

BOARD OF ZONING APPEALS MEETING

TIPP CITY, MIAMI COUNTY, OHIO

August 19, 2020

Meeting

Due to the COVID-19 outbreak and Ohio's stay-at-home order, the Board of Zoning Appeals held its August 19, 2020 Meeting using Zoom Meetings a remote meeting platform. David Cook, Mark Hartman, and Allen Worthen all dialed in using the Zoom Meeting System. Absent: Jerrold Dodd

City Staff in attendance included City Planner, Colin Carville and Board Secretary Dawn Gross.

Other participants who dialed into this meeting include: John Brumbaugh, Lewis Renollet, Jason Straley, and Mark Zavislak.

Chairman Cook called this meeting of the Tipp City Board of Zoning Appeals to order at 7:40 p.m.

**Board Minutes
6-17-2020**

Chairman Cook asked for discussion. Mr. Worthen asked for the minutes to be amended. In Chairman's introduction it is noted that "Mr. Cook explained the guidelines." Mr. Hartman explained the guidelines due to the absence of Mr. Cook. Mr. Worthen **moved to approve the amended minutes of June 17, 2020 meeting**, seconded by Mr. Hartman. **Motion carried.** Ayes: Worthen, and Hartman. Abstain: Cook. Nays: None.

**Citizens
Comments**

There were none.

**Administration of
Oath**

Mrs. Gross swore in citizens and Mr. Carville.

**Chairman's
Introduction**

Chairman Cook explained the guidelines and procedures for the meeting and public hearings. He advised the applicant(s) 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. 08-20
Monroe Federal
Savings & Loan –
985 W. Main Street
–**

Case No. 08-20: Monroe Federal Savings & Loan – 985 W Main Street – Lot: OL 81 – The applicant is requesting a variance of 16.7' to the required front yard setback of 25' noted in Table 154.04-9.

Zoning District: GB – General Business

Zoning Code Section(s): Table 154.04-9

**Front yard
setback variance**

Mr. Carville presented the following report:

The applicant is requesting a variance of 16.7' to the required front yard setback of 25' noted in Table 154.04-9

Staff Comments:

Code § 154.04(H)(1)(vi) states:

Lots that have street frontage on 2 intersecting streets shall be considered a corner lot, subject to the following:

A. The required minimum front yard setback shall be provided from each street right-of-way or, where a right-of-way is not identified, the lot line adjacent to the street.

985 West Main Street has frontage on both Main Street (to the south) and North Garber Drive (to the west). Thus, the required front yard setback shall be followed for frontages on both Main Street and North Garber Drive.

1) The applicant requests a variance of 16.7' from the western (front) property line with frontage on North Garber Drive to the required front yard setback of 25' noted in Table 154.04-9 at the proposed development site of 985 West Main Street.

Table 154.04-9 states that in a General Business District, the front yard will have a setback of 25 feet. The proposed development satisfies the 25' front yard setback to the south (Main Street).

The proposed development will be located 8.3' from the western (front) property line with frontage on North Garber Drive. Thus, a variance of 16.7' to the required (front yard) setback of 25' (25' - 8.3' = 16.7') is needed.

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.

Additional Notes

- The only portion of the building that has an 8.3' setback is the drive-through canopy. The building itself has setbacks of 40.9' and 38.4' from the western corners.

Mr. Carville added, "Something additional that was brought to my attention by Mr. Cook, is a case that actually happened before my time with the City, so I am thankful that Mr. Cook brought it up. On the adjacent corner across the street there is a Shell Gas Station, they went through a similar process in the past. They were zoned Highway Business, which has a 50' front yard setback, they pursued a variance of 28.9'. This case was heard on March 15, 2017, and was granted."

Mr. Cook asked for any Board questions of Staff.

Mr. Worthen asked, "Are there any issues with the columns being so close to the sidewalk?"

Mr. Carville responded, "No, I spoke with our Streets Department and Eric Mack who oversees the Department. He did not see any problems with it."

Mr. Cook asked, the applicant to speak.

Mr. Jason Straley, Project Architect of PW Campbell; 109 Zeta Drive, Pittsburg, PA 15238

Ms. Gross swore in Mr. Straley.

Mr. Straley began, "Thank you for entertaining our application and meeting in this unique way. PW Campbell is the Project Architect for Monroe Federal Savings & Loan. The site was formally as you may already know the Taco Bell. We are requesting the variance for the drive thru location. The layout of the lot is classified as having 2 front yards. We believe this is a hardship to our design and lot functionality as we cannot accommodate the drive thru elsewhere on the lot and still meet the required parking regulations. We also wanted to have the front drive thru canopy in the front as it pertains to the residential lots in the rear of the property. It would not be very prudent to have a drive thru butting up against the residential use."

Mr. Cook asked, "The Taco Bell had a rear driveway, will that be used, or will that be closed? Oh, I think I see it now, so that will remain?"

Mr. Straley answered, "That is correct, yes the driveway off of N. Garber Drive will remain."

Mr. Worthen asked, "Is there a need for the 3 lanes? Are they keeping the downtown location too?"

Mr. Straley commented, "I will have to defer to Mr. Zavislak for that."

Mr. Mark Zavislak; 109 Zeta Drive, Pittsburg, PA 15238.

Ms. Goss swore in Mr. Zavislak.

Mr. Zavislak began, "Yes, the downtown location will remain in some capacity. This location requires 3 lanes due to the fact that the owner requested and felt a need for an ATM as well because of the inconvenience at the downtown location. To accommodate traffic especially in these times of COVID a lot of our clients including Monroe Federal Savings & Loan have requested to have an additional drive thru

lane because of foot traffic inside has been minimalized and drive thru traffic has increased."

Mr. Cook asked if anyone would like to speak against this proposal, there was no one.

Mr. Cook asked if anyone would like to speak in favor of this proposal.

Mr. Lewis Renollet, President and CEO of Monroe Federal Savings & Loan; 7505 Horseshoe Bend Road, Ludlow Falls, Ohio.

Ms. Gross swore in Mr. Renollet.

Mr. Renollet began, "There were a couple of questions about Monroe Federal. Are you all aware that we have been around for quite some time? Our world of headquarters is downtown. We plan on remaining downtown. We looked at the possibility of moving everything out to this new location. We are running into the same issue we are having now, that we have run out of room with the personnel that we are trying to bring on board. We have been growing here lately quite rapidly, and so we will be using the downtown as a modified retail. If you are familiar with the building now, when you go in there are 6 teller stations, which will go down to 2 with the introduction of this Tipp West location. We will be revamping a lot of the downtown into office space for operations. We anticipate continuing to expand. We maintain our buildings well and I think that this will be a nice addition to Tipp City on that corner. Hopefully you will choose to look favorably upon us."

Mr. Cook asked if the Board Members had any further comments, they did not.

Mr. Cook added, "If Garber Drive was straight instead of concave, I think that would allow for a visibility issue."

Mr. Worthen **moved to grant a variance of 16.7' to the required (western front yard) setback of 25' noted in Table 154.04-9 in conjunction with the construction of a financial institution at 985 West Main Street**, seconded by Mr. Hartman. **Motion carried.** Ayes: Worthen, Hartman, Cook. Nays: None.

Old Business

There was none.

Miscellaneous

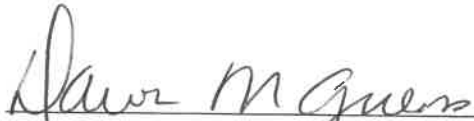
Mr. Carville informed the Board that Mr. Spring was pursuing a training session and we tentatively are targeting a date in October. This session will be in person and we will be adhering to all social distancing guidelines.

Adjournment

There being no further business, Mr. Worthen **moved to adjourn the meeting**, seconded by Mr. Hartman and unanimously approved. **Motion carried.** Chairman Cook declared the meeting adjourned at 8:03 p.m.



David Cook, Board Chairman

Attest: 

Board Secretary, Mrs. Dawn Gross