



**Board of Zoning Appeals
December 17, 2024 - 6:00 PM
233 South Main Street, Monroe, Ohio**

Call to Order

- Roll Call

Approval of Minutes

- Minutes from the May 15, 2024, Board of Zoning Appeals meeting

Old Business

New Business

- BZA-2024-4— Consideration of a Variance Application from COR3 Design regarding the window area requirement for Take 5 Oil Change.

Adjournment



**Board of Zoning Appeals
Minutes May 15, 2024**

The Board of Zoning Appeals of the City of Monroe met in regular session at 6:00 pm on May 15, 2024. 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: Tom Smith, Development Director, Kameryn Jones, Assistant Development Director, Jameson Cole, Planner and Michelle Layman, Planning and Zoning Specialist.

Approval of Minutes

Mr. Adam requested a motion to approve the minutes from the March 20, 2024 Board of Zoning Appeals meeting.

Mr. Morris moved to approve the minutes from the March 20, 2024, Board of Zoning Appeals meeting. Seconded by Mr. Walters.

Voice vote; motion carried.

Old Business

None.

New Business

Public Hearing: Case No. 2024-2- Consideration of a variance application from Jeff and Amy Pendergrass regarding an addition to the principal structure.

Mr. Adam stated the following:



The request will be presented by staff. Following this presentation, anyone wishing to speak in favor of the proposal will be given an opportunity to speak. After all proponents have spoken, the opponents will be given an opportunity to present their case. Speakers are asked not to repeat the same ideas which have been previously presented but indicate that they agree with a previous speaker. All persons speaking are subject to cross examination and must be sworn. The Board has the opportunity to question any speaker after they have completed their presentation. Once the public hearing is closed, individual speakers have no right to comment during discussion by the Board of Zoning Appeals.

Mr. Adam asked all those wishing to speak during this public hearing (including staff) to stand and raise their right hand to be sworn in.

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

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.
- The property owned by Jeff and Amy Pendergrass is 0.92 acres and is zoned A-2 Small Scale Agricultural.

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 a proposed addition to encroach 15 feet into the required 25-foot side yard setback

Mr. Cole reviewed section 1204.05 C Table 1204-5 and the proposed site plan.

Mr. Cole reviewed the variance purpose as follows:

- 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.
- Monroe Planning and Zoning Code grants the Board of Zoning Appeals powers and duties regarding requests to vary from the code:
 - 1. Development Review. The BZA shall have the authority to review and make

recommendations or final decisions on the development review applications denoted in Table 1207.10-1, Development Review Summary.

- 2. Implement the Comprehensive Plan. The BZA shall interpret the provisions of this code in such a way as to carry out the intent and purpose of the Comprehensive Plan.) Hear and decide on any questions related to the interpretation of the code text or the zoning map and zoning district boundaries.
- 3. Interpreting Code Text and Zoning Map. The BZA shall hear and decide on any questions related to the interpretation of the code text or the zoning map and zoning district boundaries.
- 4. Assistance. The BZA may call upon any city department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the BZA as may reasonably be required.

Mr. Cole reviewed the variance criteria as follows:

- The following factors shall be considered and weighed by BZA to determine practical difficulty.
- The BZA's approval, denial, or modification is not required to be based on all the variance 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'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.
- 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.

Department Comments:

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

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.
 - Matthew and Erin Cebelak, 6785 Hamilton Middletown Rd, submitted a handwritten note in response to the public notice stating they have no objection to the variance request.
 - The applicant has provided letters of support from neighbors that have been included in the packet for the Board's review

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.

Setbacks were discussed. Mr. Cole advised that other buildings in the same zoning district have similar setbacks.

Mr. Cole explained that the addition would be within the current fence line.

Mr. Morris moved to accept the documents for the record. Seconded by Mr. Romito. Voice vote. Motion carried.

Mr. Morris moved to close the public hearing. Seconded by Mr. Mason. Voice vote. Motion carried.

Deliberative session by board

Mr. Romito moved to approve Case No. 2024-2-Consideration of a variance application from Jeff and Amy Pendergrass regarding an addition to the principal structure. Seconded by Mr. Morris.

Roll call vote. 5 ayes. Motion carried.

Public Hearing: Case No. 2024-3- Consideration of a variance application from Winfield Scott Hartman regarding the construction of a detached garage and use of an existing gravel driveway.

Mr. Adam stated the following:

The request will be presented by staff. Following this presentation, anyone wishing to speak in favor of the proposal will be given an opportunity to speak. After all proponents have spoken, the opponents will be given an opportunity to present their case. Speakers are asked not to repeat the same ideas which have been previously presented but indicate that they agree with a previous speaker. All persons speaking are subject to cross examination and must be sworn. The Board has the opportunity to question any speaker after they have completed their presentation. Once the public hearing is closed, individual speakers have no right to comment during discussion by the Board of Zoning Appeals.

Mr. Adam asked all those wishing to speak during this public hearing (including staff) to stand and raise their right hand to be sworn in.



Having been sworn, Mr. Cole reviewed the background as follows:

- Winfield Scott Hartman, property owner at 6145 Hamilton Middletown Road, has applied for two variances to 1) exceed the maximum cumulative square footage permitted for accessory structures and 2) allow their existing gravel driveway to satisfy the paved driveway requirement.
- The property owned by Winfield Scott Hartman is 0.805 acres and is zoned R-1 Single Family Residential.

Mr. Cole reviewed the variance purpose as follows:

- 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.

Mr. Cole reviewed the variance request as follows:

- 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.

Mr. Cole reviewed Section 1205.01 C and the proposed site plan

Mr. Cole reviewed the variance purpose as follows:

- 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.
- Monroe Planning and Zoning Code grants the Board of Zoning Appeals powers and duties regarding requests to vary from the code
 - 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.

- Monroe Planning and Zoning Code grants the Board of Zoning Appeals powers and duties regarding requests to vary from the code:
 - 1. Development Review. The BZA shall have the authority to review and make recommendations or final decisions on the development review applications denoted in Table 1207.10-1, Development Review Summary.
 - 2. Implement the Comprehensive Plan. The BZA shall interpret the provisions of this code in such a way as to carry out the intent and purpose of the Comprehensive Plan.) Hear and decide on any questions related to the interpretation of the code text or the zoning map and zoning district boundaries.
 - 3. Interpreting Code Text and Zoning Map. The BZA shall hear and decide on any questions related to the interpretation of the code text or the zoning map and zoning district boundaries.
 - 4. Assistance. The BZA may call upon any city department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the BZA as may reasonably be required.

Mr. Cole reviewed the variance criteria as follows:

- The following factors shall be considered and weighed by BZA to determine practical difficulty.
- The BZA's approval, denial, or modification is not required to be based on all the variance 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'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
- 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.

Mr. Cole reviewed the department comments as follows:

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



- Fire Department: No comment.

Mr. Cole reviewed the public comments as follows:

- No comment

Mr. Cole reviewed the staff recommendation as follows:

- 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.

Mr. Mason moved to accept the documents for the record. Seconded by Mr. Walters. Voice vote. Motion carried.

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

Deliberative session by board

There was a discussion regarding the maximum square footage of the accessory structure exceeding the set maximum. Mr. Cole explained that due to the current Zoning Code changing in the months to come this would no longer be an issue.

There was a discussion regarding the driveway, specifically regarding the use of gravel.



Mr. Morris moved to approve the garage but not the gravel driveway for Case No. 2024-3- Consideration of a variance application from Winfield Scott Hartman regarding construction of a detached garage and use of an existing gravel driveway. Seconded by Mr. Romito.

Roll call vote. 4 ayes. 1 no. Motion carried.

Meeting adjournment

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

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: Development Department
DATE: December 17, 2024
RE: Information Packet for **December 17, 2024** Board of Zoning Appeals Meeting at **6:00 p.m.**

I. BZA-2024-4— Consideration of a Variance Application from COR3 Design regarding the window area requirement for Take 5 Oil Change.

A. Background:

- Micah Smith of COR3 Design, on behalf of Take 5 Oil Change, has applied for variance regarding the minimum building window area requirement.
- COR3 Design requests that the façade be permitted to have less than the minimum required window area.
- The applicant seeks to allow a decrease in window area from 30% minimum to 18% on the south side and 14% on the north side of the building.
- The proposed site is .6432 acres and is zoned GC General Commercial.



Overhead View of Site



Surrounding Zoning



Facing north towards the site from Hamilton Lebanon Road



Facing northeast towards the site from Hamilton Lebanon Road



Facing southwest towards the site from Clarence F Warner Drive

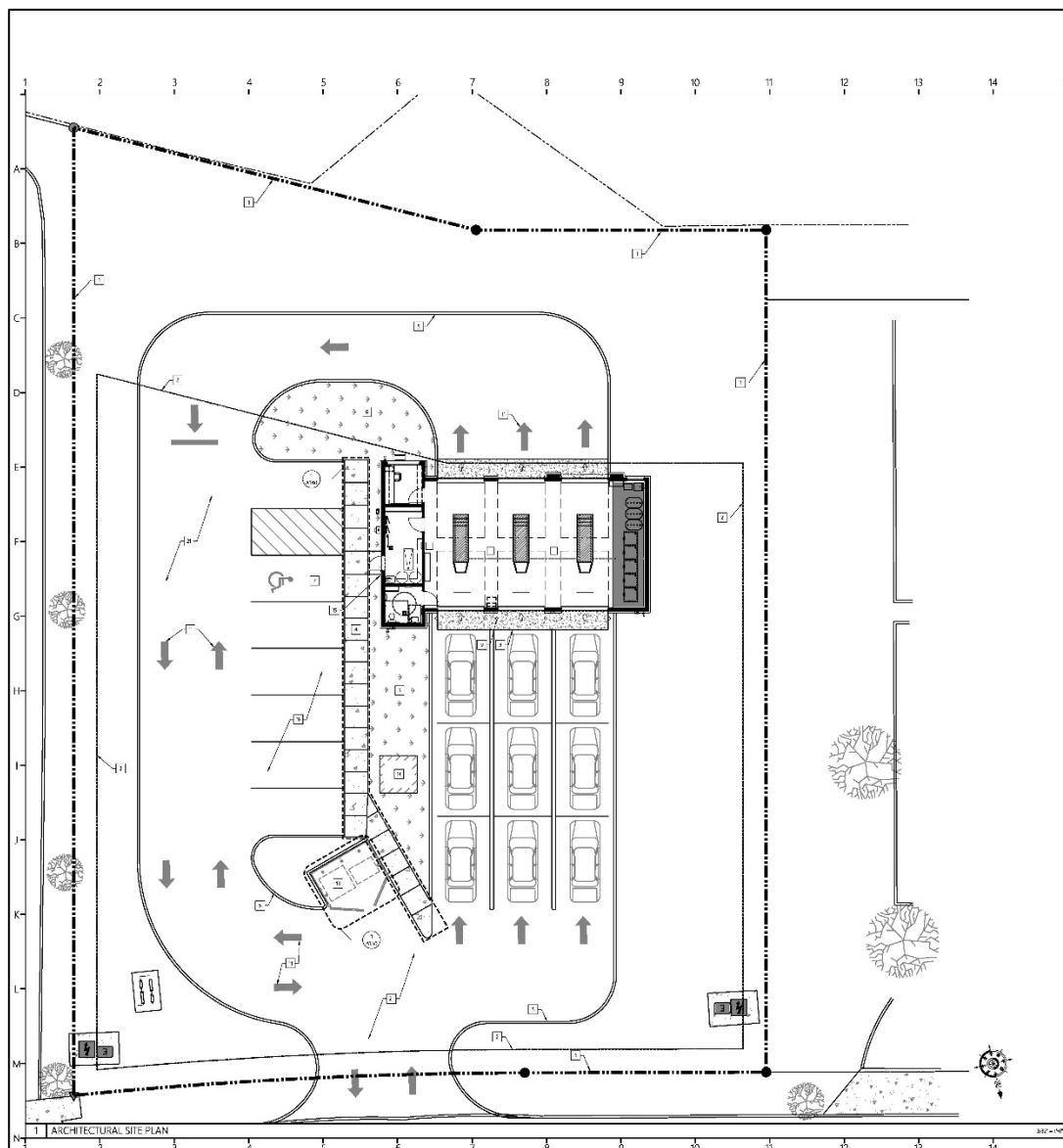
B. Variance Purpose:

- 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 a decrease in the minimum window area requirement from 30% to 18% on the south facing façade (SR63) and 14% on the north facing façade (Clarence F Warner).
- Table 1204.07-2 outlines this requirement as the following:

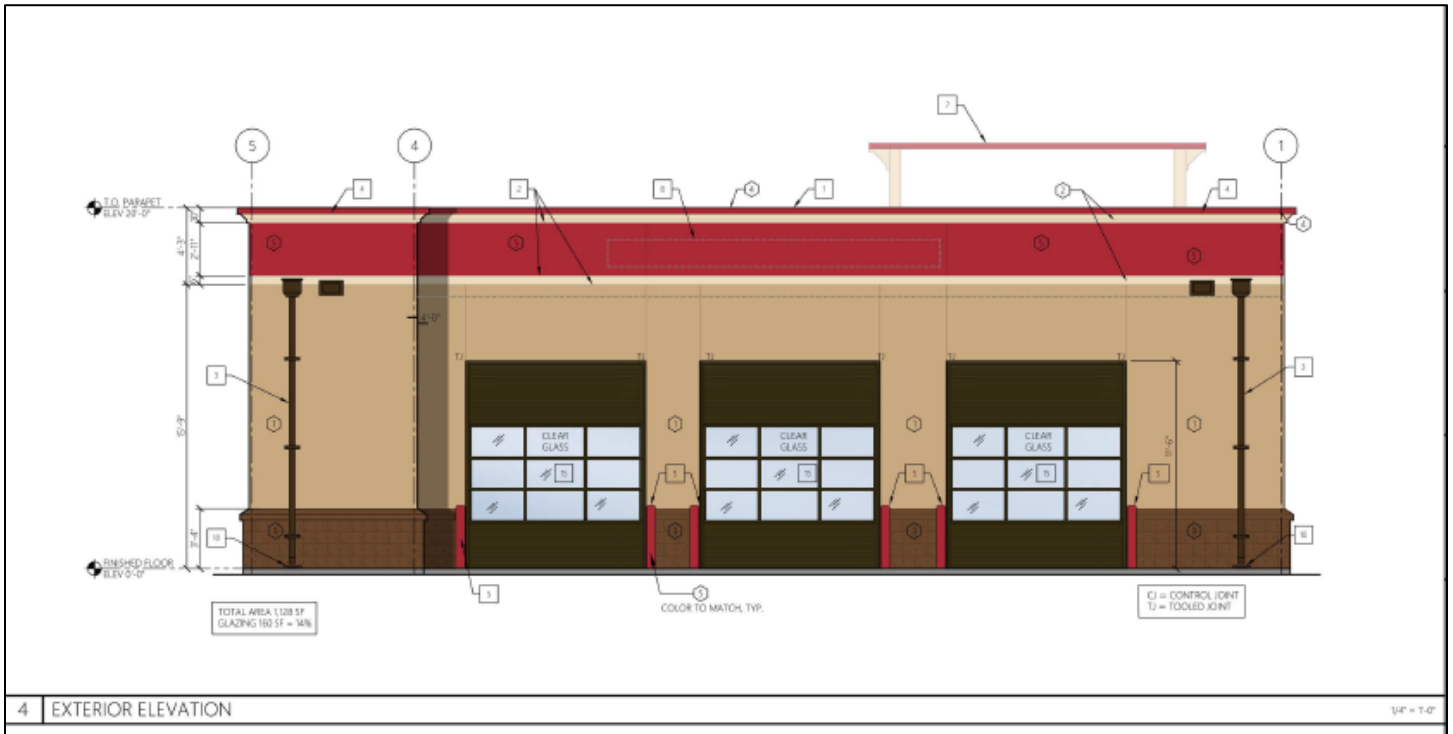
Transparency (Windows) ¹		
Facade glazed: % ground floor wall area (min.)	30%	The bottom edge of the windows shall not be higher than 3' above grade on the ground floor.



Proposed Site Plan



South Elevation



North Elevation

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 site may differ from similar commercial properties within the same zoning district in that the lot may be more narrow than other sites within the same zoning district.

- ***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 any other permitted use within the zoning district.

- ***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 the request is a 12% and 16% decrease from the City minimum window area requirement. It is the interpretation of Staff that it is not 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.***

A 12% and 16% decrease is a significant change and may create a considerable contrast between the new building and the recently constructed buildings in the immediate area.

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

The variance would not 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 proposed use and the proposed building design's inability to meet both the minimum window area requirement and the state energy code requirements.

In their application, the applicant acknowledged that the hardship could be seen as self-imposed but stated that the building size is restricted due to the size of the lot, which does not allow them to increase the size of the building, which they state would then allow for more window area.

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

The applicant stated that due to the size of the building and restrictions due to lot size, the requested variance is their only option.

It is difficult from a zoning standpoint to determine potential alternatives for what is also building code related. Staff contacted our third-party building services provider, National Inspection Corporation (NIC), to obtain clarification on the reported energy code failure the applicant provided to the City. NIC noted the following: "At a quick glance, the roof insulation R-Value is lower than typical, there is no slab insulation, and the U-factor of the glazing is higher than typical."

Though staff is uncertain if correcting these areas may allow the building to satisfy energy code requirements, it does raise the question as to whether there are other factors at play other than window area (materials, construction styles, etc.) that would enable the building to be constructed at its proposed size while also meeting minimum zoning requirements.

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

The requested variance may not meet the spirit and intent behind the code. The amount of relief being requested is significant.

- ***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 the applicant a privilege over other development in commercial areas where this requirement applies. As previously noted, recently constructed commercial buildings in Monroe have been able to satisfy the zoning code minimum requirements applicable at the time of their construction.

E. Department Comments:

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

F. Public Comment:

- No public comment has been received since 12/13/24.

G. Conclusion:

- As a reminder, the applicant shall be required to supply evidence that demonstrates that the literal enforcement of this code will result in practical difficulty for an area/dimensional variance.
- Every decision by the BZA is accompanied by written findings of fact based on testimony and evidence and specifying the reason for granting or denying the application.

- Staff's review is 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.



Application for a Variance

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

For Staff Use Only

Submittal Date: 11/20/24

Date Application Determined Complete:

Date of BZA Review:

Fee Paid:

Staff Initials: GB

Application/Case Number: 20240670

Variance Review Information

1. The variance review procedure and review requirements are established in Section 1207.25 of the Monroe Planning and Zoning Code.
2. The purpose of a Variance is to provide limited relief from the requirements of this PZC (e.g., lot area, setback, height, parking spaces required, etc.), where strict application of a particular requirement will create an unnecessary hardship and practical difficulty by preventing the use and development of land in a reasonable manner that is otherwise allowed under this PZC.
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 due at the time the application is submitted. The fee schedule can be found in Chapter 286 of the Monroe Code of Ordinances.

Basic Project and Site Information

Project Address: 110 Clarence F. Warner Dr. Monroe, OH 45050

County: Butler Warren Total Lot Area: 27,878.4 sqft.

County Tax Parcel ID: C1800009220032

Project/Development Name: Take 5 Oil Change - Monroe, OH

Existing Zoning District: GC

Variance Type: Area/Dimensional Variance Use Variance

Applicant Information

Applicant Name: COR3 Design

Contact Person: Micah Smith

Contact Address: 125 Rhett St. Unit 101 Greenville, SC 29601

Contact Phone Number: 864-990-0379

Contact Fax Number:

Contact E-Mail: msmith@cor3design.com

Property Owner Name: Take 5 Properties SPV, LLC

The applicant may provide separate attachment 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.

This is for an oil change facility.

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

We are seeking a variance for the glazing requirements of 35% per facade. We currently meet an 21% glazing percentage on the required elevation.

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 building width does not lend itself to add more glazing without compromising the structure or energy compliance of the building.

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.

We do not believe this variance will negatively impact the character of the surrounding area. We are within 14% of the glazing requirement.

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.

The hardship could be seen as self-imposed but due to the length of our building and restrictions on the size of the site we are unable to increase the length of our building any. We have a 52' long building and 30' of that length is our overhead doors.

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

N/A

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.

The variance request is not substantial but is the minimum to make the project work..

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.

Due to the length of the building and site size restrictions the variance is really the only option.

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.

We believe the spirit of the code would be meet as we are within 14% of the requirement.

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.

We do not believe so.


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: Micah A. Smith

Signature: 

Date: 11.14.2024

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: EXIT 29, LLC. By John Westheimer, m m

Signature: 

Date: NOVEMBER 15, 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

All drawings shall be prepared by a professional engineer or surveyor, licensed in Ohio

Digital Submittal Requirements

All document applications shall be submitted in a compatible electronic format to planning@monroehio.gov.

General Information

- Variance Application Form
- Application fee
- Plans and maps established 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)



COR3 Design, LLC
Commercial, Office, Retail, Restaurant, Real Estate Development
125 Rhett St.
Suite 101
Greenville, SC 29601
Phone: 864.451.5288
Fax: 864.990.3085
www.cor3design.com

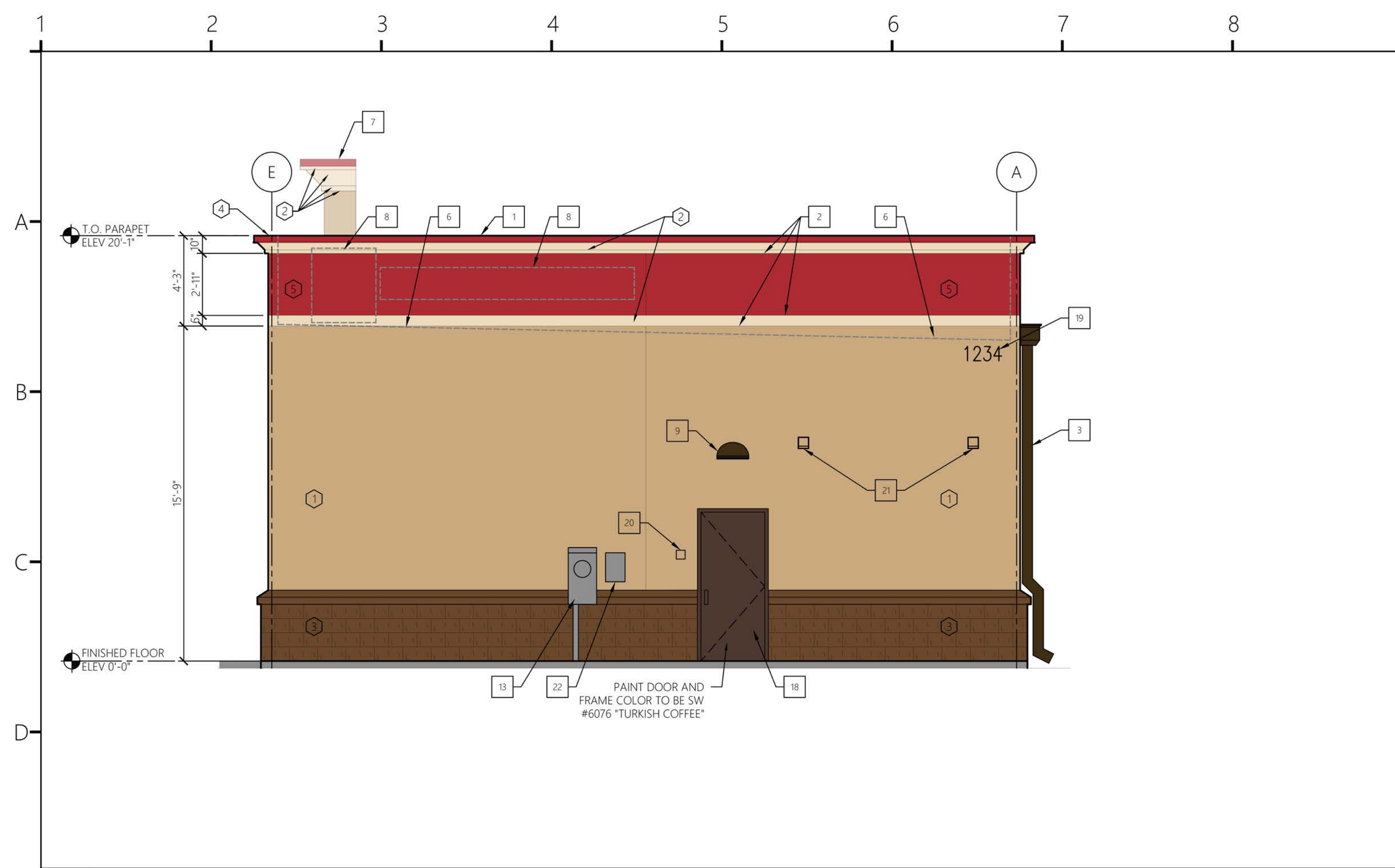
Consultants:
STRUCTURAL
Mark A. Hudson
3350 C Cleveland Street
Greenville, SC 29607
864.235.3580
PLUMBING
Michael S. Dennis
870 Cleveland St, STE 10
Greenville, SC 29601
864.271.6535
MECHANICAL
Michael S. Dennis
870 Cleveland St, STE 10
Greenville, SC 29601
864.271.6535
ELECTRICAL
Hugh P. Burn
912 S. Pine Street
Spartanburg, SC 29302
864.583.6274

Project Title:
T5 OC MONROE, OH
110 CLARENCE F WARNER DR.
MONROE, OH 45050



Revisions:
10.30.2024 Issue for Permit

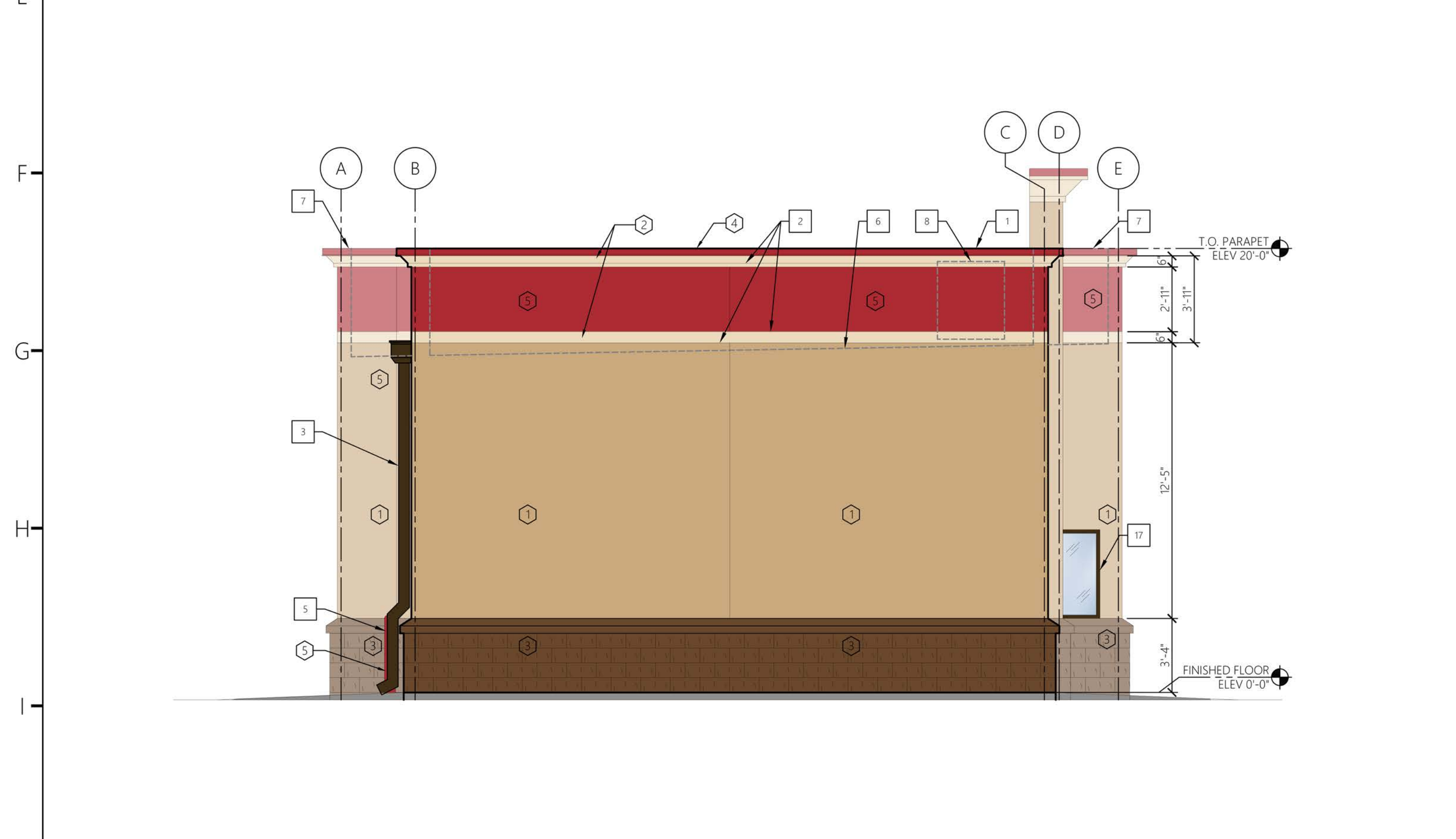
Project Number:
24057
Phase:
CD
Date:
10.30.2024
Drawn By:
Checked By:
Sheet Number:
A3.00
Sheet Title:
EXTERIOR ELEVATIONS



1 EXTERIOR ELEVATION 1/4" = 1'-0"



2 EXTERIOR ELEVATION 1/4" = 1'-0"



3 EXTERIOR ELEVATION 1/4" = 1'-0"



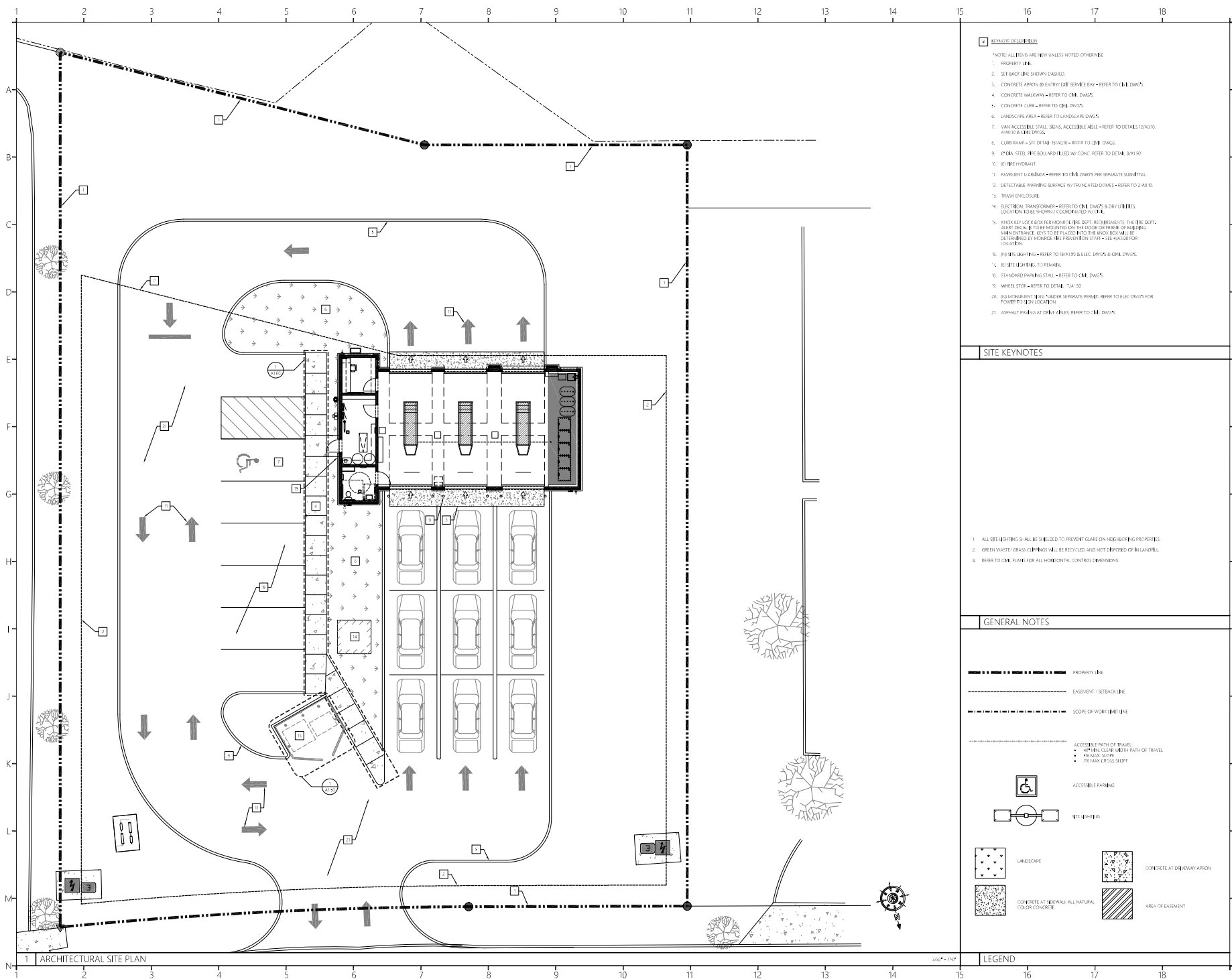
4 EXTERIOR ELEVATION 1/4" = 1'-0"

- KEYNOTE DESCRIPTION**
1. PREFINISHED GALV. MTL. COPING.
 2. "V" JOINT IN STUCCO, REFER TO DET. 2/A7.00
 3. PREFINISHED MTL. DOWNSPOUT AND LEADERHEAD W/ (3) STRAP ANCHORS PER D.S., REFER TO DET. 11/A7.00
 4. PREFINISHED MTL. OVERFLOW SCUPPER, PAINT DARK BRONZE, REFER TO DET. 12/A7.00
 5. 6" DIA. CONC. FILLED PIPE BOLLARD, REFER TO DET. 8/A1.50
 6. ROOF LINE BEYOND.
 7. BUILDING BEYOND.
 8. SIGNAGE, BY OTHERS.
 9. WALL PACK LIGHTING, REFER TO ELEC. DWG'S.
 10. 1/2" SPLASHBLOCK OR CONNECT TO STORM DRAIN, REFER TO CIVIL DWG'S.
 11. LED LIGHT FIXTURE, REFER TO ELEC. DWG'S.
 12. SCONCE LIGHTING, REFER TO ELEC. DWG'S.
 13. ELEC. PANEL & METER, PAINT DARK BRONZE, REFER TO ELEC. DWG'S.
 14. NOT USED
 15. METAL ROLL-UP DOOR, REFER TO DOOR SCHEDULE A6.00.
 16. CONDENSING UNIT FOR SPLIT-SYSTEM HEAT PUMP, REFER TO MECH. DWG'S.
 17. CRL US ALUMINUM SERIES 8200 HORIZONTAL SLIDING WINDOW, REFER TO WINDOWS SCHEDULE A6.00.
 18. HM DOOR, REFER TO DOOR SCHEDULE A6.00.
19. BUILDING ADDRESS SHALL BE PLAINLY LEGIBLE AND VISIBLE FROM THE STREET FRONTING THE PROPERTY. MIN. 6" HIGH NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND, REFER TO OHIO FIRE PREVENTION CODE REQUIREMENTS. ADDRESS NUMBERS SHALL BE 6" BLACK ALUMINUM FLOATING OR FLAT MODERN HOUSE NUMBERS 0-9 BY MONTAGUE METAL PRODUCTS, INC.; COLOR: BLACK WITH 10 STROKE, OR EQUAL.
20. KNOX BOX TO BE 3200 SERIES, RECESSED AND INSTALLED AT A MIN. HT. OF 5'-0" TO 6'-0" MAX. THE FIRE DEPT. ALERT DECAL IS TO BE MOUNTED ON THE DOOR OR FRAME OF BUILDING MAIN ENTRANCE. KEYS TO BE PLACED INTO THE KNOX BOX WILL BE DETERMINED BY MONROE FIRE PREVENTION STAFF, ALL PER MONROE FIRE DEPT. REQUIREMENTS.
21. EXHAUST VENT, REFER TO MECH DWG'S.
22. MEANS OF DISCONNECT PER NEG, REFER TO ELEC.

KEYNOTES

NO.	AREA	COATS	COLOR
1	EIFS MAIN COLOR	SEE SPECIFICATION AND MANUFACTURER'S REQMENTS	MATCH SW COLOR #7693, STONEBRIAR
2	EIFS ACCENT BAND	SEE SPECIFICATION AND MANUFACTURER'S REQMENTS	MATCH SW COLOR #7678, COTTAGE CREAM
3	SPLIT FACE CMU VENEER	SEE SPECIFICATION AND MANUFACTURER'S REQMENTS	PAINT TO MATCH SW COLOR #6097, STURDY BROWN
4	COPING	SEE SPECIFICATION AND MANUFACTURER'S REQMENTS	MATCH SW COLOR #6871, POSITIVE RED
5	EIFS SECONDARY COLOR	SEE SPECIFICATION AND MANUFACTURER'S REQMENTS	MATCH SW COLOR #6871, POSITIVE RED

EXTERIOR FINISH SCHEDULE

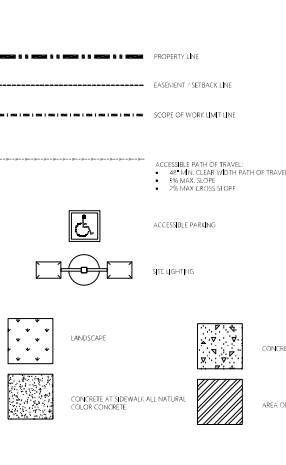


- 4. KNOWN DISPOSITION**
- *NOTE: ALL ITEMS ARE NEW UNLESS NOTED OTHERWISE
1. PROPERTY LINE
 2. SET BACK LINE SHOWN DASHED
 3. CONCRETE APRON @ ENTRY (SEE SCHEDULE) - REFER TO CML DWGS.
 4. CONCRETE WALKWAY - REFER TO CML DWGS.
 5. CONCRETE CURB - REFER TO CML DWGS.
 6. LANDSCAPE AREA - REFER TO LANDSCAPE DWGS.
 7. VAN ACCESSIBLE STALL, 8'x10', ACCESSIBLE ISLE - REFER TO DETAIL 12/04/10, 4'x10' & CML DWGS.
 8. CURE RAMP - SEE DETAIL 15/04/10 - REFER TO CML DWGS.
 9. 4" GAL. STEEL PIPE ROLLER FULLED W/ CONC. REFER TO DETAIL 04/10/10.
 10. 8" FIRE HYDRANT
 11. PAVEMENT MARKINGS - REFER TO CML DWGS PER SEPARATE SUBMITTAL
 12. DETECTABLE WARNING SURFACE W/ TRUNCATED DOMES - REFER TO 2/04/10.
 13. TRASH ENCLOSURE
 14. ELECTRICAL TRANSFORMER - REFER TO CML DWGS & ELECTRICAL DWGS. LOCATION TO BE SHOWN & COORDINATED W/ UTIL.
 15. KNOX KEY LOCK BOX PER MONROE FIRE DEPT. REQUIREMENTS. THE FIRE DEPT. ALERT SIGNAL TO BE MOUNTED ON THE DOOR OR FRAME OF BUILDING NUMBER 101. KEYS TO BE PLACED IN THE KNEX BOX. TO BE DETERMINED BY MONROE FIRE PREVENTION STAFF - SEE 4/10/10 FOR LOCATION.
 16. POLE SITE LIGHTING - REFER TO TRAVIS & ELEC. DWGS & CML DWGS.
 17. 8" SITE LIGHTING - REFER TO TRAVIS & ELEC. DWGS & CML DWGS.
 18. STANDARD PARKING STALL - REFER TO CML DWGS.
 19. WHEEL STOP - REFER TO DETAIL 12/04/10.
 20. POLYMER BOND BEG. UNDER SEPARATE PERMIT - REFER TO ELEC. DWGS FOR POWER TO BEIN LOCATION.
 21. ASPHALT PAVING AT DRIVE AISLES - REFER TO CML DWGS.

SITE KEYNOTES

1. ALL SITE LIGHTING SHALL BE SHIELDED TO PREVENT GLARE ON NEIGHBORING PROPERTIES.
2. GREEN WASTE GRASS CLIPPINGS WILL BE RECYCLED AND NOT DEPOSITED ON LANDSCAPE.
3. REFER TO CML PLANS FOR ALL HORIZONTAL CONTROL OVERSEERS.

GENERAL NOTES



ARCHITECT OF RECORD:
RALPH M. COLEMAN
OHIO REGISTERED ARCHITECT



COR3 Design, LLC
125 Rhett St.
Suite 101
Greenville, SC 29601
Phone: 864.451.5288
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STRUCTURAL
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101 S. Church Street
Greenville, SC 29607
864.272.8500

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KYLE L. COOPER
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MECHANICAL
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101 S. Church Street
Greenville, SC 29601
864.272.8500

ELECTRICAL
Randy P. Brum
101 S. Church Street
Spartanburg, SC 29307
864.683.0074

Project Info:
T5 OC MONROE, OH
110 CLARENCE F. WARNER DR.
MONROE, OH 45050



Sheet:
Revision:
10.30.2024 Issue for Permit

Project Number:
24057
Phase:
CD
Date:
10.30.2024
Drawn By:
Checked By:
Sheet Number:
A1.10
Sheet Title:
SITE PLAN

November 27, 2024

RE: LEGAL NOTICE, Monroe Board of Zoning Appeals Hearing

Dear Property Owner,

Notice is hereby given of a public hearing before the Monroe Board of Zoning Appeals on Tuesday, December 17, 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 Micah Smith of COR3 Design, 125 Rhett Street, Unit 101, Greenville, South Carolina 29601, on behalf of Take 5 Oil Change, 105 Clarence F Warner, Monroe, Ohio 45050, regarding the window area requirement. The applicant requests that the façade be permitted to have less than the minimum required window area.

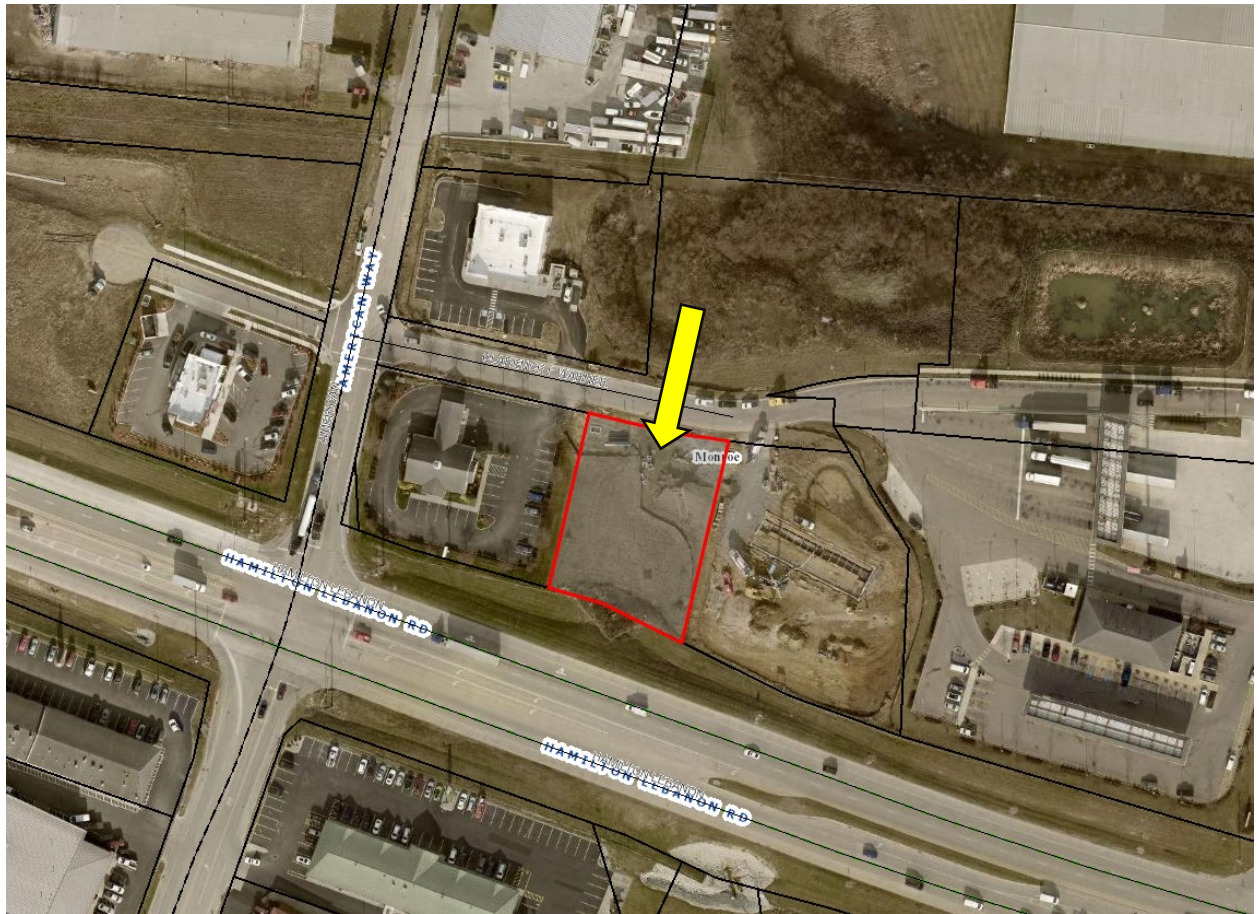
The public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application. Monroe will provide assistance to persons with disabilities, needing interpreters, other auxiliary aids, and services in order to participate in this meeting. Any request for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



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