



Board of Zoning Appeals
Council Chambers
September 26, 2022 – 6:00 p.m.
233 South Main Street, Monroe, Ohio

Call to Order

Roll Call

Old Business

Reconsideration of the September 12, 2022 motion for Case No. 2022-6
Consideration of a variance regarding the land transfer between 219 Lynette Court
and 225 Lynette Court.

Approval of Minutes

Adjournment



CITY OF MONROE
Inter-Office Correspondence

TO: Members of the Monroe Board of Zoning Appeals
FROM: Kameryn Jones
Assistant Development Director

DATE: September 12, 2022

RE: Information Packet for **September 12, 2022**, Board of Zoning Appeals Meeting at **6:00 p.m.**

I. BZA-2022-6— Consideration of a variance application from Matthew and Kelli Goedde regarding a land transfer between 225 Lynette Court and 219 Lynette Court

A. Background:

- Matthew and Kelli Goedde, property owners at 225 Lynette Court have applied for variance regarding a land transfer between their property and the neighboring property at 219 Lynette Court.
- They wish to transfer land between landowners and create a legally non-conforming lot at 225 Lynette Court.
- They propose is to transfer approximately 612 square foot (4'x153') piece of land between the two homes.
- The property at 225 Lynette is owned by Matthew and Kelli Goedde is 0.26 acres and is zoned R-1 Single Family Residential.
- The property at 219 Lynette is owned by Samuel and Emily Nelson is 0.28 acres and is zoned R-1 Single family Residential.



Overhead View of Site



Surrounding Zoning



Looking South towards 225 Lynette Court from Lynette Court



Looking south towards the fence between 219 Lynette Court and 225 Lynette Court



Looking west towards the rear of 219 Lynette Court from Moder Drive

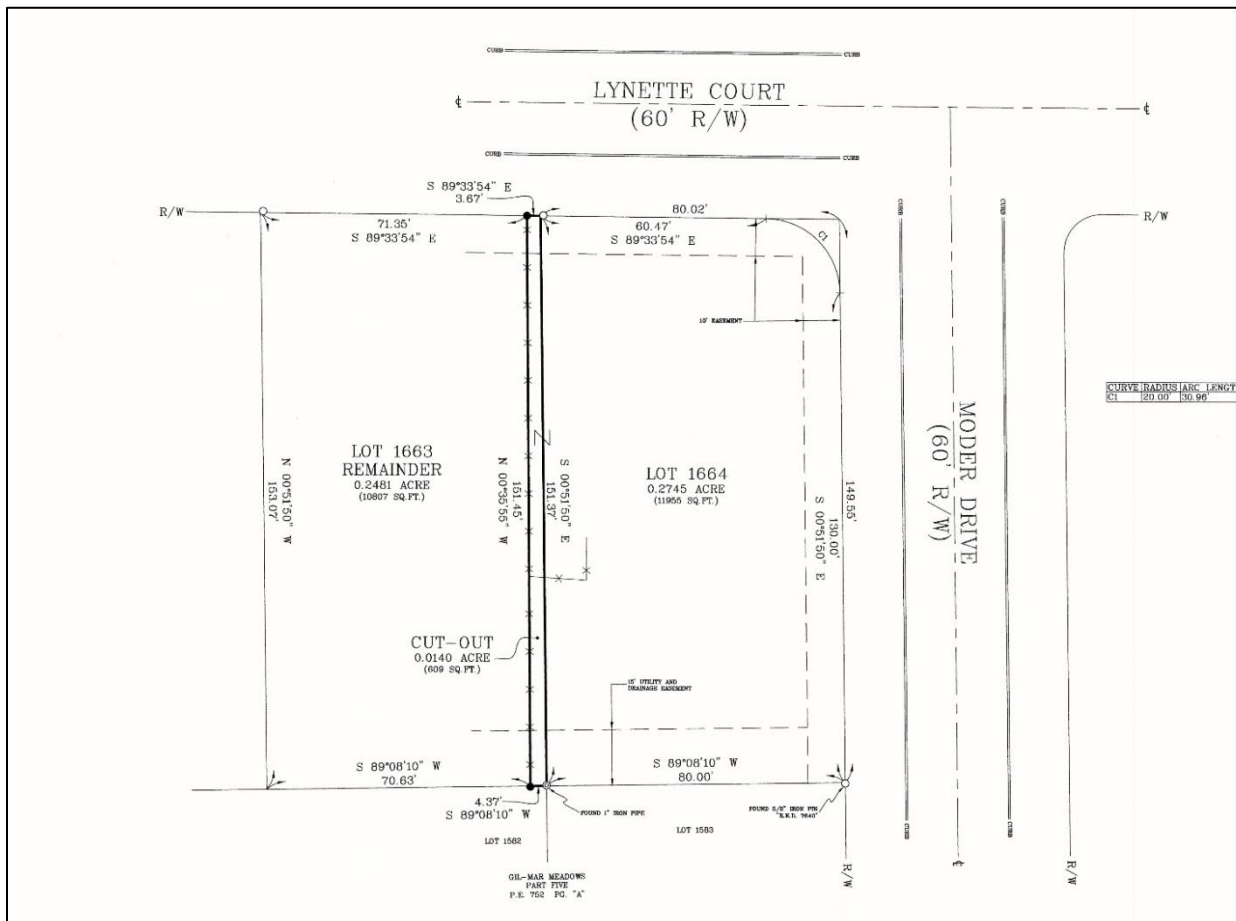
B. Variance Purpose:

- A variance from the requirements of this code may be granted by the BZA when the BZA determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exist that prevent strict application of this code.

C. Variance Request:

- To allow the transfer of approximately 612 square feet (4'x153') of land between landowners which would reduce the lot width of 225 Lynette Court from 75 FT to 71.35 FT at the front property line and 70.63 FT at the rear property line creating a nonconforming lot at 225 Lynette Court.
- Table 1204-5 outlines this requirement as the following:

TABLE 1204-5: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS							
	MINIMUM LOT AREA [1]	MINIMUM LOT WIDTH (FEET)	MAXIMUM % OF LOT COVERAGE	MINIMUM SETBACKS			MAX. BUILDING HEIGHT (FEET) [2]
				FRONT YARD (FEET)	SIDE YARD EACH SIDE (FEET)	REAR YARD (FEET)	
R-1 SINGLE-FAMILY RESIDENTIAL INFILL DISTRICT							
Single-Family Dwellings	9,000 sq. ft.	75	35%	40	10	30	35
All Other Principal Uses	20,000 sq. ft.	100		40	20	40	



Proposed Site Plan

D. Review Criteria:

The following factors shall be considered and weighed by BZA to determine practical difficulty. Staff's findings are listed after each criterion:

- ***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.***

This property is similar to other R-1 zoned residential properties in this area in terms of lot size and size of home. Being both of these homes are relatively older in comparison to many of Monroe's new subdivision homes, the lots are generally already smaller than what would be permitted today.

- ***Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.***

The property may yield a reasonable return and be of beneficial use without the requested variance as a single-family home.

The applicant states the purpose of the transfer is so that each house will own the land on their respective side of the fence. In addition, the owners of 219 Lynette Court wants to address a drainage issue caused by the portion of 225 Lynette Court lot they are proposing to transfer, which drains towards 219 Lynette Court. The additional land will allow them to implement a variety of drainage solutions.

- ***Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.***

The variance requested is minor regarding the amount of land being transferred but not the minimum necessary to make use of the property.

- ***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.***

The character of the neighborhood would not be altered as the two houses and yards look similar to those in the neighborhood.

- ***Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and refuse pickup.***

The variance would not adversely affect the delivery of governmental services.

- ***Whether special conditions or circumstances exist as a result of actions of the owner.***

The requested variance is due to the property owners exchanging land based on where the existing fence is located.

The applicant stated that they constructed a fence evenly between the two properties thinking it was along the property line. When it was discovered it was not the true location of the property line, the property owners of 225 Lynette Court offered the land that is located on the other side of the fence to the property owners of 219 Lynette Court.

- ***Whether the property owner's predicament can feasibly be removed through some method other than a variance.***

At their own risk, the applicant could leave the fence up between the houses with the understanding that it is not on the property line.

Another method to correct the issue would be to move the fence to the proper location along the existing property line.

- ***Whether the spirit and intent behind the code requirement would be observed and substantial justice done by granting a variance.***

The spirit and intent behind the code requirement may be observed by granting a variance in this case.

- ***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.***

Granting the variance requested would create a lot smaller than what is presently permitted in the R-1 zoning district or any other residential district in the City.

E. Department Comments:

- Public Works/Engineering: No comment.
- Police Department: No comment.
- Fire Department: No comment.

F. Public Comments:

- The applicant has provided a signed gift of land agreement.

G. Staff Recommendation:

- As a reminder, a variance from the requirements of this Code may be granted by the Board of Zoning Appeals when the Board determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exist that prevent strict application of this Code.
- Staff's review and recommendation are based on Code interpretations as well as the potential for precedents that could affect overall enforcement of City standards and regulations. The BZA's approval, denial, or modification is not required to be based on all the above criteria being met. 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.

Staff does not make a recommendation regarding the variance request. The staff understands the applicant desires to transfer the land in an effort to amend the drainage issues and improper fence location. The request is relatively small and not the minimum necessary to make use of the property.



Application for a Variance

Monroe Development Department
233 South Main Street, Monroe, Ohio 45050
Phone: 513-539-7374
planning@monroehio.org
www.monroehio.org

For Staff Use Only

Submittal Date: 7/22/2022

Date Application Determined Complete:

Date of BZA Review:

Fee Paid: RES/AG- \$300 COMM- \$500 Staff Initials:

Application/Case Number:

Variance Review Information

1. The variance review procedure and review requirements are established in Section 1203.08 of the Monroe Planning and Zoning Code.
2. There are separate review criteria for an area/dimensional variance (a request to vary any numerical or dimensional requirement in the code) and for a use variance (a request to have a use approved that is not otherwise allowed in the applicable zoning district. The applicant must demonstrate a practical difficulty for an area/dimensional variance or an unnecessary hardship for a use variance.
3. Approval of a variance does not guarantee any other approvals (e.g., site plan or zoning permit reviews). The applicant shall be responsible for applying for any other necessary permits or reviews.
4. Applicants shall obtain a zoning compliance inspection within one year of a variance approval or the approval shall be voided.
5. The application fee for a variance is \$300 for a residential or agricultural use and \$500 for all other uses, due at the time the application is submitted.

Basic Project and Site Information

Project Address:

County: Butler Warren Total Lot Area:

County Tax Parcel ID: C1800008140103

Project/Development Name:

Existing Zoning District: WHITEHILL ESTATES

Variance Type: Area/Dimensional Variance Use Variance

Applicant Information

Applicant Name: MATTHEW & KELLI GOEDDE

Contact Person: ✓ ✓

Contact Address: 225 LYNETTE CT. MONROE, OH 45050

Contact Phone Number: Contact Fax Number:

Contact E-Mail:

Property Owner Name: MATTHEW & KELLI GOEDDE

The applicant may attach a separate sheet of a paper with contact information for additional people, if necessary (e.g., additional owners, registered engineer, landscape architect, etc.). The same contact information shall be provided for each contact name.

Project Address or Tax Parcel ID:

Additional Project Information

1) Please describe, in detail, the proposed uses and/or the proposed development.

★ PLEASE SEE THE NELSON'S APPLICATION.

2) Identify what variances are being sought including the applicable code sections, required dimensions, or the established standard.

3) What are the characteristics of the property that prevent you from meeting the minimum requirements of the planning and zoning code?

- Lot is too narrow Lot is too small Lot is too shallow The soil or subsurface is unique to the lot
 The shape of the lot Building or lot elevation Topography Other (Describe in #4 below.)

4) Explain how items checked above prevent the reasonable use of the property under the existing requirements.

5) Explain how the property cannot yield a reasonable return or whether there can be any beneficial use of the property without the variance.

Project Address or Tax Parcel ID:

Additional Project Information Continued

6) Will the granting of the variance request(s) be consistent with the surrounding neighborhood and will the variance request(s) negatively impact or impair the essential character of the area?

Yes No Please explain your rationale below.

7) To the best of your knowledge, is the difficulty or hardship described in this application self-imposed? Are the circumstances surrounding the request the result of the actions of the owner?

Yes No Please explain your rationale below.

8) Identify how the proposed variance application will protect the surrounding properties from any negative impacts (e.g., noise, light, traffic, etc.)

Project Address or Tax Parcel ID:

Additional Project Information Continued

9) Are the variance request(s) substantial and the minimum necessary to make possible the reasonable use of the land and/or structures on the property?

Yes No Please explain your rationale below.

10) Will the granting of the variance impact governmental services such as water, sewer, refuse pickup, safety services, etc.?

Yes No Please explain your rationale below.

11) Explain how the property owner's predicament cannot be feasibly removed through another method other than a variance.

Project Address or Tax Parcel ID:

Additional Project Information Continued

12) Would the spirit and intent behind the code requirement be observed and substantial justice done by the granting of the requested variance(s)?

Yes No Please explain your rationale below.

13) Would the granting of the variance(s) requested confer on the applicant any special privilege denied by the code regulation(s) to other lands, structures, or buildings in the same zoning district?

Yes No Please explain your rationale below.

Please feel free to add any other information or rationale related to the request in the box below or as an attachment.

Project Address or Tax Parcel ID:

Certification and Signatures

Applicant Signature - I certify that, to the best of my knowledge, the information contained in this form and within any attachments is correct and truthful. I understand that knowingly falsifying this information may be grounds for the denial or revoking of this application and any subsequent zoning permit or other review applications.

Print Name: *Kelli Goedde*

Signature: *Kelli Goedde*

Date: *1/21/2022*

Property Owner Signature - If the property owner is not the named applicant on this form, the property owner shall sign the form below acknowledging that the applicant is an authorized agent of the property owner as it relates to proposed project. If the variance request affects multiple properties, a signature from each property owner is required.

Print Name:

Signature:

Date:

Note: A letter signed by the property owner, authorizing the applicant to act on their behalf may be submitted in lieu of the property owner's signature on this form.

Submittal Requirement Checklist

Submittals shall include 8 copies (minimum of 11" x 17").
Additional copies may be required based on project specifics.

Digital Submittal Requirements

All document applications shall be submitted in an electronic format compatible (Adobe PDF) with the city's computer systems.

General Information

Variance Application Form

Application fee

Copies of the plans and maps established below at a reasonable scale, as determined by the Development Department, to review the variance request.

Any additional information determined to be necessary by the Development Department.

Variance Site Plan

Date, north arrow, scale, and a legend for all symbols – the plan shall be oriented with north to the top

All existing lot lines and parcel numbers for each lot subject to the variance request and all lots adjacent to the subject lot, including any across a street.

A survey, stamped and signed by a surveyor or engineer licensed in Ohio, documenting the exact boundaries and dimensions of the subject lot.

Boundaries and dimensions of all existing and proposed buildings and structures

All existing and proposed streets, rights-of-way, and related names

Identification of proposed variance (e.g., required setback and proposed setback, or maximum height and proposed height)



Application for a Variance

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For Staff Use Only

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Date Application Determined Complete:

Date of BZA Review:

Fee Paid: RES/AG- \$300 COMM- \$500 Staff Initials:

Application/Case Number: 20220488 GB \$300

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3. Approval of a variance does not guarantee any other approvals (e.g., site plan or zoning permit reviews). The applicant shall be responsible for applying for any other necessary permits or reviews.
4. Applicants shall obtain a zoning compliance inspection within one year of a variance approval or the approval shall be voided.
5. The application fee for a variance is \$300 for a residential or agricultural use and \$500 for all other uses, due at the time the application is submitted.

Basic Project and Site Information

Project Address:

County: Butler Warren Total Lot Area:

County Tax Parcel ID: C1800008140104

Project/Development Name:

Existing Zoning District: WHITEHILL ESTATES

Variance Type: Area/Dimensional Variance Use Variance

Applicant Information

Applicant Name: EMILY NELSON / SAMUEL NELSON

Contact Person: ✓ ✓

Contact Address: 219 LYNETTE CT. MONROE, OH 45050

Contact Phone Number: 513-465-1234 Contact Fax Number:

Contact E-Mail: SNELSON1@CINCI.RR.COM

Property Owner Name: EMILY NELSON / SAMUEL NELSON

The applicant may attach a separate sheet of a paper with contact information for additional people, if necessary (e.g., additional owners, registered engineer, landscape architect, etc.). The same contact information shall be provided for each contact name.

Project Address or Tax Parcel ID: 819 LYNETTE COURT

Additional Project Information

1) Please describe, in detail, the proposed uses and/or the proposed development.

SIMPLE TRANSFER/GIFT OF 609 SQ. FT FROM NEIGHBOR TO HELP US WITH ERRECTING A FENCE BETWEEN THE PROPERTIES AND ENABLE US TO ADDRESS DRAINAGE PROBLEMS BETWEEN THE PROPERTIES.

2) Identify what variances are being sought including the applicable code sections, required dimensions, or the established standard.

SEE SURVEYOR'S DRAWING.

3) What are the characteristics of the property that prevent you from meeting the minimum requirements of the planning and zoning code?

- Lot is too narrow Lot is too small Lot is too shallow The soil or subsurface is unique to the lot
 The shape of the lot Building or lot elevation Topography Other (Describe in #4 below.)

4) Explain how items checked above prevent the reasonable use of the property under the existing requirements.

DRAINAGE IS SEVERE BETWEEN THE PROPERTIES AND PROPOSED IMPROVEMENTS TO ALLEVATE DRAINAGE PROBLEMS ENTAIL USING THE GIFT OF LAND TO PROPERLY ADDRESS THE SITUATION.

5) Explain how the property cannot yield a reasonable return or whether there can be any beneficial use of the property without the variance.

??

Project Address or Tax Parcel ID: 819 LINDSEY CT.

Additional Project Information Continued

6) Will the granting of the variance request(s) be consistent with the surrounding neighborhood and will the variance request(s) negatively impact or impair the essential character of the area?

Yes No Please explain your rationale below.

*IT IS JUST AN AGREEMENT BETWEEN TWO NEIGHBORS,
INVOLVES A SMALL 4 FT TO 3 FT STRIP OF LAND.*

7) To the best of your knowledge, is the difficulty or hardship described in this application self-imposed? Are the circumstances surrounding the request the result of the actions of the owner?

Yes No Please explain your rationale below.

8) Identify how the proposed variance application will protect the surrounding properties from any negative impacts (e.g., noise, light, traffic, etc.)

YES, DRAINAGE NEEDS TO BE FIXED.

Project Address or Tax Parcel ID: *819 LYNETTE CT.*

Additional Project Information Continued

9) Are the variance request(s) substantial and the minimum necessary to make possible the reasonable use of the land and/or structures on the property?

Yes No Please explain your rationale below.

609 SQ. FT. - VERY SMALL

10) Will the granting of the variance impact governmental services such as water, sewer, refuse pickup, safety services, etc.?

Yes No Please explain your rationale below.

11) Explain how the property owner's predicament cannot be feasibly removed through another method other than a variance.

*NEIGHBOR HAS ALREADY GIFTED THIS SMALL STRIP.
IT ALLOWS US TO PROPERLY ADDRESS/FIX THE DRAINAGE.*

Project Address or Tax Parcel ID: 819 LYNETTE CT.

Additional Project Information Continued

12) Would the spirit and intent behind the code requirement be observed and substantial justice done by the granting of the requested variance(s)?

Yes No Please explain your rationale below.

?

13) Would the granting of the variance(s) requested confer on the applicant any special privilege denied by the code regulation(s) to other lands, structures, or buildings in the same zoning district?

Yes No Please explain your rationale below.

Please feel free to add any other information or rationale related to the request in the box below or as an attachment.

Project Address or Tax Parcel ID: 819 LYNETTE CT.

Certification and Signatures

Applicant Signature - I certify that, to the best of my knowledge, the information contained in this form and within any attachments is correct and truthful. I understand that knowingly falsifying this information may be grounds for the denial or revoking of this application and any subsequent zoning permit or other review applications.

Print Name: SAMUEL O. NELSON - OWNER

Signature: Samuel O. Nelson

Date: 7/21/2022

Property Owner Signature - If the property owner is not the named applicant on this form, the property owner shall sign the form below acknowledging that the applicant is an authorized agent of the property owner as it relates to proposed project. If the variance request affects multiple properties, a signature from each property owner is required.

Print Name:

Signature:

Date:

Note: A letter signed by the property owner, authorizing the applicant to act on their behalf may be submitted in lieu of the property owner's signature on this form.

Submittal Requirement Checklist

Submittals shall include 8 copies (minimum of 11" x 17").
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Any additional information determined to be necessary by the Development Department.

Variance Site Plan

Date, north arrow, scale, and a legend for all symbols – the plan shall be oriented with north to the top

All existing lot lines and parcel numbers for each lot subject to the variance request and all lots adjacent to the subject lot, including any across a street.

A survey, stamped and signed by a surveyor or engineer licensed in Ohio, documenting the exact boundaries and dimensions of the subject lot.

Boundaries and dimensions of all existing and proposed buildings and structures

All existing and proposed streets, rights-of-way, and related names

Identification of proposed variance (e.g., required setback and proposed setback, or maximum height and proposed height)

PLAT OF SURVEY
 IN SECTION 17 TOWN 3 RANGE 3
 MIAMI PURCHASE
 LEMON TOWNSHIP
 CITY OF MONROE
 BUTLER COUNTY STATE OF OHIO

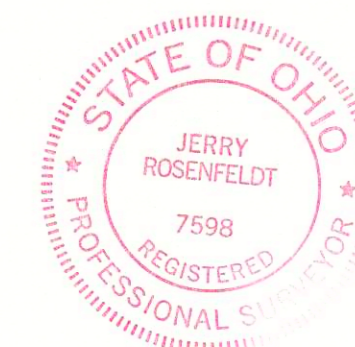
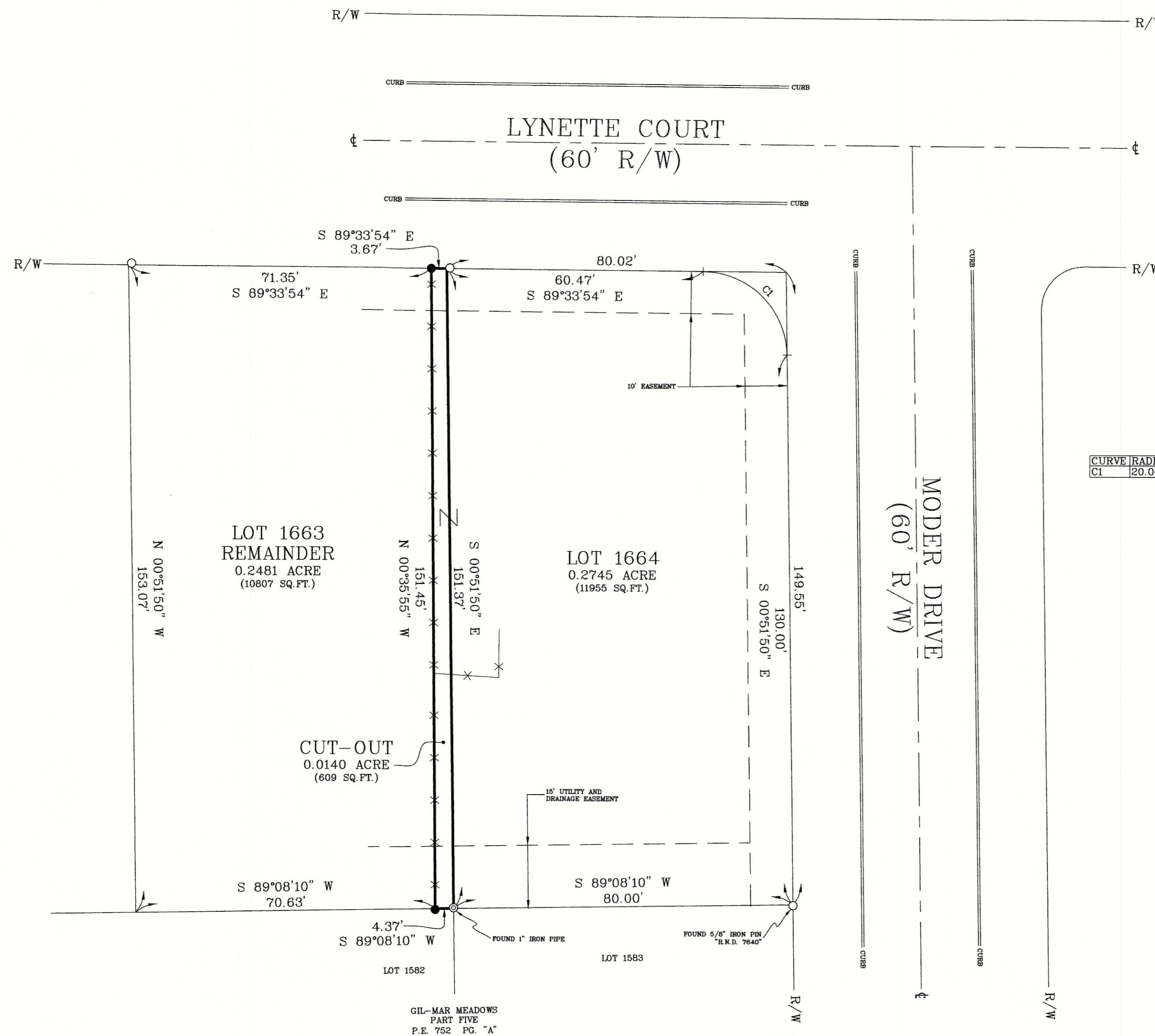
PART OF LOT 1663
 WHITE HILL ESTATES
 PLAT ENVELOPE 889 PAGE "C"

REFERENCES
 PARCEL NO. C1800-008-140-103
 OWNERS: (LOT 1663) MATTHEW L. GOEDDE AND KELLI R. GOEDDE
 DEED REFERENCE: DEED BOOK 8067 PAGE 887

PARCEL NO. C1800-008-140-104
 OWNERS: (LOT 1664) EMILY NELSON, SAMUEL O. NELSON, AND E. ELLEN NELSON
 DEED REFERENCE: DEED BOOK 9737 PAGE 1332

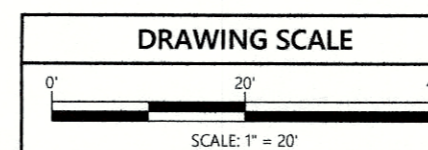
- NOTES!
1. ALL MONUMENTS FOUND IN GOOD CONDITION UNLESS OTHERWISE NOTED.
 2. EXISTING FENCELINE IS WEST OF THE COMMON LOT LINE OF LOTS 1663 AND 1664 AS SHOWN. THE NEW PROPOSED LINE WOULD MATCH THE EXISTING FENCELINE.
 3. SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	20.00'	30.96'	S 45°12'52" E	27.96'



LEGEND

- FOUND IRON PIN
- ⊙ FOUND IRON PIPE
- SET 5/8" IRON PIN "QCM INC. OH LS 7598"
- R/W RIGHT-OF-WAY
- ⊕ CENTERLINE



PROPERTY ADDRESS:	PROJECT DETAILS	SURVEY COMPANY	SURVEYOR'S CERTIFICATION
219 LYNETTE COURT MONROE, OHIO 45040	PROJECT NO.: 2022.306 DATE: 07-05-22	QCM INC. 7395 KINGSGATE WAY WEST CHESTER, OH 45069 (513) 779-8425 INFO@QCM-INC.NET	I HEREBY CERTIFY THAT THIS PLAT IS BASED UPON A FIELD SURVEY MADE UNDER MY DIRECTION, AND THAT THE MONUMENTS SHOWN ON THIS PLAT WERE EITHER SET OR FOUND AS DEPICTED. <i>Jerry Rosenfeldt</i> 07-05-22 DATE
OWNER/ DEVELOPER SAMUEL NELSON	DRAWN BY: MNR APPROVED: JRR		
SURVEYOR JERRY ROSENFELDT	REVISIONS		

GIFT OF LAND AGREEMENT

This gift of land agreement is entered into as of December 3, 2021 by and between Emily A. Nelson, residing at 219 Lynette Court, Monroe, Ohio, and Matthew and Kelly Goedde, residing at 225 Lynette Court, Monroe, Ohio.

For the purpose of installing a new wooden fence between the neighboring owners' properties, Matthew and Kelly Goedde have offered to gift a strip of land, approximately four feet in depth and sixty yards in length, to Emily A. Nelson, of which she graciously accepts.

Emily A. Nelson is responsible for all cost associated with the purchase and installation of the fence and the removal of an older existing fence that is located on the strip of land being gifted.

Emily A. Nelson is responsible for all legal costs relating to the proper transfer of said gift of land.

ACKNOWLEDGED:

Matthew Goedde
Matthew Goedde

Emily A. Nelson
Emily A. Nelson

Kelly Goedde aka Kelli Goedde
Kelly Goedde

Samuel O. Nelson
SAMUEL O. NELSON

Margaret E. Kennedy
my commission Expires
6/29/2025



**Board of Zoning Appeals Minutes
September 12, 2022- 6:00pm
233 South Main Street, Monroe Ohio**

Call to Order

Mr. Adam called the meeting to order at 6:05 p.m.

Roll Call

Members present: Lorenzo Adam, Casey Walters and Joshua Mason.

Staff members present: Tom Smith, Director of Development; Kameryn Jones, Assistant Development Director; Jameson Cole, Planner and Michelle Layman, Planning and Zoning Specialist.

Approval of Minutes

Mr. Walters moved to approve the minutes of the June 27, 2022 meeting; seconded by Mr. Mason. Voice vote. Motion carried.

Old Business

None.

New Business

Public Hearing: Case No. 2022-6-- Consideration of a variance application from Matthew and Kelli Goedde regarding a land transfer between 225 Lynette Court and 219 Lynette Court.

Having been sworn, Mr. Cole gave the following presentation:

Mr. Cole submitted the exhibits to the Board.

Background:

- Matthew and Kelli Goedde, property owners at 225 Lynette Court have applied for a variance regarding a land transfer between their property and the neighboring property at 219 Lynette Court.



- They wish to transfer land between landowners and create a legally non-conforming lot at 225 Lynette Court.
- They proposal is to transfer an approximate 612 square foot (4'x153') piece of land between the two homes.
- The property at 225 Lynette is owned by Matthew and Kelli Goedde is 0.26 acres and is zoned R-1 Single Family Residential.
- The property at 219 Lynette is owned by Samuel and Emily Nelson is 0.28 acres and is zoned R-1 Single family Residential.

Variance Purpose:

- A variance from the requirements of this code may be granted by the BZA when the BZA determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exist that prevent strict application of this code.

Variance Request:

- To allow the transfer of approximately 612 square feet (4'x153') of land between landowners which would reduce the lot width of 225 Lynette Court from 75 FT to 71.35 FT at the front property line and 70.63 FT at the rear property line creating a nonconforming lot at 225 Lynette Court.
- Section 1204-5 outlines this requirement as the following:

TABLE 1204-5: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS							
	MINIMUM LOT AREA [1]	MINIMUM LOT WIDTH (FEET)	MAXIMUM % OF LOT COVERAGE	MINIMUM SETBACKS			MAX. BUILDING HEIGHT (FEET) [2]
				FRONT YARD (FEET)	SIDE YARD EACH SIDE (FEET)	REAR YARD (FEET)	
R-1 SINGLE-FAMILY RESIDENTIAL INFILL DISTRICT							
Single-Family Dwellings	9,000 sq. ft.	75	35%	40	10	30	35
All Other Principal Uses	20,000 sq. ft.	100		40	20	40	

Review Criteria:

The following factors shall be considered and weighed by BZA to determine practical difficulty. Staff’s findings are listed after each criterion:

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exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures, or conditions.

This property is similar to other R-1 zoned residential properties in this area in terms of lot size and size of home. Being both of these homes are relatively older in comparison to many of Monroe's new subdivision homes, the lots are generally already smaller than what would be permitted today.

- **Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.**

The property may yield a reasonable return and be of beneficial use without the requested variance as a single-family home.

The applicant states the purpose of the transfer is so that each house will own the land on their respective side of the fence. In addition, the owners of 219 Lynette Court wants to address a drainage issue caused by the portion of 225 Lynette Court lot they are proposing to transfer, which drains towards 219 Lynette Court. The additional land will allow them to implement a variety of drainage solutions.

- **Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.**

The variance requested is minor regarding the amount of land being transferred but not the minimum necessary to make use of the property.

- **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.**

The character of the neighborhood would not be altered as the two houses and yards look similar to those in the neighborhood.

- **Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and refuse pickup.**

The variance would not adversely affect the delivery of governmental services.

- **Whether special conditions or circumstances exist as a result of actions of the owner.**



The requested variance is due to the property owners exchanging land based on where the existing fence is located.

The applicant states that they constructed a fence evenly between the two properties thinking it was along the property line. When it was discovered it was not the true location of the property line, the property owners of 225 Lynette Court offered the land that is located on the other side of the fence to the property owners of 219 Lynette Court.

- **Whether the property owner's predicament can feasibly be removed through some method other than a variance.**

At their own risk, the applicant could leave the fence up between the houses with the understanding that it is not on the property line.

Another method to correct the issue would be to move the fence to the proper location along the existing property line.

- **Whether the spirit and intent behind the code requirement would be observed and substantial justice done by granting a variance.**

The spirit and intent behind the code requirement may be observed by granting a variance in this case.

- **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.**

Granting the variance requested would create a lot smaller than what is presently permitted in the R-1 zoning district or any other residential district in the City.

Department Comments:

- Public Works/Engineering: No comment.
- Police Department: No comment.
- Fire Department: No comment.

Staff Recommendation:

- As a reminder, a variance from the requirements of this Code may be granted by the Board of Zoning Appeals when the Board determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exist that prevent strict application of this Code.
- Staff's review and recommendation are based on Code interpretations as well as the potential for precedents that could affect overall enforcement of City standards and regulations. The BZA's approval, denial, or modification is not required to be based on all the above criteria being met. 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.

Staff does not make a recommendation regarding the variance request. The staff understands the applicants desires to transfer the land in an effort to amend the drainage issues and improper fence location. The request is relatively small and not the minimum necessary to make use of the property.

Public Comments:

Emily Nelson of 219 Lynette Court spoke regarding the land transfer request. Mrs. Nelson states that when she moved in the plan was to put up a fence and do some additional work. She stated there are a lot of drainage issues. Mr. and Mrs. Goedde at 225 Lynette Court already had a fence in place that Mr. Nelson said he would replace. Mr. Nelson subsequently had a fence put up in the same spot and then discovered it was not the true location of the property line. It was over the property line of 225 Lynette Court. Mr. and Mrs. Goedde offered the portion of their property to Mr. and Mrs. Nelson that was on 219 Lynette Courts side of the fence.

Mr. Adam asked if the drainage goes from 225 Lynette to her yard at 219 Lynette. Mrs. Nelson stated yes. Mr. Adam asked if any of the other properties drain into her yard, and she stated they do. Mrs. Nelson stated the plan is to put in French drains behind the house and then to add a concrete patio. She stated that if she does put in a concrete patio, she will need to be 3 feet off the property line which would leave a small area for her to put in a patio.

Mr. Adam stated that what he understands is happening is that instead of moving the fence they are moving the land ownership where the fence is erected. Mr. Adam asked if the issue with the drainage could be solved without moving the fence. Mr. Godde stated that it would leave a small



area for Mrs. Nelson's yard and that putting in the French drains would be a good solution to the problem.

Mr. Mason asked about the trees in the yard and who would bear the responsibility of them. Mr. Godde stated the trees will remain on his property. He stated Mrs. Nelson has cleared out old trees. He stated he thought it would be nice to give the property to Mrs. Nelson since she was improving the property and because her yard is already so small.

Mr. Adam reviewed the exhibits. Mr. Adam asked if they drainage issues could be fixed without exchanging land. Mrs. Nelson stated she needs the extra 4 feet of land so that she can put in a patio. Mr. Cole confirmed this and said the patio would have to be 3 feet off the property line.

Mrs. Jones stated they are correcting the fence issue by doing the land transfer as the fence should be on the property line.

Mr. Adam asked how big the patio would be if the property doesn't change. Mrs. Nelson states about 4 by 6.

Mr. Walters asked if the water issue starts at the Godde's property. Mr. Goedde stated it starts higher than his property. Mrs. Nelson confirmed it starts higher up on the street. She states that when the water gets to her house there is a flat plain and the water pools. She stated that without the variance she would have to be 3 feet off the fence. She stated they would also need to add a retaining wall. She stated the plan was to be the fence, a retaining wall 3 feet off the property line with French drains and then the patio. Mrs. Nelson stated she doesn't know how she can do all of the work without the additional 4 feet.

Mr. Adam requested a motion to accept the documents submitted for the record. Mr. Walters moved to accept the documents for the record. Seconded by Mr. Mason. Voice vote. Motion carried.

Mr. Adam requested a motion to close the public hearing. Mr. Walters moved to close the public hearing; seconded by Mr. Mason. Voice vote. Motion carried.

Deliberative session by board

Mr. Adam asked if the drainage issues could be fixed without moving the fence. He questioned what would happen in the future when one of them decides to sell their property as this would turn 225 Lynette Court into a nonconforming lot.



Mr. Adam moved to approve case No. 2022-6 Consideration of a variance regarding the land transfer between 219 Lynette Court and 225 Lynette Court; seconded by Mr. Mason

Roll call vote. 1 nay (Adam) 3 ayes. Motion carried.

Adjournment

Mr. Adam moved to adjourn the meeting; seconded by Mr. Mason. Voice vote. Motion carried.

The Board of Zoning Appeals meeting adjourned at 6:47pm.

Respectfully submitted,

Michelle Layman
Planning and Zoning Specialist