



Board of Zoning Appeals

February 21, 2024

Board Meeting

Agenda

5:30 PM

VIDEO BROADCASTING & RECORDING

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

CALL TO ORDER

MINUTES APPROVAL

- Board of Zoning Appeals - Board Meeting - Feb 7, 2024 5:30 PM

BZA FILES

- 2023-BZA-22 : Bylaws
- 2024-BZA-03 : Corner of Howard ST and S McKenzie ST- Variances for New Day Care Center Building
- 2024-BZA-04 : 119 Brown ST - Variance for Front Setback

ADJOURN



Board of Zoning Appeals Meeting: 02/21/24 5:30 PM
City of Mount Vernon Dept: Board of Zoning Appeals
Mount Vernon, OH 43050

TABLED

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

BZA FILE (ID # 3890)

DOC ID: 3890

2023-BZA-22 : BYLAWS

Item Number	2023-BZA-22
Site Address	N/A
Parcel Number	N/A
Zoning District	N/A
Presented By	Matthew T. Starr, Chairman

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

1155.05(b) Board of Zoning Appeals: The Board of Zoning Appeals may adopt rules and regulations governing the conduct of its affairs that are consistent with this Zoning Ordinance.

Request: Review proposed bylaws for adoption

HISTORY:

11/01/23

Board of Zoning Appeals

TABLED

Next: 02/21/24

Blankenhorn explained that the City Administration would like each Board & Commission to have Bylaws. The draft proposed by the Mayor is in the agenda packet for this Board to review and provide feedback and discuss during a future meeting.

Boucher made a motion to table the Bylaws review and discussion. Aryanata seconded and voting was AIF.



BYLAWS OF THE

Board of Zoning Appeals for the City of Mount Vernon, Ohio

ARTICLE 1. NAME

The name of the board is *BOARD OF ZONING APPEALS*. (Ordinances 1155)

ARTICLE 2. PURPOSE AND DUTIES (1155.08)

- (A) The Board of Zoning Appeals may adopt rules and regulations governing the conduct of its affairs that are consistent with the Zoning Ordinance of the City of Mount Vernon. All rules and regulations shall be filed with the Clerk of Council and made available for public inspection. The Board of Zoning Appeals shall annually choose from its membership a chairman and vice-chairman. (Ord. 2014-08. Passed 4-28-14.)
- (B) In exercising its duties, the Board may, as long as such action is in conformity with the terms of the bylaws and the Zoning Ordinance from which they were developed reverse or affirm, wholly or partly, or modify the order, requirements, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made. At such time, to that end shall have the powers of the Zoning Enforcement Officer from whom the appeal is taken. For the purpose of the bylaws according to the Zoning Ordinance the Board has the following specific responsibilities:
- (a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Enforcement Officer.
 - (b) To authorize such variances from the terms of the bylaws as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of the bylaws and/or zoning ordinance will result in unnecessary hardship, and so that the spirit of the bylaws and/or zoning ordinance shall be observed and substantial justice done.

- (c) To grant conditional use permits as specified in the Schedule of District Regulations and under the conditions specified in Section [1155.22](#) and such additional safeguards as will uphold the intent of the bylaws.
- (d) To hear and decide requests for the interpretation of the Zoning Map.
- (C) Members of the Board of Zoning Appeals shall serve without pay. (Ord. 1990-11. Passed 4-16-90.)
- (D) An individual board member may not act in an official capacity except through the action of the board.
- (E) Members are expected to let the City Clerk know if there are any conflicts of interest regarding the business set forth on the agenda or that may arise in a meeting.

ARTICLE 3. MEMBERSHIP

- (A) The Board of Zoning Appeals shall consist of five (5) members to be appointed by the Mayor, and approved by City Council. The term of all members shall be five (5) years and their terms shall be so arranged that the term of one (1) member shall expire each year.
- (B) The Mayor shall also appoint two alternate members, with the approval of City Council, who may be called upon by the chairman to hear appeals if a member is unavailable or has a conflict of interest.
- (C) Each member shall serve until his successor is appointed and qualified.
- (D) Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other reasonable cause by the Mayor upon written charges and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing either personally or by registered mail, or by leaving the same at his place of residence. The member shall be given an opportunity to be heard and answer such charges.
- (E) Vacancies shall be filled by appointment by the Mayor, with the approval of council, and shall be for the unexpired term.
- (F) Attendance - members are expected to let the City Clerk know if they are not able to attend the meetings.

- (G) The Board of Zoning Appeals may adopt rules and regulations governing the conduct of its affairs that are consistent with the bylaws and the zoning ordinances from which they were drawn. All rules and regulations shall be filed with the Clerk of Council and made available for public inspection.
- (H) The chair, or in his absence the vice-chair, shall advise Council by letter if any Board of Zoning Appeals member has absented himself from all meetings held during any period of ninety consecutive days or who has absented himself from a total of one-fourth of the regular meetings during a calendar year. Council shall consider removing such a member.
- (I) A member who seeks to resign from the Commission shall submit a written resignation to their appointing authority. If possible, the resignation should allow for a thirty day notice so the appointing authority can appoint a replacement.

ARTICLE 4. OFFICERS

- (A) The officers of the board shall consist of the Chair and the Vice-chair.
- (B) The Board of Zoning Appeals shall annually choose from its membership a chairman and vice-chairman.

ARTICLE 5. DUTIES OF OFFICERS

- (A) The Chair shall preside at board meetings and approve each final meeting agenda.
- (B) In the absence of the Chair, the Vice-chair shall perform all duties of the Chair.

ARTICLE 6. AGENDAS

- (A) Upon receipt of an application for a zoning appeal, which is accompanied by the material required by the provisions of subsection [1172.1155.23](#) of the codified ordinances of the City of Mount Vernon, the Zoning Enforcement Officer or his designee shall place the application on the agenda for the Board of Zoning Appeals at its next regular meeting following 30 days from the date the application is filed. The Zoning Enforcement Officer (or designee) shall further cause to be published in a newspaper of general circulation in the City, a public notice of the scheduled hearing of the application together with a general description of the nature of the application. The applicant shall be notified by

mail of the date of the hearing.

(B) Agendas are published on the City's website.

ARTICLE 7. MEETINGS

(A) Board meetings shall comply with the Ohio Open Meetings Act (ORC 121.22).

(B) Board meetings shall be governed by Robert's Rules of Order.

(C) Board may not conduct an executive session without the approval of the Law Director.

(D) The Board shall meet monthly on the first and third Wednesday of the month at 5:30 p.m. in Council Chambers (40 Public Square) or when it is required to meet in order to comply with a legal deadline.

(E) No later than December of each year, the Board shall adopt a schedule of the meetings for the upcoming year, including makeup meeting dates for the holidays and canceled meetings.

(F) The Chair may call a special meeting, and the Chair shall call a special meeting if requested by three or more members. The call for the meeting shall state the purpose of the meeting.

(G) Four members constitute a quorum.

(H) If a quorum for a meeting does not convene within twenty (20) minutes of the posted time for the meeting, then the meeting may not be held.

(I) To be effective, a board action must be adopted by an affirmative vote of the majority of the members present.

(J) The Board of Zoning Appeals shall/may allow time for public comments during the meeting. The Chair may limit the length of time of any individual speaker.

(K) The Zoning Enforcement Officer (or designee) shall prepare the Board meeting minutes. The minutes of each Board meeting must include the vote of each member on each item before the Board and indicate whether a member is absent or failed to vote on an item.

(L) The city shall retain documents of the Board of Zoning Appeals pursuant to its written records retention policy as approved by the Ohio History Connection.

(M)Each person and Board member attending a Board meeting should act appropriately and professionally.

ARTICLE 8. PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order shall govern the board in all cases to which they are applicable, except when inconsistent with these bylaws.

ARTICLE 9. AMENDMENT OF BYLAWS

A bylaw amendment is not effective unless approved by a majority of the members of the Board of Zoning Appeals. Furthermore, amendments may not apply to statutory requirements of the Ohio Revised Code.

The Board of Zoning Appeals bylaws were approved by the Board of Zoning Appeals meeting held on _____(date/time) at CITY HALL, 40 PUBLIC SQUARE, MOUNT VERNON, OHIO (location) .

(Signature of Board of Zoning Appeals Chair)

Board of Zoning Appeals members present:

Attachment: Board of Zoning Appeals Bylaws 04122023 - Google Docs DRAFT (3890 : 2023-Bza-22)



Board of Zoning Appeals Meeting: 02/21/24 5:30 PM
City of Mount Vernon Dept: Board of Zoning Appeals
Mount Vernon, OH 43050

SCHEDULED

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

BZA FILE (ID # 3958)

DOC ID: 3958

**2024-BZA-03 : CORNER OF HOWARD ST AND S MCKENZIE ST- VARIANCES FOR
 NEW DAY CARE CENTER BUILDING**

Item Number	2024-BZA-03
Site Address	Corner of Howard St and S McKenzie ST
Parcel Number(s)	66-50438.000; 66-50440.000; 66-50439.000; 66-50360.000; 66-50358.000; 66-50357.000; 66-50273.000; 66-50272.000; 66-50271.000; 66-5270.000; 66-09844.000; 66-9841.000; 66-01860.000; 66-01859.000; 66-01502.000
Zoning District	GB (south side of block) & O/I (north side of block)
Presented By	Julie Ziga, SoL/Harris Day for Salvation Army

Quick Guide to Codified Ordinance Sections (may not be inclusive):
 1167.03 Development Standards for Free-Standing Use on Individual Lots (GB)
 1174 Off-Street Parking and Loading Facilities

Request: The proposed Daycare project is requesting variances for building setbacks, parking setbacks, and parking stall width requirements. See the attached site plan which provides additional information.



City of Mount Vernon, Ohio
Board of Zoning Appeals

Request for Hearing

Applicant's Information

Owner's Name, Address and Phone

Salvation Army Mount Vernon, 206 E Ohio Street, Mt Vernon, OH, 740-392-8716

Agent's Name, Address and Phone

SoL Harris/Day Architecture, 6677 Frank Avenue NW, North Canton, OH, 330-493-3722

Site Information

Site Address

305 S Mackenzie Street, Mt Vernon, OH

Legal Description

FACTORY 16 EX 45 N PT

Parcel Number

6650438000 & others

Deed Volume and Page Number

480/685 484/329 215/12

Zoning District

GB; O/I; R-1

Existing use of property

Vacant

Proposed use of property

Daycare

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:

The proposed Daycare project is requesting variances for building setbacks, parking setbacks, and parking stall width requirements. Please see the attached site plan which provides additional 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: **01/29/2024**

By:

Julie Nipp

Status of Application

Filing Date

Case Number

Hearing Date

Fee deposit

\$100.00

Date Paid

Receipt Number

Status of Board's Action

Approved

Denied

Attachment: 2024-01-29 BZA Request for Hearing - Signed (3958 : 2024-Bza-03)

Narrative statements

*establishing and substantiating that the variance conforms to the following standards:
(initial beside the number to signify agreement; provide narrative for #3 & 4)*

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

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

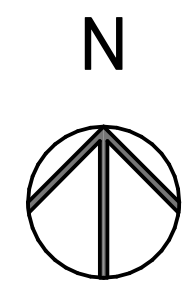
3) Describe the special circumstances or conditions, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this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

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

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

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

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

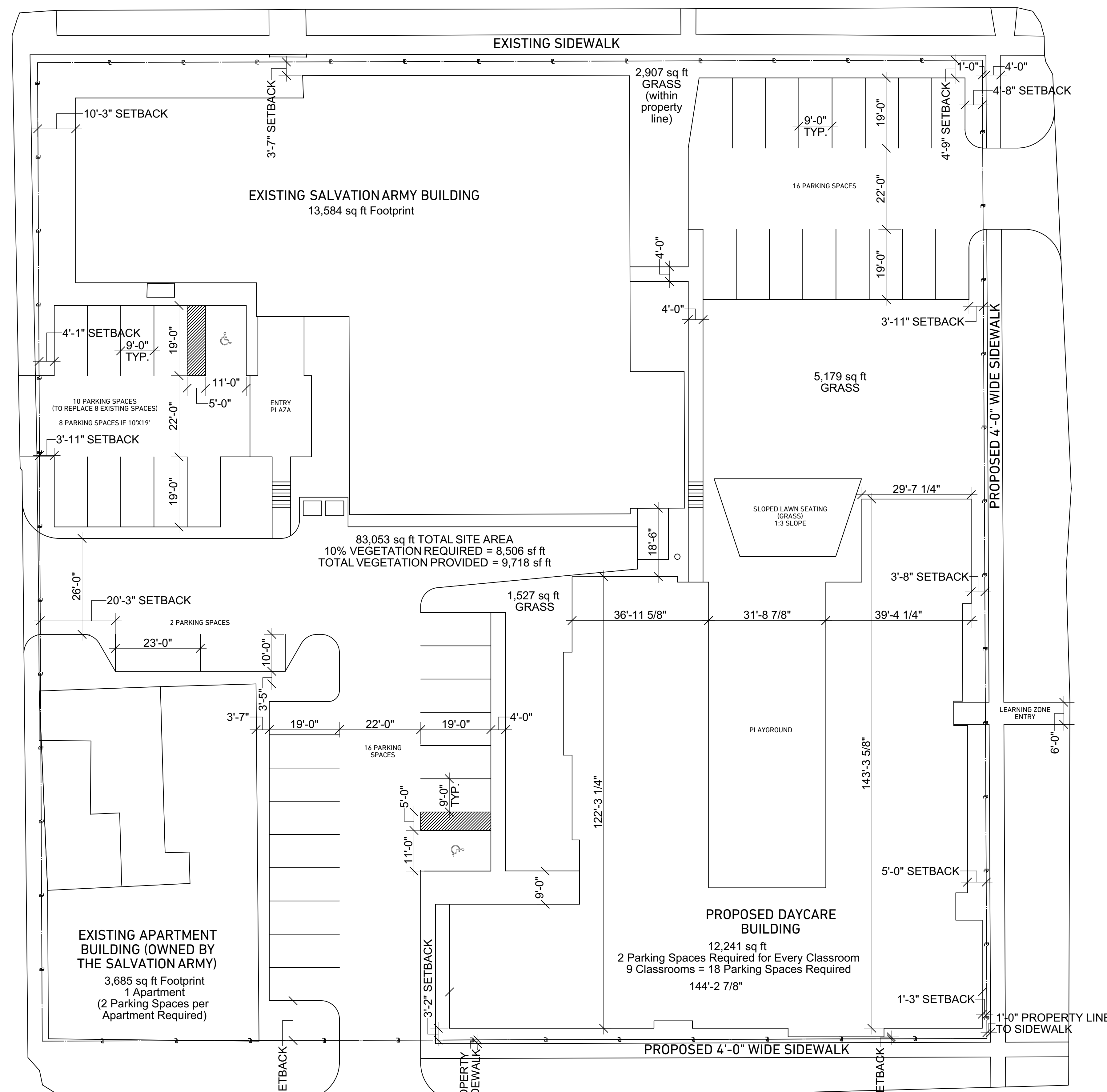


East Street

E Ohio Ave

S McKenzie Street

Howard Street



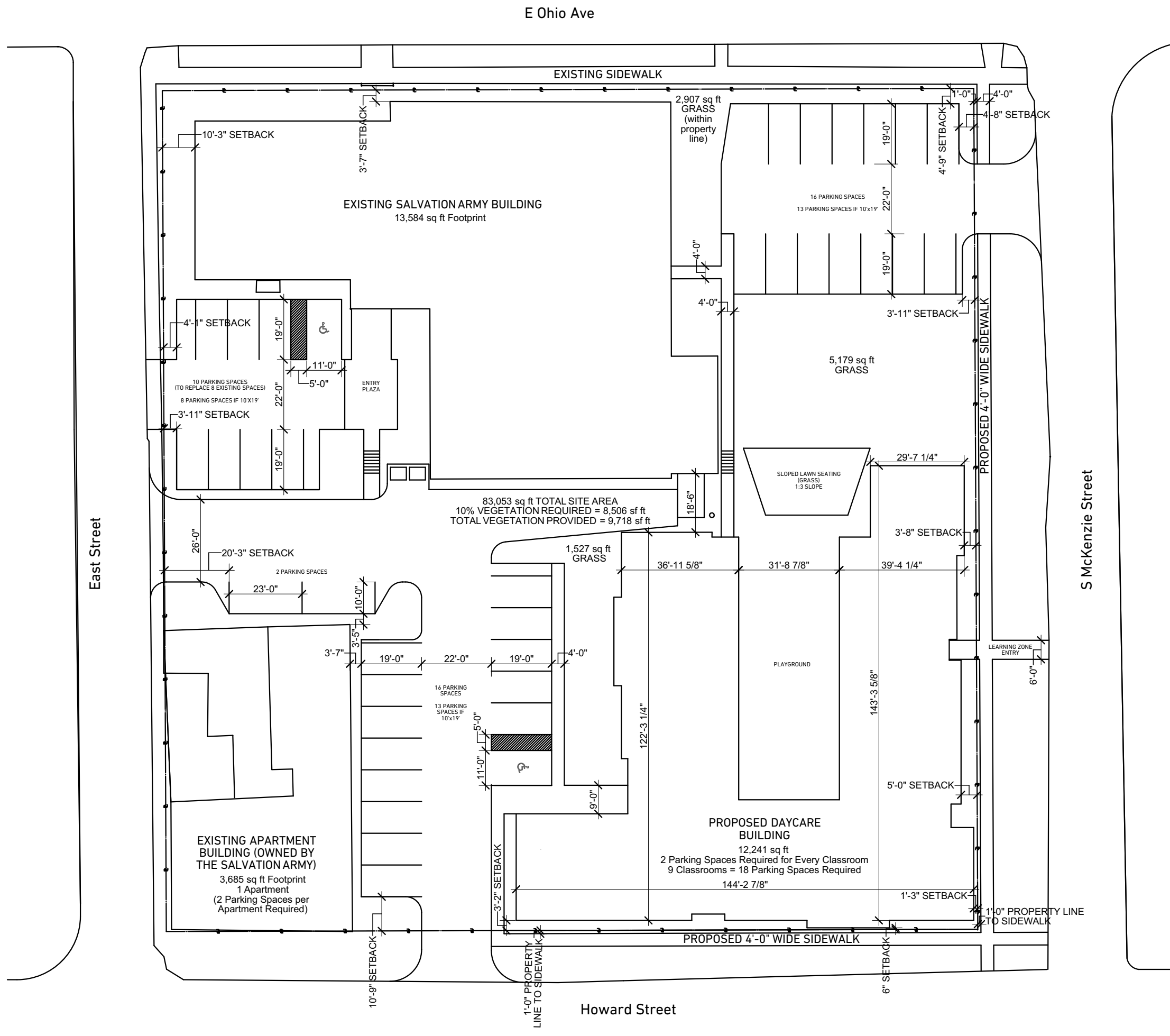
CHILDCARE FACILITY AND RENOVATIONS TO
MOUNT VERNON SALVATION ARMY
 206 E OHIO AVE
 MOUNT VERNON, OH, 43050

SITE PLAN 1/16" = 1'-0"





Attachment: Mount Vernon Salvation Army Zoning Appeal Documents (3958 : 2024-Bza-03)



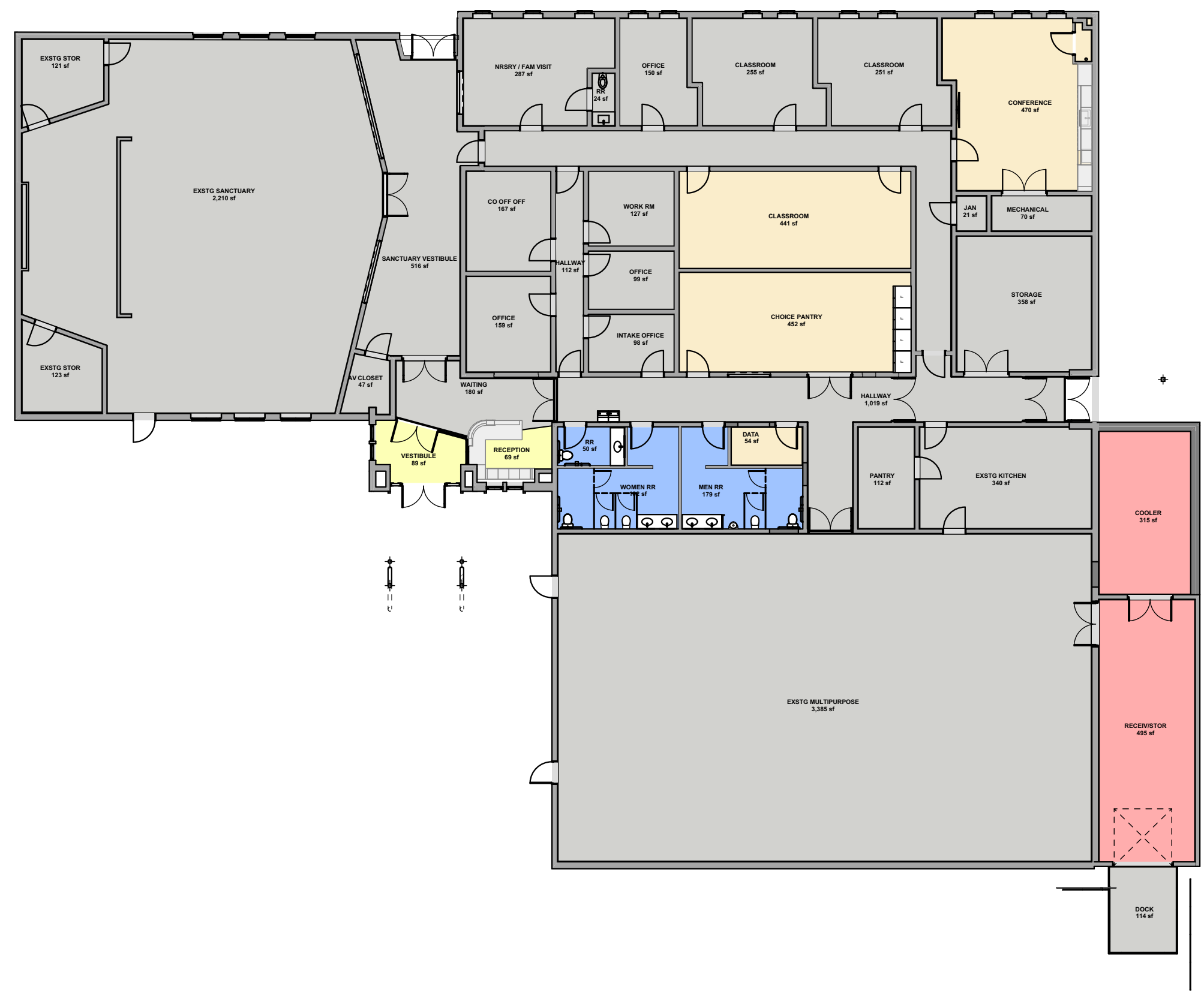


16 PARKING SPACES
13 PARKING SPACES IF 10'x19'

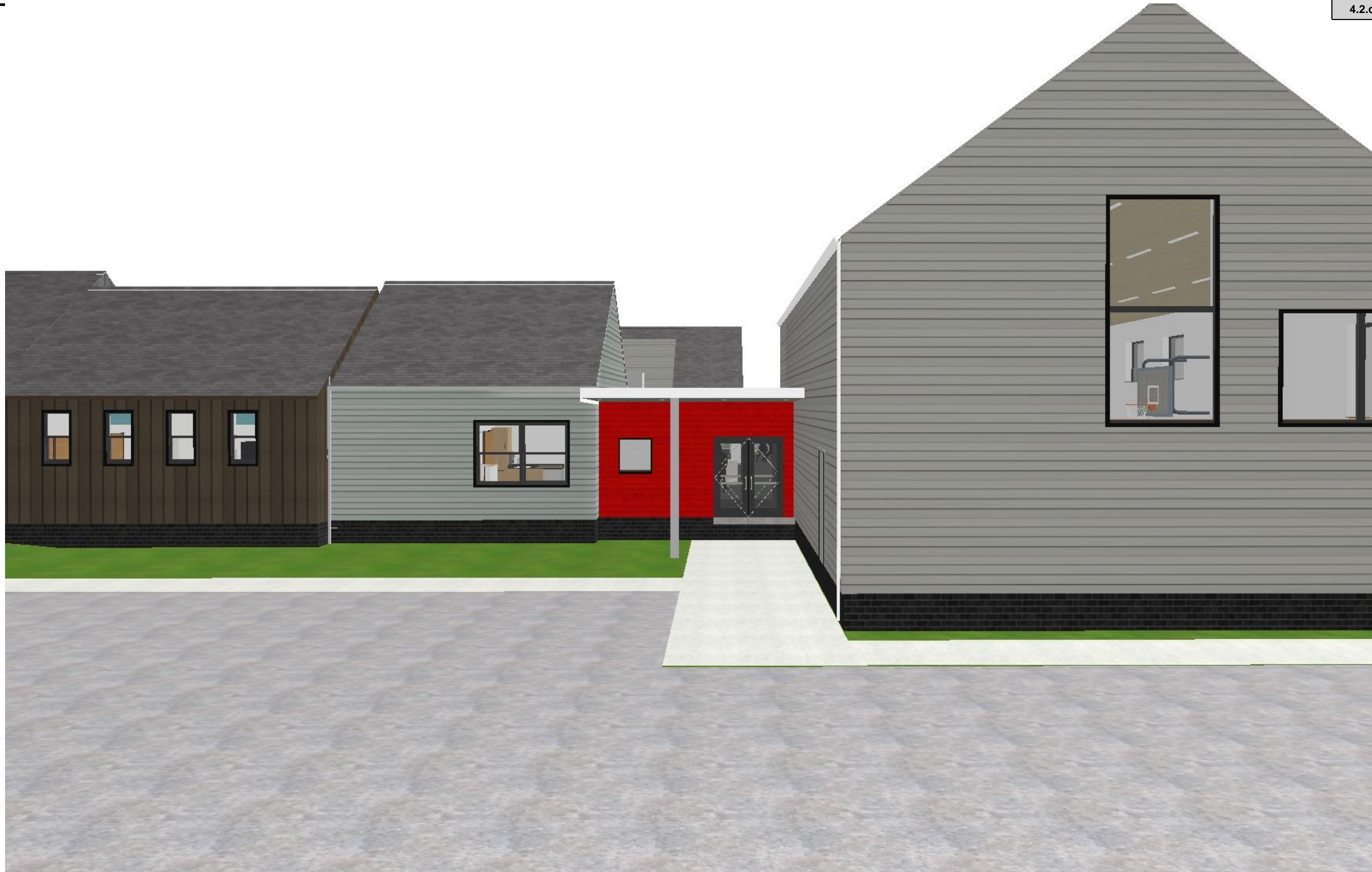
SLOPED LAWN SEATING (GRASS)
1:3 SLOPE

PRC

LEARNING ZONE ENTRY



Attachment: Mount Vernon Salvation Army Zoning Appeal Documents (3958 : 2024-Bza-03)



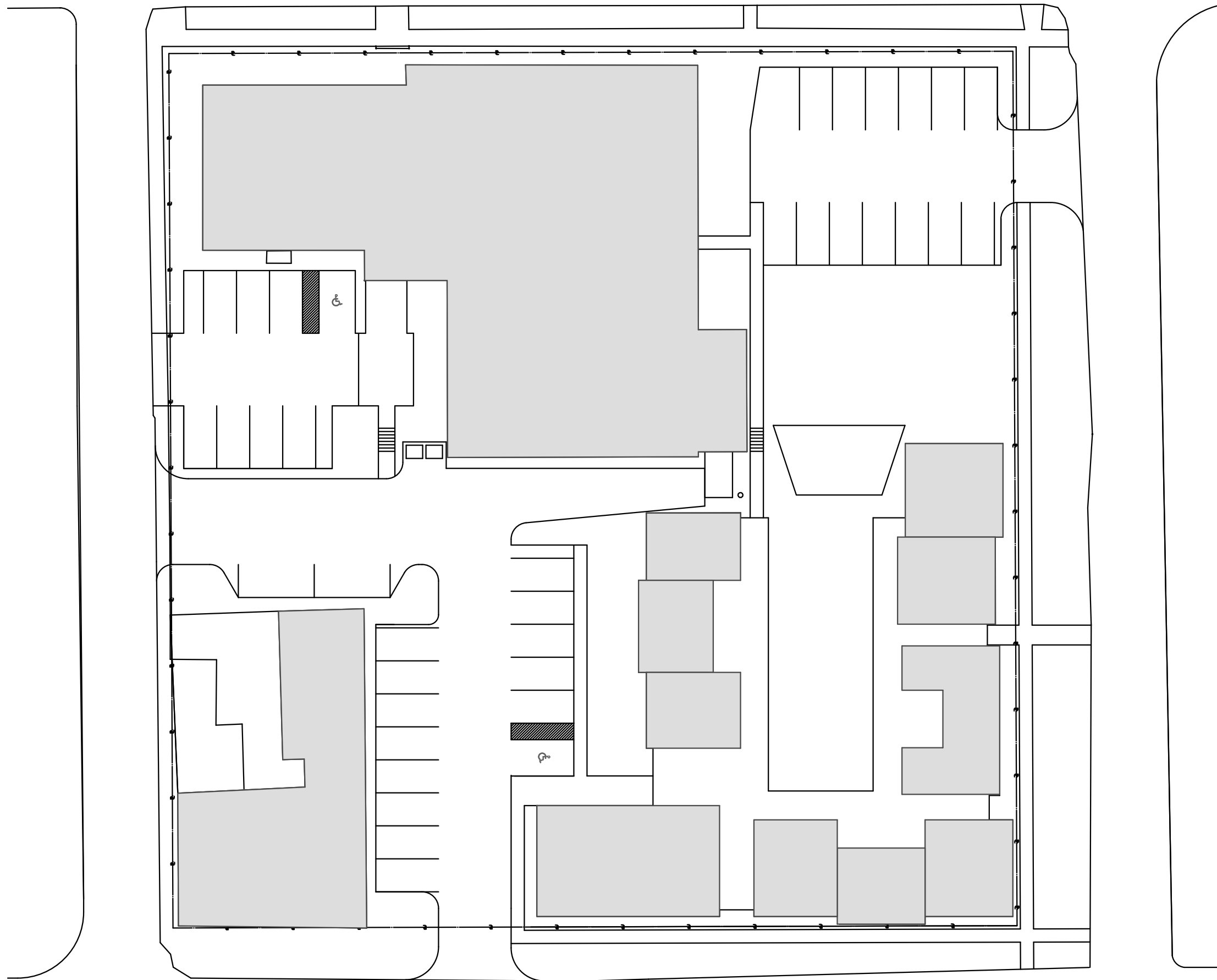
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Board of Zoning Appeals Meeting: 02/21/24 5:30 PM
City of Mount Vernon Dept: Board of Zoning Appeals
Mount Vernon, OH 43050

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

BZA FILE (ID # 3962)

DOC ID: 3962

2024-BZA-04 : 119 BROWN ST - VARIANCE FOR FRONT SETBACK

Item Number	2024-BZA-04
Site Address	119 Brown ST
Parcel Number	66-05453.000
Zoning District	R-1
Presented By	Henry Mejia of INRI Home Improvement for Don Phillips (owner) and Teresa Shaw (tenant)

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

Request: Replace the existing front covered porch with a 8' wide x 6' deep decking and 10' wide x 7' deep roof. The furthest extent of the roof will be 9' from the front property line.

Narrative statements

*establishing and substantiating that the variance conforms to the following standards:
(initial beside the number to signify agreement; provide narrative for #3 & 4)*

KJMC 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.

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

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

The existing home's front setback is nonconforming at approximately 14'.
The existing awning is smaller than the deck area and water runoff is damaging the wood.

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

The house is nonconforming as it exists and the Code does not allow for any modifications to the front within the setback

KJMC 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.

KJMC 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.

KJMC 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.

