Proposed set-in of new carport would match that of existing shed, which is approximately 20" inside fence line, likely requiring a variance. shaded rectangle shows approximate location of the carport in existing driveway.