

BOARD OF ZONING APPEALS MEETING

TIPP CITY, MIAMI COUNTY, OHIO

October 21, 2015

Meeting	Chairman McFarland called this meeting of the Tipp City Board of Zoning Appeals to order at 7:30 p.m. which was held at the Tipp City Government Center, 260 S. Garber Drive, Tipp City, Ohio.
Roll Call	Roll call showed the following Board Members present: Michael McFarland, Steve Stefanidis, and Carrie Arblaster. Others in attendance: City Planner/Zoning Administrator Matthew Spring, and Kimberly Patterson, Board Secretary.
Absence	Chairman McFarland moved to excuse Mr. Isaac Buehler from the meeting , seconded by Ms. Arblaster and unanimously approved. Motion carried.
Citizens signing the registrar	Citizens attending the meeting: Darby Mahan and Andrew Thornberry.
Board Minutes 09-16-2015	Chairman McFarland asked for discussion. There being none, Chairman McFarland moved to approve the September 16, 2015 meeting minutes as written , seconded by Mr. Stefanidis. Motion carried. Ayes: McFarland, Stefanidis, and Arblaster. Nays: None.
Citizens Comments	There was none.
Administration of Oath	Mrs. Rowlands swore in citizens and Mr. Spring.
Chairman's Introduction	Chairman McFarland explained the guidelines and procedures for the meeting and public hearings. He advised the applicant that any person or entity claiming to be injured or aggrieved by any final action of the BZA shall have the right to appeal the decision to the court of common pleas as provided in ORC Chapters 2505 and 2506.
New Business Case No. 14-15 Darby Mahan Setback Driveway Variance Request	Case No. 14-15: Darby Mahan - 214 E. Walnut Street - Lot: Pt. IL 491 – The applicant requests a variance of 3' to the required setback of 3' noted in Code §154.10(F)(4)(c)(i) for residential driveways. Zoning District: CC/RA – Community Center/Old Tippecanoe City Restoration and Historic District Zoning Code Section(s): §154.10(F)(4)(c)(i) Mr. Spring stated that in association with the proposed demolition of the existing home and detached garage and the subsequent construction of new residential single-family home and detached garage, the

applicant requested the following variance for the property located at 214 E. Walnut Street:

1. A variance of 3' to the required setback of 3' noted in Code §154.10(F)(4)(c)(i) for residential driveways.

Mr. Spring stated that the existing property contains a preexisting nonconforming gravel driveway leading to the existing detached garage. This existing gravel driveway abuts the existing home on the east and the western side property line on the west. The proposed demolition of the home & garage nullifies/voids the nonconforming status of the existing gravel driveway for construction material (gravel) and associated setbacks (0'). The applicant had indicated that the proposed new driveway would be paved with asphalt per Code §154.10(C)(5)(f)(v) which states that all open off-street parking areas shall be graded and provided with a hard surface of asphalt or Portland cement concrete. Further, the new driveway must maintain a minimum 3' setback from the side property line per Code §154.10(F)(4)(c)(i) which states:

Mr. Spring reviewed the driveway setback requirements.

(i) Driveways for residential dwellings shall be set back a minimum of three feet from all lot lines.

Mr. Spring stated that the proposed new 10.5 wide asphalt driveway would abut (0' setback) the western side property line; therefore a variance of 3' is needed ($3 - 0 = 3$).

**Mr. Spring pointed out the Board Review Criteria §154.03(K)(4)
(4) Review Criteria**

Decisions on variance applications shall be based on consideration of the following criteria:

(a) Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this code will result in practical difficulty for an area/dimensional variance as further defined below.

(b) The following factors shall be considered and weighed by the BZA to determine practical difficulty:

(i) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;

(ii) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

(iii) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;

(iv) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

(v) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, electric, refuse pickup, or other vital services;

(vi) Whether special conditions or circumstances exist as a result of actions of the owner;

(vii) Whether the property owner's predicament can feasibly be obviated through some method other than a variance;

(viii) Whether the spirit and intent behind the code requirement would be observed and substantial justice done by granting a variance; and/or

(ix) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

(c) No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

Mr. Spring noted the following:

- The applicant would seek approval of the Tipp City Restoration Board for the proposed demolition and new construction at their 10/27/15 meeting.
- If the requested variance was granted, the applicant would be required to obtain an approved Zoning Compliance Permit (Tipp City) and associated building permits (Miami County).

Chairman McFarland asked if there were any further questions for Staff. There were none.

Chairman McFarland asked if there were any neighbor's comments. There were none.

Ms. Darby Mahan, 620 Redwood Square, Tipp City approached the dais. Ms. Mahan stated that there was extreme narrowness on the lot and was only 39' wide and that the current structure and gravel drive abuts the lot line and requests the new asphalt drive be in the same position.

Board members found the following: Lot was extremely narrow at 39' wide; current structure and gravel driveway abutt the lot line; current request was to asphalt the driveway in the same position.

Chairman McFarland asked if there was anyone present in opposition of the request. There was none.

Chairman McFarland asked if there was anyone present in favor of the request. There was none.

Chairman McFarland asked for further discussion.

Ms. Arblaster inquired the reasoning the applicant presented to the Board of Zoning Appeals prior to the Restoration Board. Mr. Spring stated that it was appropriate that the Board of Zoning Appeals address the variance issue prior because that would allow the Restoration Board to move forward with the confidence to approve the home and the driveway had already been approved by the Board of Zoning Appeals.

There being none, Mr. Stefanidis **moved to grant a variance of 3' to the required setback of 3' noted in Code §154.10(F)(4)(c)(i) for residential driveways for the proposed new single-family residence located at 214 E. Walnut Street**, seconded by Ms. Arblaster. **Motion carried.** Ayes: Stefanidis, Arblaster, and McFarland. Nays: None.

Old Business

There was none.

Miscellaneous

Mr. Spring stated that Mr. Buehler requested that he pass on a message to Ms. Arblaster that she have a good campaign and wished her all the best.

Adjournment

There being no further business, Chairman McFarland **moved to adjourn the meeting**, seconded by Ms. Arblaster and unanimously approved. **Motion carried.** Chairman McFarland declared the meeting adjourned at 8:01 p.m.



Board Chairman, Michael McFarland

Attest:

Kelly R. Rowlands

Mrs. Kimberly Patterson, Board Secretary

Kelly Rowlands, Acting Board Secretary