



**Board of Zoning Appeals
May 15, 2024 - 6:00 PM
233 South Main Street, Monroe, Ohio**

Call to Order

- Roll Call

Approval of Minutes

- Meeting minutes from March 20, 2024

Old Business

New Business

- **BZA-2024-2— Consideration of a variance application from Jeff and Amy Pendergrass regarding an addition to the principal structure**
- **BZA-2024-3— Consideration of a variance application from Winfield Scott Hartman regarding construction of a detached garage and use of an existing gravel driveway.**

Adjournment



**Board of Zoning Appeals
Minutes March 20, 2024**

The Board of Zoning Appeals of the City of Monroe met in regular session at 6:00 pm on May 15, 2023. The meeting was held in the Council Chambers located at 233 South Main Street.

Call to Order

Mr. Adam called the meeting to order at 6:00 p.m.

Roll Call

Members present: Lorenzo Adam, Casey Walters, Joshua Mason, Mike Morris, Matt Romito.

Staff members present: Jameson Cole, Planner and Michelle Layman, Planning and Zoning Specialist.

Approval of Minutes

Mr. Adam requested a motion to approve the minutes from the January 11, 2024, Board of Zoning Appeals meetings.

Mr. Romito moved to approve the minutes from the January 11, 2024 Board of Zoning Appeals meetings. Seconded by Mr. Walters.

Voice vote; motion carried.

Old Business

None.

New Business

Public Hearing: Case No. 2024-1- Consideration of a variance application from Home Depot regarding screening requirements for a hydrogen refueling area.

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

Background:

- Mitchell Cummings, on behalf of Home Depot, has applied for variance regarding the use of slats and chain link fencing to satisfy the screening requirements for mechanical equipment.
- The property owned by Home Depot is 56 acres and is zoned H-1 High Industrial.
- The applicant wishes to use slats, which are prohibited, and an existing chain link fence to satisfy the screening requirements surrounding their new hydrogen refueling area.
- The existing black coated chain link fence with barbed wire was installed in accordance with the approved site plan. The approved site plan was signed on June 17, 2008. 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 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 use of slatting material woven into the existing chain link fence to satisfy the screening requirements for mechanical equipment.
- Section 1212.05(B)(3) Landscape Material Standards outlines this requirement as the following:

(3) Chain link fences with or without wooden or synthetic slat material shall not be allowed when used to satisfy the requirements of this chapter.

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 H-1 Heavy Industrial properties in Park North in terms of lot size and size of area. Home Depot is one of two H-1 Heavy Industrial lots within the



City that are surrounded by a detention pond and are similar in that they are both in close proximity to detention ponds

- **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.

- **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 substantial because this sets a precedent for all industrial sites within the City when it comes to screening larger mechanical equipment in the future. The request is not the minimum necessary to make use of the land and structures. The applicant has stated that they believe that using the existing fence in addition to synthetic slats is the minimum necessary to meet a fire code requirement outlined in NFPA 2 2016 Table 8.3.2.3.1.6(A) regarding combustible solids and to screen the hydrogen fuel area from public view.

- **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.**

Most but not all buildings within Park North use black plastic-coated chain link fencing around secured areas such as truck docks, but not for screening purposes. Slats are not permitted.

The applicant has stated that they want to maintain the chain link fence while adding slats to meet the screening requirements while also meeting NFPA 2 2016 Table 8.3.2.3.1.6(A) combustible solids such as vinyl, wood fencing, vegetation, must be 100' from the bulk liquid hydrogen system.

Staff has previously suggested utilizing brick or stone to create a screening wall that could satisfy both the screening requirement and the fire code concern.

- **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 building of a hydrogen refueling area for Home Depot which now requires screening of mechanical equipment.

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

The applicant could install a masonry wall in the same position as the existing fencing which would meet the requirements of the code.

- **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 regarding the use of solid walls or fencing for screening and the prohibition of slats is to ensure long-lasting, durable, and quality product that enhances the community. Chain link does not screen structures and the upkeep of slat material has historically been a concern. The visibility of this structure and the associated screening from Union Road is a concern.

- **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.**

The granting of this variance may provide this applicant with a special privilege because the applicant would be able to utilize screening material not permitted elsewhere in the City. The City has not allowed other uses with this type of project to use this combination of materials to satisfy these requirements.

Department Comments:

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

Public Comments:

- None received as of March 15, 2024

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. Notwithstanding, the City of Monroe Development Department does understand certain conditions of the site that make it difficult to strictly apply the code while also following requirements from the National Fire Protection Association. The site is unique in that the site has frontages along Gateway Boulevard and Union Road, making it and the hydrogen fueling area more visible from the street than typical. Additionally, the location of the detention pond restricts the placement of screening further away from the structure. However, there may be other solutions available to the applicant through the code that meet both requirements.

Mr. Adam asked if a permit was obtained for the placement of the hydrogen tanks. He also asked if the issue of screening was discussed during the process of obtaining that permit. Mr. Cole stated screening wasn't discussed but that code does state mechanical equipment must be screened.

Mr. Morris asked if fire had any comments. Mr. Cole stated fire confirmed the materials being used would be required for screening.

Mr. Mason asked if the fence already existed. Mr. Cole stated the inner fence was installed with the tank and that the black barbed wire fence was already there.

Jessy Marquard with Plug Power spoke regarding the screening. She stated the black fencing was built in 2008. A secondary fence was installed to ensure only Plug Power staff were able to access the tank area.

Mr. Morris asked if they would be able to screen the black fence. Ms. Marquard stated that she believes it could be screened.

Ms. Marquard stated when the building permit was approved for the hydrogen refueling station, they were not aware of the screening requirements.

Ms. Marquard reviewed the way the hydrogen tanks work.

Mr. Morris asked how the project was funded. Ms. Marquard didn't know the answer.

Ms. Marquard stated the trailers shown in the photo existed previously and are considered safe and noncombustible.



Mr. Romito asked what part of the mechanical equipment requires screening. Mr. Cole stated the entire area would need to be screened.

Mr. Morris asked what staff considered mechanical. Mr. Cole stated staff regards the hydrogen refueling station as mechanical.

Mr. Morris asked if the trailers were permitted in the area. Mr. Cole stated they are.

Mr. Morris asked if they would have to screen the entire tank. Mr. Cole stated yes, all sides would need to be screened.

Ms. Marquard stated she does not feel the storage tank should be considered mechanical.

Mr. Mason asked what other options are available. Mr. Cole stated masonry or stone could be used to screen the tank. Mr. Mason asked if this would need to be around the entire building or just the area, in light of uniformity. Mr. Cole stated he would need to check on that.

Ms. Marquard stated the trucks and trailers around the area are consistent with their use and that a masonry wall should have been brought to their attention when obtaining the building permit for the original project.

Mr. Mason asked if the internal fence could be screened. Ms. Marquard stated this could be screened with aluminum slats.

Mr. Adam asked how many gallons the tank was. Ms. Marquard stated it is 18,000 gallons but is only filled halfway.

Mr. Adam asked if they could screen only 3 sides of the tank. Mr. Cole stated they would only need to screen 2 sides as the trailers provide screening as well as existing fencing.

Ms. Marquard stated they would like to go with the most cost-effective method of screening.

Mr. Cole stated that along with the trailers there is also vegetation along South Union providing screening.

Ms. Marquard stated the black fence would still be there because it is Home Depots security fencing.

Mr. Cole stated Walmart has screening but cannot speak to the screening materials that were used.

Mr. Mason moved to accept the documents submitted for the record. Seconded by Mr.



Romito. Voice vote. Motion carried.

Mr. Romito moved to close the public hearing; seconded by Mr. Mason. Voice vote. Motion carried.

Deliberative session by board

Mr. Adam asked what the fence height at Walmart is. Mr. Cole stated it is 12 feet high.

Mr. Adam sighted the NFPA regarding flammable materials and requirements.

Mr. Adam mentioned the use of metal materials as screening. Mr. Cole stated it would need to be reviewed per code.

Mr. Mason asked if this should be considered mechanical equipment.

Mr. Mason asked if there are any circulation requirements needed and how close to the tank a fence could be placed. Ms. Marquard stated it could be placed no closer than the current fence.

Mr. Adam stated there are options that would need to be discussed between Plug Power and the City.

Mr. Mason stated he feels the tank blends in with all the other trucks in the area. He stated a black fence would stand out more. Mr. Morris agreed that the screening would draw more attention to the area.

Ms. Marquard spoke regarding what NFPA considers to be vegetation.

Mr. Mason moved to approve Case No 2024-1 Consideration of a variance application from Home Depot regarding screening requirements for a hydrogen refueling area stating no other screening is necessary. Roll call vote. 4 ayes. 1 no. Motion carried.

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

The Board of Zoning Appeals meeting adjourned at 7:08 p.m.

Respectfully submitted by:



Michelle Layman

Planning and Zoning Specialist



CITY OF MONROE
Inter-Office Correspondence

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

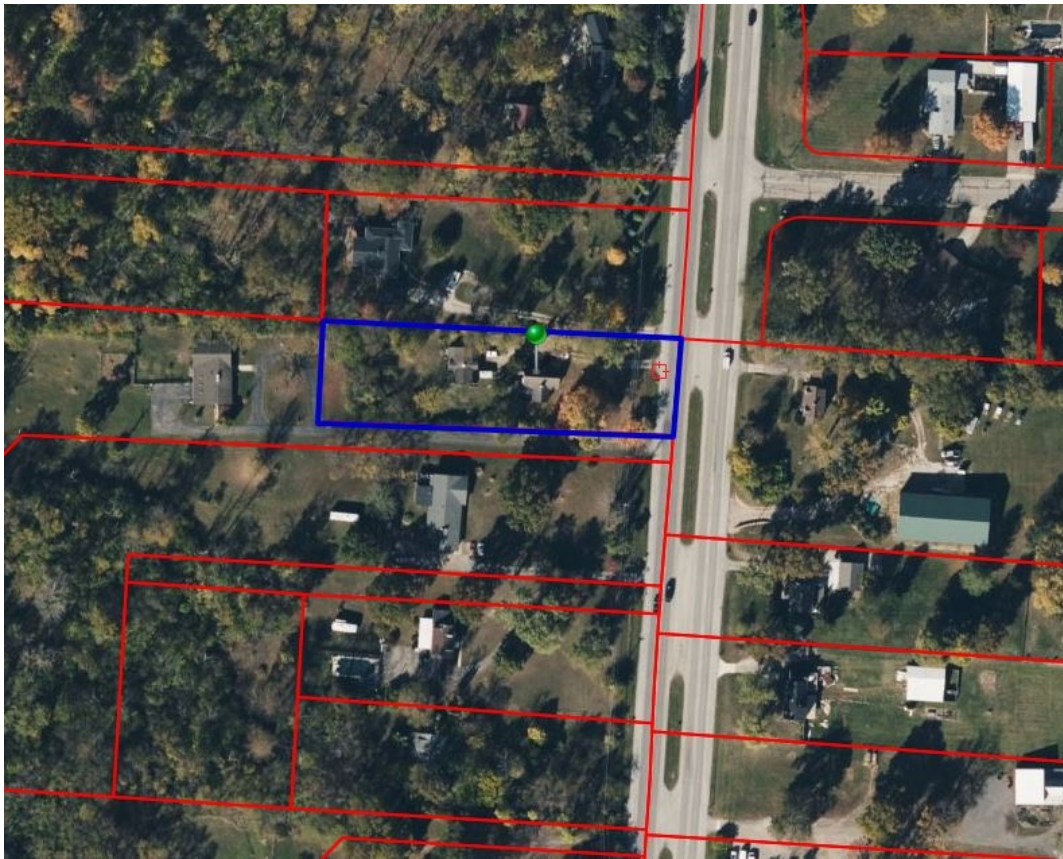
DATE: May 15, 2024

RE: Information Packet for **May 15, 2024**, Board of Zoning Appeals Meeting at **6:00 p.m.**

I. BZA-2024-2— Consideration of a variance application from Jeff and Amy Pendergrass regarding an addition to the principal structure.

A. Background:

- Jeff and Amy Pendergrass, property owners at 6807 Hamilton Middletown Rd, have applied for variance regarding an addition to their home that is proposed to encroach 15 feet into the 25-foot side yard setback leaving a 10-foot setback from the property line.
- They wish to encroach 15 feet into the required 25-foot side yard setback creating a 10-foot setback between an addition to the home and the property line.
- They propose to construct a 600 square foot (20'x30') addition to add on a master bedroom, a second bathroom, and extend the existing family room.
- The property owned by Jeff and Amy Pendergrass is 0.92 acres and is zoned A-2 Small Scale Agricultural.



Overhead View of Site



Facing west from Hamilton Middletown Road



Southbound on Hamilton Middletown Road

B. Variance Purpose:

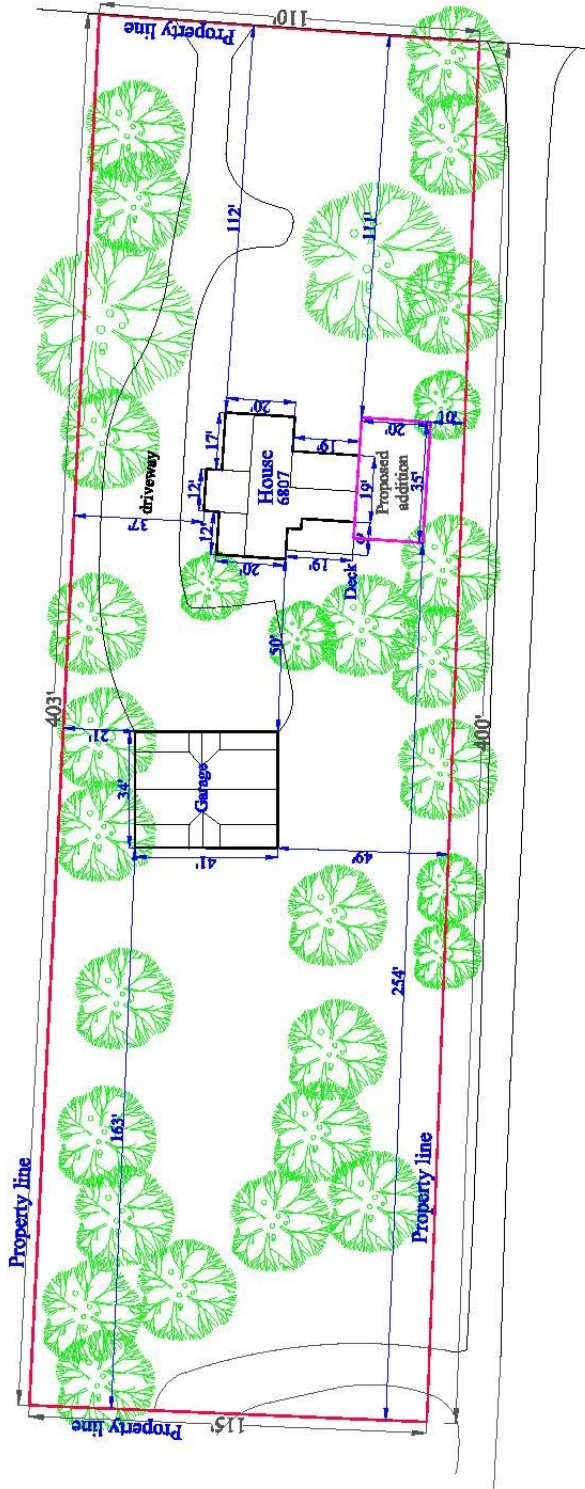
- A variance from the requirements of this code may be granted by the BZA when the BZA determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exist that prevent strict application of this code.

C. Variance Request:

- To allow a proposed addition to encroach 10 feet into the required 25-foot side yard setback.
- Section 1204.05(C) Table 1204-5: Site Development Standards for Residential Zoning Districts outlines this requirement as the following:

TABLE I 204-5: 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)	
A-2 SMALL-SCALE AGRICULTURAL DISTRICT							
Single-Family Dwellings[3]	40,000 sq. ft.	100	20%	40	25	40	35
Raising of Animals	40,000 sq. ft.	100		0[5]	0[5]	0[5]	
Raising of Crops	0	0		0	0	0	
All Other Permitted Uses	2 acres	150		100	50	100	



Parcel No. (APN) C1806-018.006-011
 Land Use RESIDENTIAL
 SINGLE FAMILY F
 Lot Area 40,075 SF (0.92 AC)
 ADDRESS: 6807 HAMILTON MIDDLE
 MIDDLETOWN, OH 45044

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 A-2-zoned residential properties in this area in terms of lot size and size of the home. The home has direct frontage along Hamilton Middletown Rd, whereas some lots in this area are flag lots and are set back from the road behind other properties.

- ***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 addition is to accommodate their growing family and remote work.

- ***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 substantial as it is requesting to encroach into a required setback for this district. As the property is already being utilized, the requested relief is not the minimum necessary to make use of the land.

- ***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.***

Many of the surrounding lots are similar to this property, being narrower in layout. The width ranging from 100 to 130 feet in width not including the flag portions of some lots. The addition would not impact the character of the neighborhood because similar to many of these properties, the primary structures are not uniform in their style or placement on the properties.

The applicant stated that the addition would not have any negative impacts because the addition would be located within an existing fence line.

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

The variance would not impact 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 need to expand the current living space. The addition will create a master bedroom, a second bathroom, and an extension of the existing family room.

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

The applicant could orientate the addition towards the rear yard and by doing so would not require a variance.

The applicant has stated constructing the addition towards the rear yard would double the cost of this addition due to the location of the walk out basement and roof pitch.

- ***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 setback requirements are to ensure that structures are given adequate spacing depending on the zoning district. For A-2 Small Scale Agricultural, the lots are designed to be larger (40,000 sq ft or more), and the setbacks are to ensure that property owners are not building on top of each other, thereby preserving the area's character and the zoning district's integrity.

Staff believes that the addition meets the intent of the setback because although the house would be encroaching into the setback, the adjacent property is a flag lot and the neighboring home is set approximately 80 feet behind the applicant's property. The portion of the adjacent property closest to the proposed addition is an access drive onto the property.

- ***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.***

The granting of this variance would provide this applicant with the ability to encroach into a required setback where similar homes in their district would still be required to comply.

E. Department Comments:

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

F. Public Comments:

- Raymond Belisle, 6797 Hamilton Middletown Rd, Middletown 45044
 - Mr. Belisle stated that he is the neighboring property owner whose home is set back behind the applicant's home. Mr. Belisle had questions regarding how close the addition is proposed to be to their shared property line.

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. Staff understands the applicant desires to construct an addition for their growing family. With that, there is not necessarily a hardship presented by the applicant. The property is not necessarily unique in comparison to other A-2 lots in this area. The request is considerable and not the minimum necessary to make use of the property.

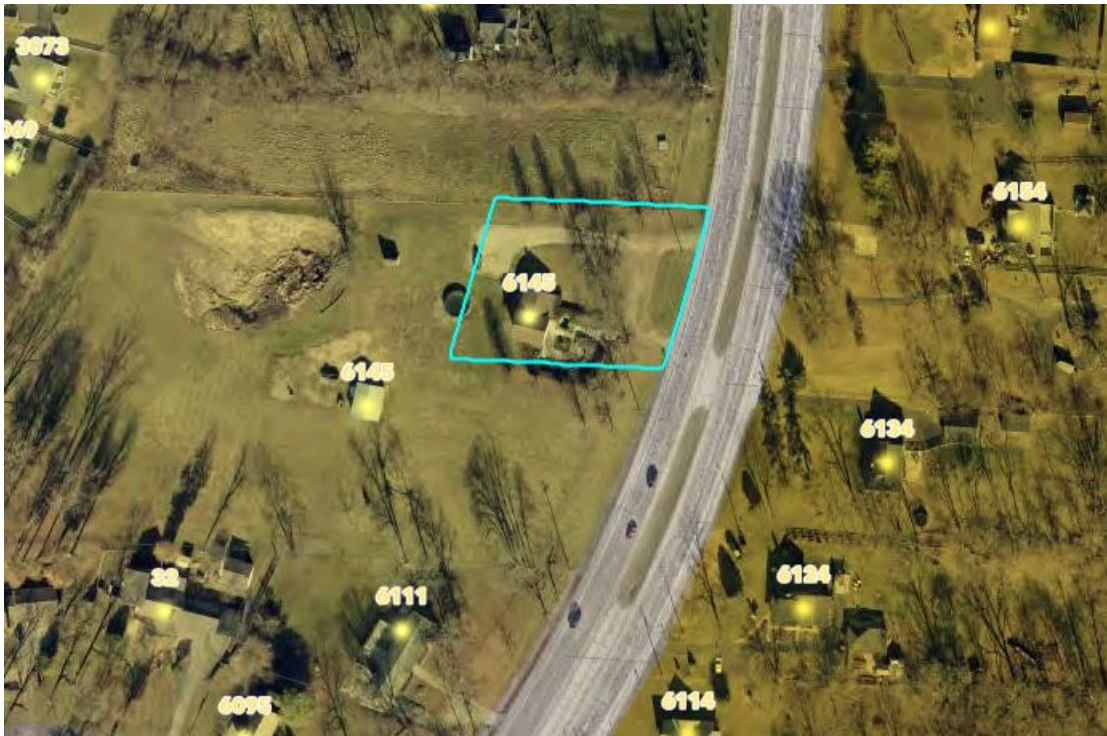
II. BZA-2024-3— Consideration of a variance application from Winfield Scott Hartman regarding construction of a detached garage and use of an existing gravel driveway.

A. Background:

- Winfield Scott Hartman, property owner at 6145 Hamilton Middletown Road, has applied for variance regarding a proposed detached garage in the rear yard of their property.
- He wishes to exceed the maximum cumulative square footage permitted for accessory structures and to allow their existing gravel driveway to satisfy the paved driveway requirement.
- He proposes to construct an 864 square-foot (36'x24') detached building to store two vehicles and landscaping equipment along with other personal items. The proposed detached building will be 18% above the maximum permitted.
- The property owned by Winfield Scott Hartman is 0.805 acres and is zoned R-1 Single Family Residential.



Overhead View of Site



Surrounding Zoning



Northbound on Hamilton Middletown Road



Southbound on Hamilton Middletown Road



Facing East towards Property on Hamilton Middletown Road

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.

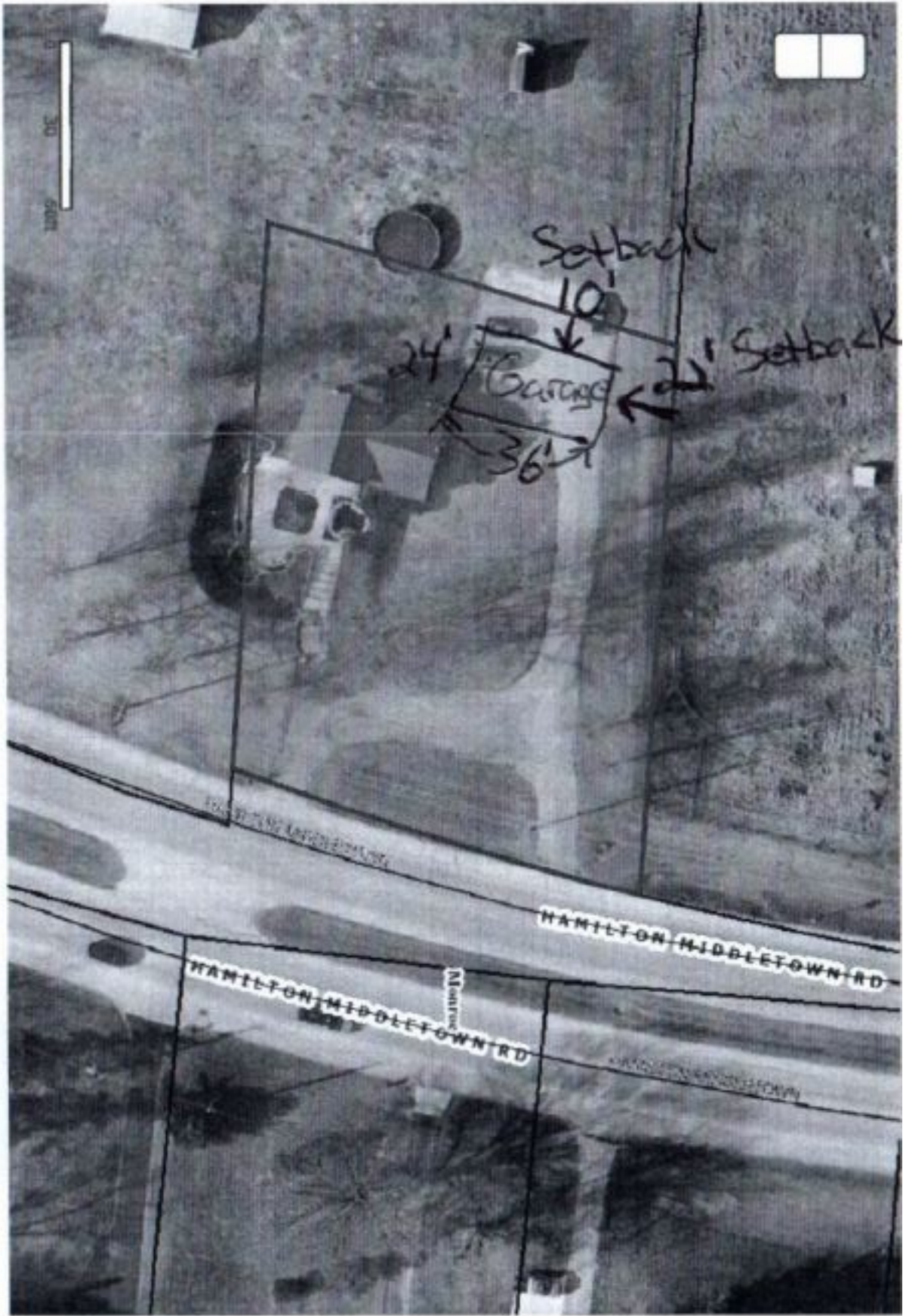
C. Variance Request:

- To allow an increase in the maximum square footage permitted for all accessory structures from 635 square feet to 864 square feet. This represents an increase of 18% above the maximum permitted for this site.
- To allow the detached garage to be accessed over an unpaved gravel driveway.

- Section 1205.01(C) outlines this requirement as the following:

(2) The cumulative total of all accessory structures shall be subject to maximum lot coverage allotments for each district as established in [Table 1205-1: Site Development Standards for Residential Zoning Districts](#). The cumulative footprint of all detached garages, utility/storage sheds, gazebos and above ground swimming pools shall not exceed 50% of the footprint of the principal structure.

(6) Accessory structures that are to house vehicles shall be located so that access can be made to the accessory structure over a paved surface such as a driveway.



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.

The lot is also similar to some but not all of the properties in this area in terms of having a gravel rather than a paved driveway.

The applicant stated that the garage being proposed would conform well with the size of the current home and larger lot size.

- ***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 it currently functions as a single-family home.

The applicant states the home does not have a garage currently and is a huge marketability issue. The applicant also stated that paving the driveway would cost double the amount of the detached garage.

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

The requested variance is not substantial regarding the requested size variance of the detached structure because, though the applicant is asking for a variance for this code, a variance may not be required in the recently approved zoning code update. The new code would permit the structure as it is subordinate in height and gross floor area to the principal structure.

The variance requested regarding the use of the existing gravel driveway is substantial, as what it is requesting would set a precedent for the entire City. The code intends to bring properties into compliance with the current zoning, and this variance may circumvent that intent.

The applicant has indicated that the building will be used to house two vehicles along with enough storage room for a zero-turn mower and landscaping equipment. The applicant has also stated that the detached garage would have a 10-foot paved apron in front of the garage.

- ***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.***

Most of the lots along Hamilton Middletown Road are larger relative to the rest of Monroe and are not located in subdivisions. Most lots generally range between 0.8 acres to 2.2 acres with some outliers as large as 37 acres. There are a number of homes in this area that have larger detached

structures. Many of these structures may have existed for years under previous codes. Most of these structures are set back behind the principal structure. Some have completely paved or partially paved driveways.

This property is also located adjacent just east of the Applegate subdivision.

- ***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 applicant's stated need to store vehicles, landscape equipment, and other personal items.

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

The applicant could wait until the new zoning code goes into effect in June, which would likely permit the proposed detached garage by right. The applicant could also pave the driveway up to the detached garage which would meet the paved surface requirement.

The applicant has stated they want to construct this detached garage as soon as possible and that paving the driveway would cost double what the detached garage would cost.

- ***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 limiting the structure size to be subordinate to the principal structure (single-family home) may still be observed by granting a variance in this case because based on the new code the detached garage would likely be permitted.

The spirit and intent behind paved surface access to the accessory structure would not be observed as the intent of the code is to bring nonconforming uses, structures, and properties closer to compliance with the active zoning code over time as new development or improvements occur.

- ***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.***

The granting of this variance would provide this applicant the ability to construct a structure larger than is allowed for others living in residential areas. Staff would note that the Board denied two variance requests related to detached garages in 2017, but approved one in 2020, 2021 and another in 2022. Staff would also note that with the new zoning code going into effect in June, this variance request would be permitted under the new accessory structure standards.

The granting of the variance for the use of the gravel driveway to satisfy the paved surface requirement would give the property owner special privileges, as this regulation applies to all districts throughout the City. Granting this variance would set a precedent for future applications and any cases similar to this one that apply for relief before the Board of Zoning Appeals.

E. Department Comments:

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

F. Public Comments:

- No comment.

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. Staff understands the applicant desires a garage to store personal items (vehicles, equipment, etc.). The new zoning code, which will be effective in June, would likely permit this detached garage by right with no variance required.

Staff also understands the cost associated with paving the driveway to the proposed garage. As mentioned in the report, other properties in the area have paved or partially paved driveways that likely predate the current zoning code and possibly annexation into the City. There is not a hardship presented by the applicant. The property is not necessarily unique in comparison to other R-1 lots in this area. The request is considerable 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@monroeoohio.org
www.monroeoohio.org

For Staff Use Only

Submittal Date:

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: 6807 Hamilton Middletown Road, Middletown, OH 45044

County: Butler Warren

Total Lot Area: 0.92 acres

County Tax Parcel ID:

Project/Development Name: Pendergrass Addition

Existing Zoning District: A-2 Small Scale Agricultural

Variance Type: Area/Dimensional Variance Use Variance

Applicant Information

Applicant Name: Jeff and Amy Pendergrass

Contact Person: Jeff Pendergrass

Contact Address: 6807 Hamilton Middletown Road, Middletown, OH 45044

Contact Phone Number: 513-551-0002

Contact Fax Number:

Contact E-Mail: jmpender77@hotmail.com

Property Owner Name: Amy Pendergrass, nee Smith

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: C1800018000011

Additional Project Information

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

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

The code sections are:1204.05 section F part iii
Figure 1204-D
Table 1204-5

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.

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.

Yes, the granting of the variance request would be consistent with the surrounding neighborhood. The homes around us are larger than ours, and our addition would tie in with the existing home.

No, the granting of the variance request would not negatively impact or impair the essential character of the area because the addition would fit in with our existing home. It would not be any different color or shape.

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.

No, the hardship is not self-imposed. One of the people living here has Crohn's disease and would greatly benefit from a second bathroom in the home. With our growing family, another bedroom, bathroom, and extended family room is necessary.

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

The proposed variance application would protect the surrounding properties from any negative impacts because the addition would already be in the existing fence line. No one new would be moving in, so the noise, light, and traffic would remain the same. The addition would not butt up against any other homes.

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.

Yes, the variance request is the minimum necessary to make possible the reasonable use of the land and the existing home.

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.

No, everything will be tied into the existing house.

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

The predicament cannot be feasibly removed through another method other than a variance because the south side of the home is the only reasonable way to expand.
With the current A-2 agricultural zoning, the home needs to be 25 feet from the property line.
With the current zoning, we would only have 5 feet of space to expand. That is not enough for an addition.

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.

Yes, the intent behind the code requirement would be observed and substantial justice would be done by the granting of the requested variance.

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.

No

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

We love Monroe and the local school district. Good schools are very important to us and we want our son to grow up here. We do not want to move out of Monroe. There are not a lot of homes for sale in Monroe. The ones that are for sale do not have the land and garage space that our home does. We have rehabbed this home and put a lot of pride in all we have completed.

Project Address or Tax Parcel ID: C1800018000011

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: Amy Pendergrass

Signature: *Amy Pendergrass*

Date: 3/14/2024

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: Amy Pendergrass, nee Smith

Signature: *Amy Pendergrass*

Date: 3/14/2024

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.

Submission 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.

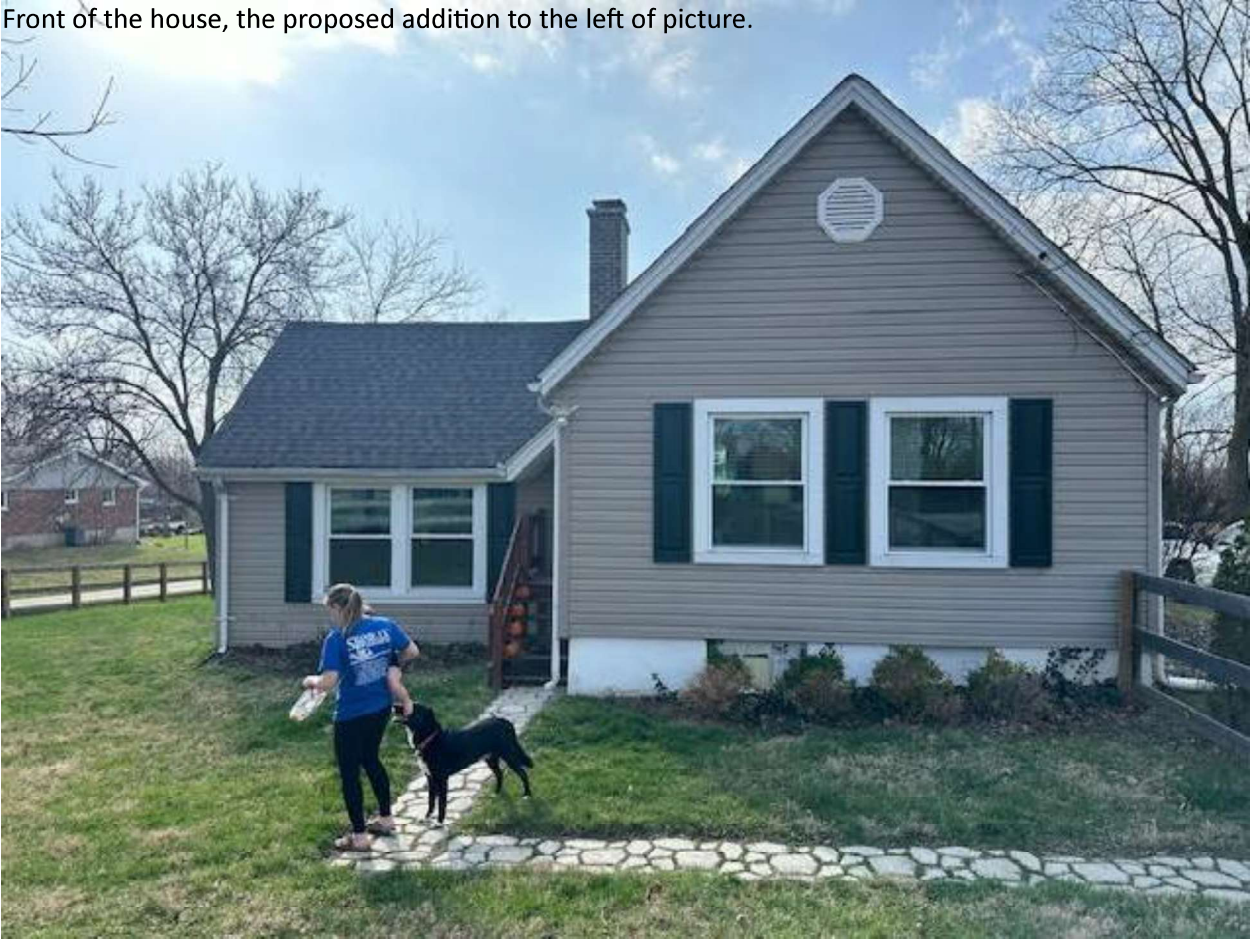
A survey, stamped and signed by a surveyor or engineer licensed in Ohio, documenting the exact boundaries and dimensions of the subject lot.

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)

Front of the house, the proposed addition to the left of picture.







Proposed area of the addition. South side of the house.





Proposed area of the addition. South side of the house.





BACK

April 26, 2024

RE: LEGAL NOTICE, Board of Zoning Appeals Hearing

Dear Property Owner,

Notice is hereby given of a public hearing before the Monroe Board of Zoning Appeals on Wednesday, May 15, 2024, at 6:00 PM in the City Council Chambers, 233 South Main Street, Monroe, Ohio 45050. The Board of Zoning Appeals will consider a variance application from Jeff and Amy Pendergrass, 6807 Hamilton Middletown Rd, Middletown, Ohio 45044, regarding construction of an addition to the existing primary structure. The applicant requests to allow the addition to encroach 10 feet into the required side yard setback.

The public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application. Monroe will provide assistance to persons with disabilities, needing interpreters, other auxiliary aids, and services in order to participate in this meeting. Any request for such assistance must be made no later than 72 hours in advance of the meeting by contacting the Development Department at 513-539-7374 ext. 1013.

All documentation regarding the requested variance can be viewed at the City of Monroe Development Department located at 233 S. Main Street, Monroe, Ohio 45050. Written comments can also be sent prior to the public hearing to the address listed above. Development Department staff is also available to answer any questions related to the requested variance and can be reached at 513-539-7374 ext. 1013.

Thank you,



Jameson Cole
Planner
colej@monroeohio.org



LEGAL NOTICE

Notice is hereby given of a public hearing before the Monroe Board of Zoning Appeals on Wednesday, May 15, 2024, at 6:00 PM in the City Council Chambers, 233 South Main Street, Monroe, Ohio 45050. The Board of Zoning Appeals will consider a variance application from Jeff and Amy Pendergrass, 6807 Hamilton Middletown Rd, Middletown, Ohio 45044, regarding construction of an addition to the existing primary structure. The applicant requests to allow the addition to encroach 10 feet into the required side yard setback.

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Application for a Variance

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

For Staff Use Only

Submittal Date:

Date Application Determined Complete:

Date of BZA Review:

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

Staff Initials: *SM*

Application/Case Number: 20240201

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: 6145 Hamilton Middletown Rd Middletown OH 45044

County: Butler Warren Total Lot Area: 35,066 sq ft .805 acres

County Tax Parcel ID: C1800012000030

Project/Development Name: N/A

Existing Zoning District: R-1

Variance Type: Area/Dimensional Variance Use Variance

Applicant Information

Applicant Name: Winfield Scott Hartman

Contact Person: Scott Hartman

Contact Address: 6077 Hamilton Middletown Rd Middletown OH 45044

Contact Phone Number: 513-435-0537

Contact Fax Number: N/A

Contact E-Mail: shartman@burline.com

Property Owner Name: Winfield Scott Hartman

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.

Additional Project Information

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

36 x 24 Detached Garage. Fully finished interior, drywall, insulation, lighting, 10' concrete apron, etc. (See attached plans)

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

1205.01

(C) (2) 50% Footprint of the principle structure.

(C) (6) "Paved surface" driveway.

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.

The subject property sits on a .805 acre lot. The current home does not have a garage and the footprint of the home is only 1269 sq ft, however the sq ft of the home is 1940 sq ft. Owner wants a large enough garage to house two vehicles along with enough storage room for a zero turn mower, landscaping equipment to maintain larger lot size and also have a sufficient amount of storage for personal items.

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

No garage with a home is a huge marketability issue. With the overall total square footage of the home not just the footprint, along with the larger lot size, the garage that is being proposed would conform well with the size of the current home and larger lot size. The subject's market area consists of homes of various ages, sizes, designs, architecture, etc.

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.

No negative impacts noted.

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.

No hardship has been self imposed.

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

This should have no negative impact on anyone in the surrounding area.

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.

No negative impacts noted.

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.

No hardship has been self imposed.

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

This should have no negative impact on anyone in the surrounding area.

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.

No negative impacts noted.

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.

No hardship has been self imposed.

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

This should have no negative impact on anyone in the surrounding area.

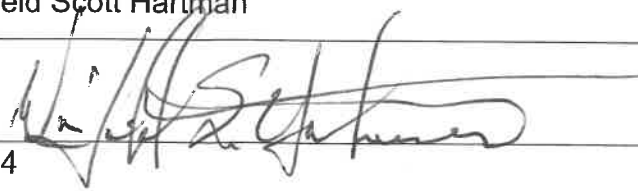
Project Address or Tax Parcel ID: 6145 Hamilton Middletown Rd Middletown OH 45044

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: Winfield Scott Hartman

Signature:



Date: 03/06/2024

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: Winfield Scott Hartman

Signature:



Date: 03/06/2024

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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General Information

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Application fee

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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

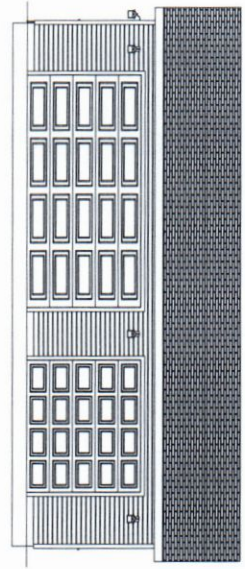
All existing and proposed streets, rights-of-way, and related names

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

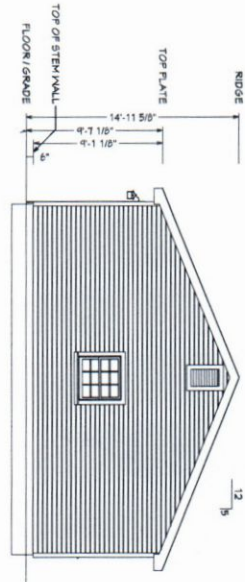
PLOT PLAN
6145 Hamilton Middletown Rd
Middletown OH 45044

PARID: C1800012000030
HARTMAN WINFIELD S & THOMAS JEANNE L

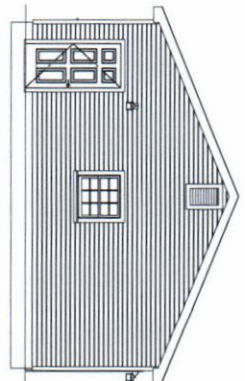




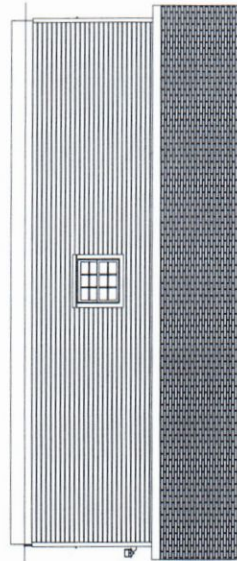
FRONT ELEVATION



RIGHT ELEVATION

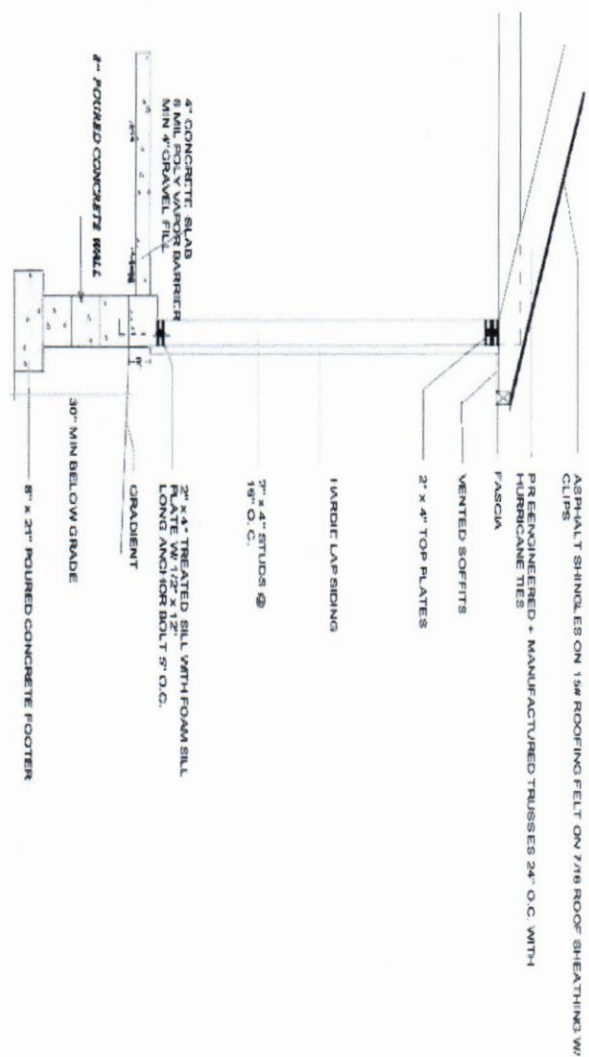


LEFT ELEVATION



REAR ELEVATION

TYPICAL GARAGE WALL SECTION



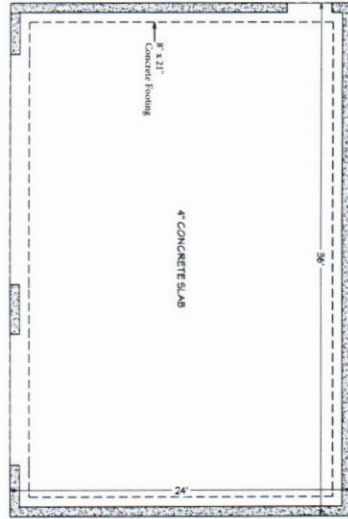
SQUARE FEET: 864
 WIDTH: 36'
 DEPTH: 24'
 EXTERIOR WALL STRUCTURE: 2X4 STUDS

Garage Build

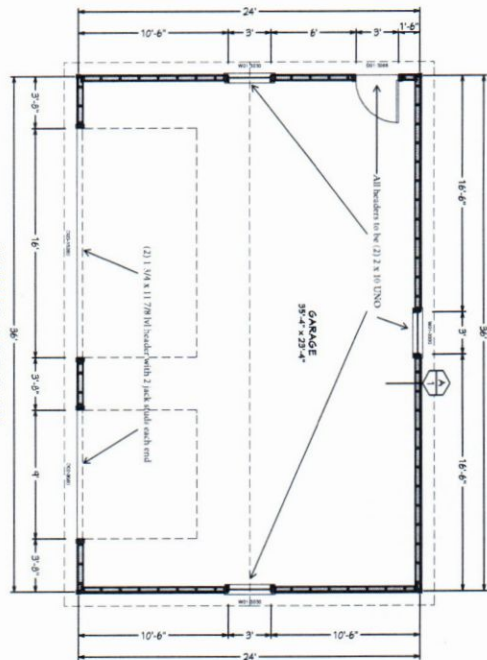
6145 Hamilton Middletown Rd
 Middletown, OH 45044



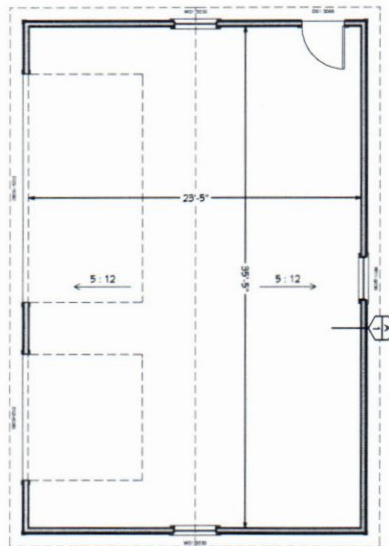
FOUNDATION PLAN



MAIN FLOOR PLAN



MAIN FLOOR PLAN



NUMBER	DESCRIPTION	DATE	BY	REVISION	COMMENTS
001	FOUNDATION PLAN	11/11/10	1	1	FOUNDATION PLAN
002	FOUNDATION PLAN	11/11/10	1	1	FOUNDATION PLAN
003	FOUNDATION PLAN	11/11/10	1	1	FOUNDATION PLAN
004	FOUNDATION PLAN	11/11/10	1	1	FOUNDATION PLAN
005	FOUNDATION PLAN	11/11/10	1	1	FOUNDATION PLAN
006	FOUNDATION PLAN	11/11/10	1	1	FOUNDATION PLAN
007	FOUNDATION PLAN	11/11/10	1	1	FOUNDATION PLAN
008	FOUNDATION PLAN	11/11/10	1	1	FOUNDATION PLAN
009	FOUNDATION PLAN	11/11/10	1	1	FOUNDATION PLAN
010	FOUNDATION PLAN	11/11/10	1	1	FOUNDATION PLAN

Garage Build

6145 Hamilton Middletown Rd
Middletown, OH 45044

April 26, 2024

RE: LEGAL NOTICE, Board of Zoning Appeals Hearing

Dear Property Owner,

Notice is hereby given of a public hearing before the Monroe Board of Zoning Appeals on Wednesday, May 15, 2024, at 6:00 PM in the City Council Chambers, 233 South Main Street, Monroe, Ohio 45050. The Board of Zoning Appeals will consider a variance application from Winfield Scott Hartman, 6145 Hamilton Middletown Rd, Middletown, Ohio 45044, regarding construction of an accessory structure (detached garage building). The applicant requests to exceed the maximum square footage permitted for accessory structures. The applicant also requests to allow the use of the existing gravel driveway instead of the required paved surface to access the accessory structure.

The public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application. Monroe will provide assistance to persons with disabilities, needing interpreters, other auxiliary aids, and services in order to participate in this meeting. Any request for such assistance must be made no later than 72 hours in advance of the meeting by contacting the Development Department at 513-539-7374 ext. 1013.

All documentation regarding the requested variance can be viewed at the City of Monroe Development Department located at 233 S. Main Street, Monroe, Ohio 45050. Written comments can also be sent prior to the public hearing to the address listed above. Development Department staff is also available to answer any questions related to the requested variance and can be reached at 513-539-7374 ext. 1013.

Thank you,



Jameson Cole
Planner
colej@monroeohio.org



LEGAL NOTICE

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