



Board of Zoning Appeals
Board Meeting

Minutes

February 21, 2024
5:30 PM

VIDEO BROADCASTING & RECORDING

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

CALL TO ORDER

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

Others in attendance: City Development Services Manager, Lacie Blankenhorn; City Law Director, P. Rob. Broeren; Robert Beck; James Mahan; Mike Hillier; Julie Ziga; Henry Mejia; Austin Swallow; Christine Moretz

MINUTES APPROVAL

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

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

BZA FILES

- 2023-BZA-22 : Bylaws

Blankenhorn explained that the bylaws were introduced in November 2023 and then tabled. The mayor is proposing bylaws for all committees of the City. Essentially, they look very similar from one board to the next. There are a couple of clarifications that are needed based on your preferences. The first edit is in Article 6, letter A, the link is inaccurate and Blankenhorn proposed Section 1155.10 which goes over the requirements for an appeal. The second item is wording that needs a decision in Article 7, Letter J. Shall or may is proposed. Percy asked if there was any communication regarding the proposed bylaws. Blankenhorn explained the Law Director brought attention to the mentioned link.

An email from Mike Hillier was read: Please share this with the zoning board in a timely manner prior to tonight's meeting. (Blankenhorn chose not to forward the email prior to the meeting, knowing not every member would see it in time.) At tonight's meeting you are asking the board of zoning appeals to approve bylaws for this commission. Although I understand the reason for bylaws I do think there should be two changes prior to passage. Article 7 Section (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. I feel it is very important you do not eliminate the public from participating in your meeting. It is for the public's good that you have zoning appeals. Although your intentions may be different than some may interpret, I think you and this board need to strike out the word may (shall/may) and set an allotted time for the person to speak. Similar to city council. They allow 4 minutes and the person speaking may ask the board for more time if needed. It is very important that we do not take away the voice of the public. Those you represent. Feel free to call with any questions or concerns. Thank you for your consideration in this matter. Mike Hillier

An email from Bob and Linda Beck was read: Lacie & Todd, I would like the following read at tonight's, Feb 21 Zoning Appeals Board Meeting for the permanent record. I am very concerned by the Mayor's proposed bylaws, specifically ARTICLE 7. Meetings Line J text as follows : (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. I strongly believe everyone who has a concern or comment about a specific zoning change request MUST be heard. How else can this Board rationally vote on the proposed change. The 'people' being affected must have the opportunity to voice additional facts and their opinion on any requested change.

Percy conveyed his opinion, stating the way he reads this section of the bylaws, is not to limit comments on a case, but on comments not related to a case. There have been instances of people complaining rather than addressing the business before the Board at the time. Percy said he is fully on board with giving people time, but not to be scolded. Percy does not agree with limiting time on a case or not allowing comments on a case. General public comments have gotten excessive.

Hillier (sworn in) spoke of City Council adding a time limit to those speaking on matters pertaining to the City. Hillier thinks limiting comment to case matter could be written into the bylaws. He thinks issues could arise by allowing the chairman to limit speaking time versus City Council's allotted 4 minutes. Percy said he agrees with including a time limit. Percy said he would not limit speaking time on a case, but rather on general public comments. Hillier said he thinks the bylaw needs to be written in a way that clearly states anyone in attendance that wants to speak about the case has that ability.

Cunningham said she thinks they agree. They will likely go with shall, then divide the bylaw into two parts; one for case public comment, and one for general issues. The latter will probably have a time limit.

Hillier asked, when the word shall is used, does that mean you will. Cunningham said yes. Broeren said it's mandatory. Eyster said there's not choice, it's mandatory. Cunningham said that they have to.

Percy said he agrees with shall. He thinks case comments should have a larger time limit. Broeren said it sounds like item J needs more work and suggested tabling the matter to be revisited. Percy suggested limiting general comments to 4 minutes and comments specific to a case to be limited to 10 minutes. Eyster wasn't sure a differentiation is necessary. Cunningham said she doesn't want a half hour lecture on how to do her job on the BZA. Eyster suggested the chair allow the same amount of time to anyone wanting to speak.

Cunningham made a motion to table. Smith seconded. Voting was AIF.

| | | |
|----------------|---------------|-------------------------------|
| RESULT: | TABLED | Next: 3/6/2024 5:30 PM |
|----------------|---------------|-------------------------------|

- **2024-BZA-03 : Corner of Howard ST and S McKenzie ST- Variances for New Day Care Center Building**

Moretz (sworn in) explained the Salvation Army is looking to meet the needs of the community by building a childcare center. Percy reviewed the application, noting the needs for variances for the setback on the building, the number of parking spaces, as well as the size of the parking spaces. Percy noted the BZA has been more inclined to reduce the number of spaces versus reducing the size of spaces.

Ziga (sworn in) architect for the project explained the proposal. The Salvation Army owns the entire block to be redeveloped on the southeast corner. She reviewed the programming planned in the building with 9 classrooms and a gym space. Each classroom is a house-shaped form to break up the larger mass. 2 new parking lots are proposed as well as renovating an existing lot. They have 3 variance requests. The building setback for the 12,240-sf proposed building would need to be reduced to 7,250 sf to meet the required setbacks. Their proposed setbacks follow the existing conditions of the block. The existing Salvation Army building has a 3' 7" setback. The existing building to the west of the proposed site, also owned by the Army is located on the property line. They are proposing new sidewalks along South McKenzie and Howard Street to make the block more walkable. There are currently no sidewalks along those streets. There is a sidewalk along East Ohio Avenue. The second request is for the parking lot setbacks. The existing lot does not meet the required setbacks. The proposed location of the new lot in the north east corner is designed to accommodate the 14' grade change of the property from the north to the south. This will create a 5,000+ sf grass area between the proposed lot and new building, including a sloped lawn seating area to be used by the daycare. The third request is the parking stall sizes. The plan shows the proposed 9' x 19' spaces. The reduced size allows them to gain 8 additional spaces, which is 44 total on the site, versus 36. A plan was provided to show conforming stall sizes. Further building design details were reviewed. The tallest part of the proposed building is the gym space with a peak height of about 32' tall. The other building areas are in the 20's range for height. Percy asked how many parking spots are realistically needed, how many employees will there be. Moretz said roughly, at least 20 employees. There will be at least 2 in each classroom, plus the director and social worker who is in the existing building. With the Salvation Army Officers it could be 20-25.

Percy noted there is street parking along Ohio Avenue. Broeren asked about 2 existing structures on the south west corner of the block. Ziga said the apartment building will remain on the far west side. The concrete pad, that looks like a building on the aerial image will be removed. Moretz explained it was a storage units building that has already been removed. The building on the corner that will remain is the old Taylor Rental building. Blankenhorn asked if it has been converted to apartments. Moretz said it will be repurposed for Salvation Army use storage, and a laundry facility. Once apartment in the building will be retained for Salvation Army personnel only, not for public use.

Percy asked Blankenhorn if the parking count includes the existing buildings and what the required parking count is for just the proposed building. Blankenhorn confirmed with Ziga the required count of the proposed building with 9 classrooms is 18. Percy asked about the total number required for the site to include existing buildings. Blankenhorn said she did not run any calculations because she doesn't know the make up or use of the existing buildings. There was some discussion about the use of the existing buildings and when they were built. Blankenhorn said she look at the submission from the perspective of the existing building is there, in use, and functioning with what is provided. The proposal is for a new building and they are providing the required parking for the new building, plus upgrading the existing parking on the site. Percy said in that case a variance would not be needed for parking count. Broeren said a variance has been requested for parking stall size. Blankenhorn said variances are needed for the parking lots proposed setbacks. Percy said the application could be amended to remove the request for reduced stall sizes.

Ziga said they would like to withdraw the request for reduced parking stall size.

Percy proceeded with only considering the requests for setback variances of the proposed building and parking lots.

Blankenhorn read the staff report: February 20, 2024 Case: 2024-BZA-03 Howard ST and South McKenzie ST Parcels # 66-50438.000; 66-50440.000; et als (including about 10 other parcels encompassing the entire block) A request for variances to allow for the construction of a child day care facility has been submitted for multiple parcels at the corner of Howard ST and South McKenzie ST by Julie Ziga of SoL Harris/Day Architecture for The Salvation Army of Mount Vernon. The County will assign an address at a later date, based on the location of the proposed building. The zoning for the properties owned by the Salvation Army is a combination of GB - General Business District on the south side of the block and O/I - Office-Institutional on the north side of the block. The majority of the proposed structure will be on the GB zoned parcels, with a small portion of the northern end of the building extending into the O/I zoned parcel.

While GB Development Standards require a 30 feet front setback and a 15 feet side setback, existing structures to the immediate east and west of the proposed site extend over the front property line. Some of these same structures are situated on or over their side property line. The proposal for the new day care facility is to situate the structure 6 inches to 3' 2" from the front property line along Howard ST and 1 foot to 3' 8" from the side property line along S McKenzie ST. The building façade is multi-faceted, designed with varying setbacks instead of a single 1-dimensional wall. A new sidewalk is planned 1 foot from the property line, creating an urban like setting.

Improved parking areas for the Salvation Army campus are planned with a variety of variances being requested. One existing lot will be revamped while new parking areas will be added. The request seeks reduced parking stall widths of 9 feet campus wide. In recent history, the BZA has been more lenient with reducing the number of parking stalls instead of reducing the width of the stall, maintaining the necessity for 10 feet by 19 feet spaces to accommodate full size automobiles and provide clearance to ease entering and exiting the vehicle.

The existing lot accessed from East ST seeks side setback variances from the O/I required 7' setback for pavement to 3' 11" on the south edge and 4' 1" on the north edge. The existing parking area extends over the property line to the sidewalk.

A new lot proposed in the north east corner of the property seeks setback variances of 4' 9" from the front along Ohio AVE and 3' 11" to 4' 8" from the side along S McKenzie ST. This lot is located on an O/I zoned parcel which requires a 10' front setback and a 7 feet side setback, for pavement. The front setback is in-line with the existing Salvation Army building and the side setback is designed to be in-line with the proposed structure.

Ms. Ziga consulted with the City's Development Services Manager on a number of issues related to the design of these campus-wide proposed improvements. The design was altered to meet entrance and drive isle width requirements and show the parking count based on Code compliant parking stall widths.

Cunningham made a motion to approve the variance as presented with regard to setbacks only.

Blankenhorn verified this is for setbacks of the parking and building.

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| RESULT: | ACCEPTED AS MODIFIED [UNANIMOUS] |
| MOVER: | Cynthia Cunningham, Member |
| SECONDER: | Kate Aryanata, Alt. Member |
| AYES: | Percy, Smith, Eyster, Aryanata, Cunningham |
| EXCUSED: | Simpson, Boucher |

- 2024-BZA-04 : 119 Brown ST - Variance for Front Setback

Mejia (sworn in) explained the tenant wants to have a new porch built. The existing front porch is 8' x 5'. The awning is smaller, about 4'. They would like to extend roof by 1 foot.

There is no record of a variance for the existing porch. Blankenhorn said a 9' setback is needed. The Code requires a 30' front setback. The proposed structure will extend an additional 1 foot from the existing footprint.

Blankenhorn displayed a Google Streetview Image and explained the slanted porch roof will be removed and the porch area to be replaced with a slightly larger deck area where a chair could be placed on it.

Blankenhorn read the staff report: February 20, 2024 Case: 2024-BZA-04 119 Brown ST Parcel # 66-05453.000 A request for a variance for a reduced front setback of 9 feet has been requested for Don Phillips (owner) and Teresa Shaw (Tenant) by Henry Mejia of INRI Home Improvement. The proposed plan is to remove the existing 16 square feet partially covered porch and replace it with a 6' x 8' (48 sf) porch deck with a 7' x 10' (70 sf) porch roof. The extent of the proposed roof will be 9' from the front property line. The property is zoned R-1 which requires a 30' front setback. The front setback of the house does not meet current Code requirements. The neighboring commercial structure sets closer to its side property line along Brown ST at approximately 6 to 6.5 feet.

Cunningham made a motion to approve the variance as presented.

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

ADJOURN

- Adjourn Motion

Cunningham made a motion to adjourn the meeting, Aryanata seconded and the meeting was adjourned at 6:04 PM

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Cynthia Cunningham, Member |
| SECONDER: | Kate Aryanata, Alt. Member |
| AYES: | Percy, Smith, Eyster, Aryanata, Cunningham |
| EXCUSED: | Simpson, Boucher |



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

COMMENTS - Current Meeting:

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said she doesn't want a half hour lecture on how to do her job on the BZA. Eyster suggested the chair allow the same amount of time to anyone wanting to speak.

Cunningham made a motion to table. Smith seconded. Voting was AIF.

RESULT: TABLED

Next: 3/6/2024 5:30 PM



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

AMENDED

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.

COMMENTS - Current Meeting:

Moretz (sworn in) explained the Salvation Army is looking to meet the needs of the community by building a childcare center. Percy reviewed the application, noting the needs for variances for the setback on the building, the number of parking spaces, as well as the size of the parking spaces. Percy noted the BZA has been more inclined to reduce the number of spaces versus reducing the size of spaces.

Ziga (sworn in) architect for the project explained the proposal. The Salvation Army owns the entire block to be redeveloped on the southeast corner. She reviewed the programming planned in the building with 9 classrooms and a gym space. Each classroom is a house-shaped form to break up the larger mass. 2 new parking lots are proposed as well as renovating an existing lot. They have 3 variance requests. The building setback for the 12,240-sf proposed building would need to be reduced to 7,250 sf to meet the required setbacks. Their proposed setbacks follow the existing conditions of the block. The existing Salvation Army building has a 3' 7" setback. The existing building to the west of the proposed site, also owned by the Army is located on the property line. They are proposing new sidewalks along South McKenzie and Howard Street to make the block more walkable. There are currently no sidewalks along those

streets. There is a sidewalk along East Ohio Avenue. The second request is for the parking lot setbacks. The existing lot does not meet the required setbacks. The proposed location of the new lot in the north east corner is designed to accommodate the 14' grade change of the property from the north to the south. This will create a 5,000+ sf grass area between the proposed lot and new building, including a sloped lawn seating area to be used by the daycare. The third request is the parking stall sizes. The plan shows the proposed 9' x 19' spaces. The reduced size allows them to gain 8 additional spaces, which is 44 total on the site, versus 36. A plan was provided to show conforming stall sizes. Further building design details were reviewed. The tallest part of the proposed building is the gym space with a peak height of about 32' tall. The other building areas are in the 20's range for height.

Percy asked how many parking spots are realistically needed, how many employees will there be. Moretz said roughly, at least 20 employees. There will be at least 2 in each classroom, plus the director and social worker who is in the existing building. With the Salvation Army Officers it could be 20-25.

Percy noted there is street parking along Ohio Avenue. Broeren asked about 2 existing structures on the south west corner of the block. Ziga said the apartment building will remain on the far west side. The concrete pad, that looks like a building on the aerial image will be removed. Moretz explained it was a storage units building that has already been removed. The building on the corner that will remain is the old Taylor Rental building. Blankenhorn asked if it has been converted to apartments. Moretz said it will be repurposed for Salvation Army use storage, and a laundry facility. Once apartment in the building will be retained for Salvation Army personnel only, not for public use.

Percy asked Blankenhorn if the parking count includes the existing buildings and what the required parking count is for just the proposed building. Blankenhorn confirmed with Ziga the required count of the proposed building with 9 classrooms is 18. Percy asked about the total number required for the site to include existing buildings. Blankenhorn said she did not run any calculations because she doesn't know the make up or use of the existing buildings. There was some discussion about the use of the existing buildings and when they were built. Blankenhorn said she look at the submission from the perspective of the existing building is there, in use, and functioning with what is provided. The proposal is for a new building and they are providing the required parking for the new building, plus upgrading the existing parking on the site. Percy said in that case a variance would not be needed for parking count. Broeren said a variance has been requested for parking stall size. Blankenhorn said variances are needed for the parking lots proposed setbacks. Percy said the application could be amended to remove the request for reduced stall sizes.

Ziga said they would like to withdraw the request for reduced parking stall size.

Percy proceeded with only considering the requests for setback variances of the proposed building and parking lots.

Blankenhorn read the staff report: February 20, 2024 Case: 2024-BZA-03 Howard ST and South McKenzie ST Parcels # 66-50438.000; 66-50440.000; et als (including about 10 other parcels encompassing the entire block) A request for variances to allow for the construction of a child day care facility has been submitted for multiple parcels at the corner of Howard ST and South McKenzie ST by Julie Ziga of SoL Harris/Day Architecture for The Salvation Army of Mount Vernon. The County will assign an address at a later date, based on the location of the proposed building. The zoning for the properties owned by the Salvation Army is a combination of GB - General Business District on the south side of the block and O/I - Office-Institutional on the north side of the block. The majority of the proposed structure will be on the GB zoned parcels, with a small portion of the northern end of the building extending into the O/I zoned parcel.

While GB Development Standards require a 30 feet front setback and a 15 feet side setback, existing structures to the immediate east and west of the proposed site extend over the front property line. Some of these same structures are situated on or over their side property line. The proposal for the new day care facility is to situate the structure 6 inches to 3' 2" from the front property line along Howard ST and 1 foot to 3' 8" from the side property line along S McKenzie ST. The building façade is multi-faceted, designed with varying setbacks instead of a single 1-dimensional wall. A new sidewalk is planned 1 foot from the property line, creating an urban like setting.

Improved parking areas for the Salvation Army campus are planned with a variety of variances being requested. One existing lot will be revamped while new parking areas will be added. The request seeks reduced parking stall widths of 9 feet campus wide. In recent history, the BZA has been more lenient with reducing the number of parking stalls instead of reducing the width of the stall, maintaining the necessity for 10 feet by 19 feet spaces to accommodate full size automobiles and provide clearance to ease entering and exiting the vehicle.

The existing lot accessed from East ST seeks side setback variances from the O/I required 7' setback for pavement to 3' 11" on the south edge and 4' 1" on the north edge. The existing parking area extends over the property line to the sidewalk.

A new lot proposed in the north east corner of the property seeks setback variances of 4' 9" from the front along Ohio AVE and 3' 11" to 4' 8" from the side along S McKenzie ST. This lot is located on an O/I zoned parcel which requires a 10' front setback and a 7 feet side setback, for pavement. The front setback is in-line with the existing Salvation Army building and the side setback is designed to be in-line with the proposed structure.

Ms. Ziga consulted with the City's Development Services Manager on a number of issues related to the design of these campus-wide proposed improvements. The design was altered to meet entrance and drive isle width requirements and show the parking count based on Code compliant parking stall widths.

Cunningham made a motion to approve the variance as presented with regard to setbacks only.

Blankenhorn verified this is for setbacks of the parking and building.

RESULT: ACCEPTED AS MODIFIED [UNANIMOUS]
MOVER: Cynthia Cunningham, Member
SECONDER: Kate Aryanata, Alt. Member
AYES: Percy, Smith, Eyster, Aryanata, Cunningham
EXCUSED: Susie Simpson, Tonya Boucher



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.

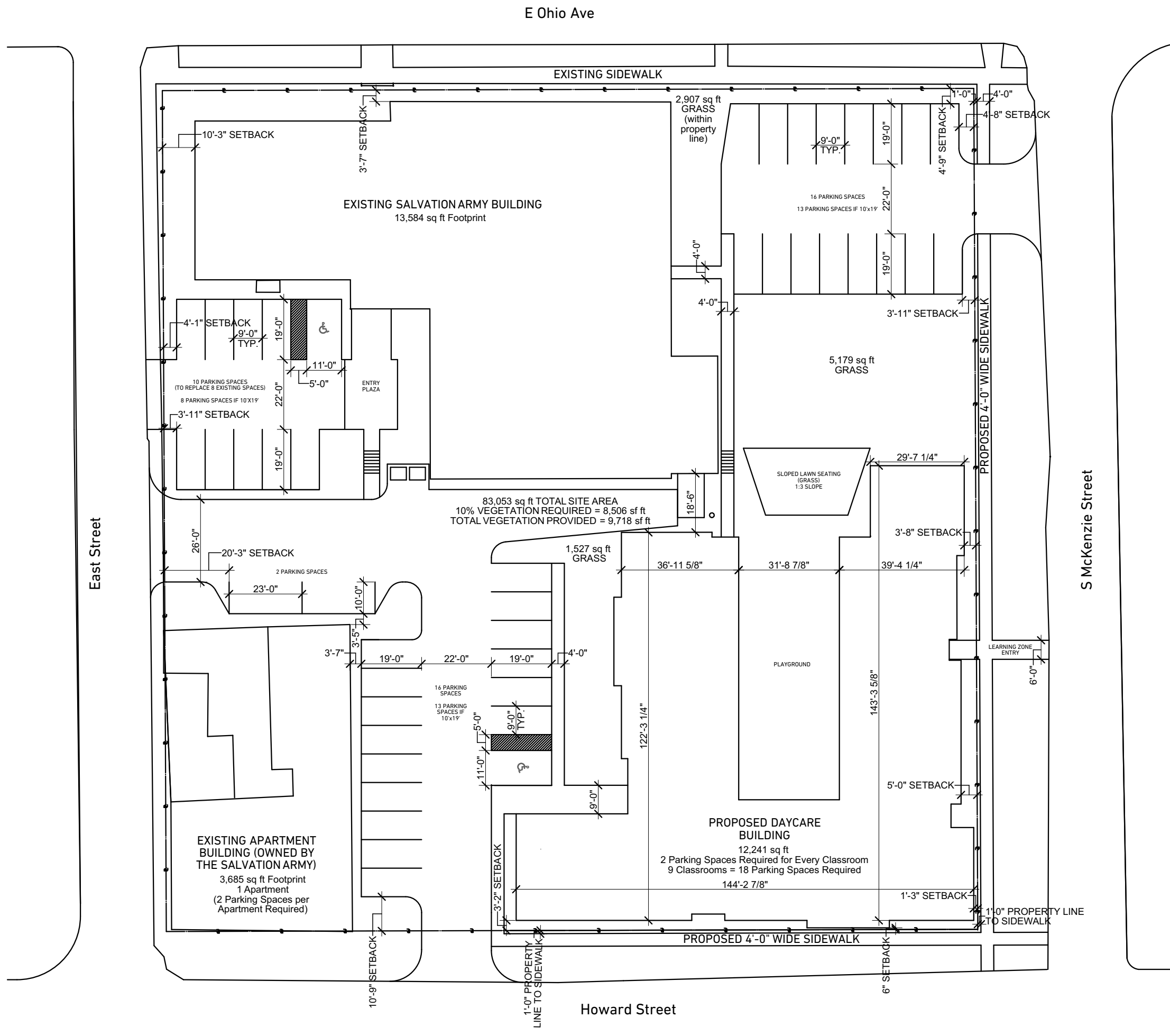
_____ 5) The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.

_____ 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.



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



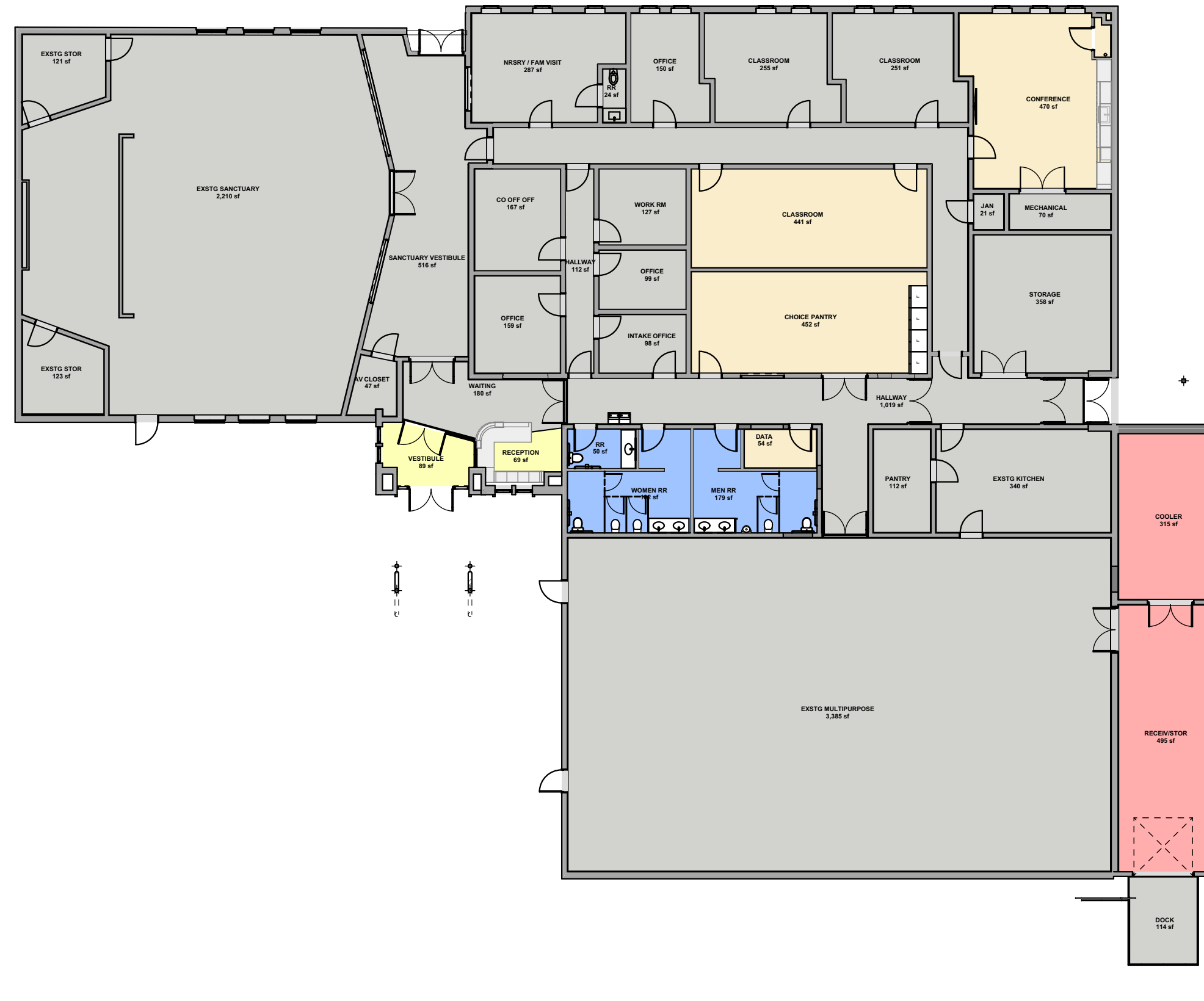
CHILDCARE FACILITY AND RENOVATIONS TO
MOUNT VERNON SALVATION ARMY
 206 E OHIO AVE
 MOUNT VERNON, OH, 43050

SITE PLAN
 2/14/2024

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



16 PARKING SPACES
 13 PARKING SPACES IF 10'x19'



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



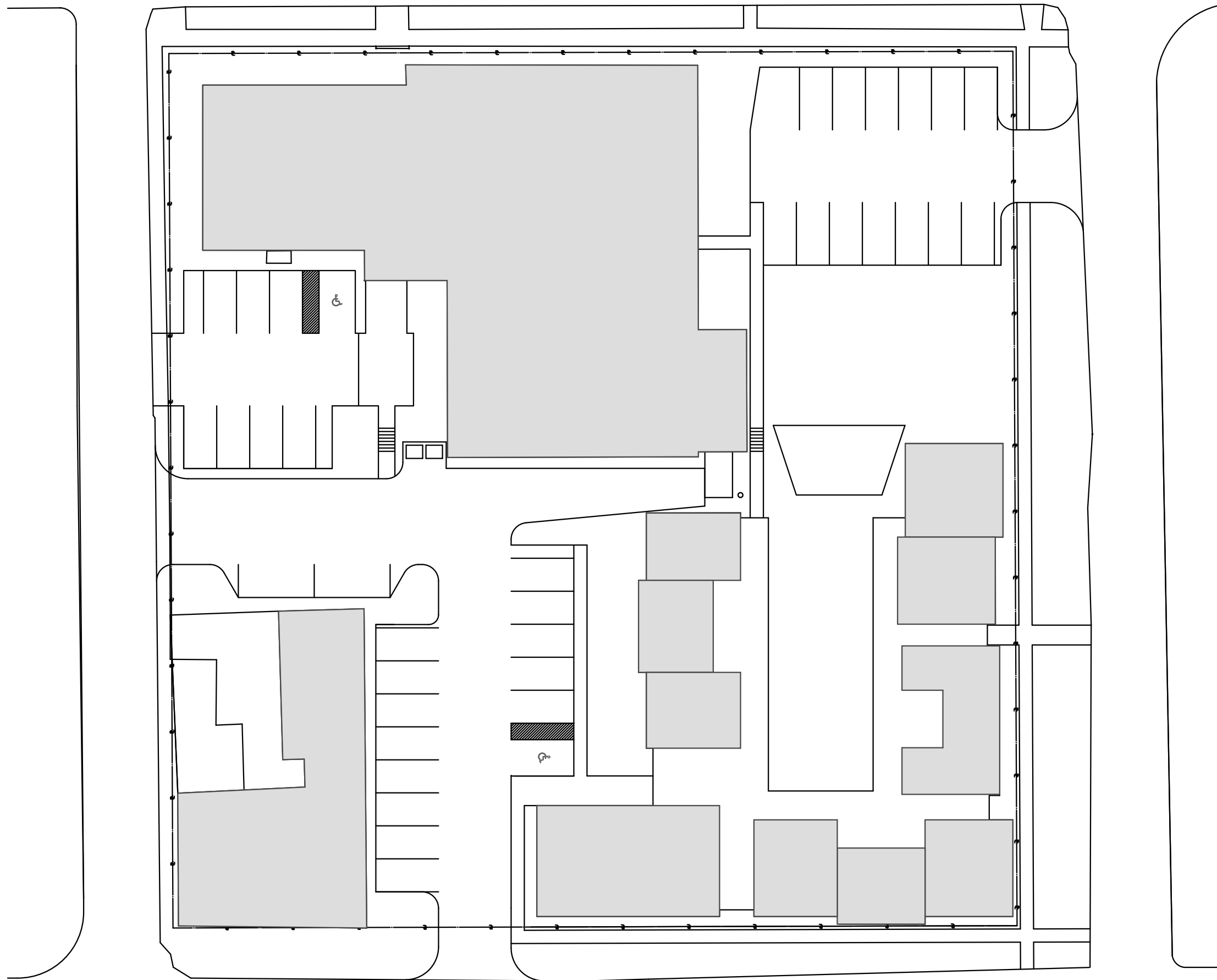
Attachment: Mount Vernon Salvation Army Zoning Appeal Documents (3958 : 2024-Bza-03)



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



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





Board of Zoning Appeals Meeting: 02/21/24 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 # 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.

COMMENTS - Current Meeting:

Mejia (sworn in) explained the tenant wants to have a new porch built. The existing front porch is 8' x 5'. The awning is smaller, about 4'. They would like to extend roof by 1 foot.

There is no record of a variance for the existing porch. Blankenhorn said a 9' setback is needed. The Code requires a 30' front setback. The proposed structure will extend an additional 1 foot from the existing footprint.

Blankenhorn displayed a Google Streetview Image and explained the slanted porch roof will be removed and the porch area to be replaced with a slightly larger deck area where a chair could be placed on it.

Blankenhorn read the staff report: February 20, 2024 Case: 2024-BZA-04 119 Brown ST Parcel # 66-05453.000 A request for a variance for a reduced front setback of 9 feet has been requested for Don Phillips (owner) and Teresa Shaw (Tenant) by Henry Mejia of INRI Home Improvement. The proposed plan is to remove the existing 16 square feet partially covered porch and replace it with a 6' x 8' (48 sf) porch deck with a 7' x 10' (70 sf) porch roof. The extent of the proposed roof will be 9' from the front property line. The property is zoned R-1 which requires a 30' front setback. The front setback of the house does not meet current Code requirements. The neighboring commercial structure sets closer to its side property line along Brown ST at approximately 6 to 6.5 feet.

Cunningham made a motion to approve the variance as presented.

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



City of Mount Vernon, Ohio
Board of Zoning Appeals

Request for Hearing

| Applicant's Information | |
|--|--|
| Owner's Name, Address and Phone <i>Don Phillips 9000 US HIGHWAY 192 LOT 100</i> | |

| | |
|---|--|
| Agent's Name, Address and Phone <i>HENRY J Mejia 12320 MONTGOMERY RD CLEVELAND OHIO OH 44124</i> | |
|---|--|

| Site Information | |
|---|---|
| Site Address <i>119 BROWN ST. MT. VERNON</i> | Legal Description <i>ROOMS 24</i> |
| Parcel Number <i>66-05453.000</i> | Deed Volume and Page Number <i>RI</i> |
| Existing use of property <i>single family Dwelling</i> | Proposed use of property <i>single Family Dwelling</i> |

Hearing Request

Type of Hearing Requested

Variance
 Conditional Use
 Appeal of Decision
 Map Interpretation
 Substantially Similar Use

In the following section, please list a brief description of the request. Narrative statements and any additional documents or information required by the Zoning Code and Chapter 1155 should be attached to this application as separate sheets.

Request: *CONSTRUCT NEW 8-FT X 6-FT FRONT PORCH TO REPLACE EXISTING. SET BACKS OF NEW PORCH WILL BE AS FOLLOWS: SIDE (N): 25-FT; SIDE (S): 20-FT; FRONT (E): 10-FT.*

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

Date: *1/24/2024* By: *[Signature]*

Status of Application

| | | | |
|---|--------------------------------|-----------|----------------|
| Filing Date | Case Number | | |
| | Hearing Date | | |
| | Fee deposit \$100.00 | Date Paid | Receipt Number |
| Status of Board's Action | | | |
| <input type="checkbox"/> Approved <input type="checkbox"/> Denied | | | |

Attachment: BZA Application (3962 : 2024-Bza-04)

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.



January 24, 2024

- 1 inch -
 Scale - 1:240 1 inch = 20 feet
 1 inch = 0.004 miles

Drawing shows porch deck dimensions.
 Porch Roof Dimensions: 10' x 7'
 Front setback from porch roof to property line: 9'

Knox County, OH; Bruce Harris & Associates

Attachment: Drawing noting porch roof (3962 : 2024-Bza-04)