1. Call to Order

2. Roll Call

3. Approval of Meeting Minutes Written Summary and Audio Recording
   a) December 11, 2019

4. Old Business
   None

5. New Business
   2. Variance to reduce the minimum lot width 14.22’, from 80’ ft to 65.88, to permit the construction of a new home in a single family residential (R1-B) Zoned District – 10621 Sharondale Road (Hamilton County Parcel 608-0017-0432-00 and 608-0017-0445-00) – Hannah Johnson - Sharonville Zoning Ordinance 1131.05
   3. Variance to allow a general business zoned property as a public facility use (Church) - General Business (GB) zoned District- 11262 Reading Road- Submitted by Ted Tribull on behalf of Calvary Union Fellowship.

6. Discussion
   None

7. Adjourn
For the Board of Zoning Appeals Meeting of January 8, 2020

To: Board of Zoning Appeals
From: Sarah Dircks, City Planner (sdircks@cityofsharonville.com)
Subject: Variance of 2.2' to install a covered front porch 21.8' from the front yard right-of-way in Single Family Residential (R1-B) Zoning District – 4151 Malaer Road – submitted by Schehr Design LLC on behalf of Gregg and Shelley Hoffman.
Date: December 21, 2020

I. Applicant Request:

Gregg and Shelley Hoffman, owners of 4151 Malaer Road, located in the R1-B zoned district are requesting to install a covered front porch 21.8' from the front yard right-of-way.

II. Code Section

Upon review of the applicant’s request, submitted December 12, 2019, the application was denied because it did not comply with the City’s Codified Ordinance 1131.05 & 1125.09. Section 1131.05 of the City code requires that thirty (30') ft of front yard depth be maintained in a R1-B zoned district. Section 1125.09(d) allows open roofed porches to project up to 6' into the front yard right of way (24' from the front yard right of way). On December 12, 2019, the applicant submitted a variance request of 2.2 feet to build a covered porch between 21.8' away from the front right of way.

III. Summary:

The residence, 4151 Malaer Road, is located in the R1-B zoned district on a curved street. Due to the curvature of the street and the angle of the house, the applicants requested a variance of just over two (2.2') ft. The proposed front porch is built eight (8.88') ft off of the front of the house, so the right side of the front porch is completely within the setback allowance for a front entry way and the left side of the front porch is 2.22 feet outside of the setback allowance. The applicant has submitted a letter of appeal which was mailed to every Board of Zoning Appeal explaining the mild nature of the variance request and the property owners “Gregg, and Shelley’s sole desire for this project is to be able to enjoy their home, and their neighborhood”.
IV. Staff Recommendation/Considerations:

Upon review of the application due to the applicant’s rationale for granting a variance, the minor encroachment on only one side of the front porch into the front setback, and the well-designed request for a front porch, staff find that the variance request because it would:

- relieve hardship and preserve the applicant’s right to the reasonable and legitimate use of his property
- relieve hardship due to peculiar shape of lot or property that do not generally apply to other land or buildings in the vicinity
- relieve hardship due to special conditions or circumstances which was not a result from the actions of the applicant

If the Board approve this request, there are two additional considerations staff would like to remind the applicant and or Board:

1. The Board of Zoning Appeals may only grant variances to the City of Sharonville Zoning Code. The City does not regulate the rules or requirement of Home Owners Association (HOA), nor may the board grant any variances from said regulations. The applicant will be required to work with their HOA to obtain any additional approvals which may be required.

2. Building Permit approval will be required prior to any construction. Board approval only reduces the setback requirement and does not guarantee building approval.

Image of Property
All neighbors within 100 feet of the property have been notified:

Address:
4151 Malaer Road

Meeting Date:
January 8, 2020

(setback line does not consider added 6’ allowance for front entryways)
Site Plan (Full Size Site Plans mailed to Board)

MR. & MRS. GREGG & SHELLEY HOFFMAN
478 EADMOND DRIVE
CINCINNATI, OHIO 45241

Site Plan (Full Size Site Plans mailed to Board)

MR. & MRS. GREGG & SHELLEY HOFFMAN
478 EADMOND DRIVE
CINCINNATI, OHIO 45241
For the Board of Zoning Appeals Meeting of January 8, 2020
To:       Board of Zoning Appeals
From:      Sarah Dircks, City Planner (sdircks@cityofsharonville.com)
Subject:  Variance of 14.22 ft to reduce the minimum lot width requirement from 80ft to
65.88ft, on Hamilton County Parcel ID #608-0017-0432-00 and #608-0017-0445-
00 (which will be combined and given the City address of 10621 Sharondale
Road).
Date: December 20, 2019

V. Applicant Request:

Hannah Johnson, owner of Hamilton County Parcel ID #608-0017-0432-00 and #608-0017-
0445-00 (which will be combined and given the City address of 10621 Sharondale Road),
located off of Sharondale Road in the Single Family (R1-B) zoned district is requesting
permission to build a home on a narrow, vacant lot in Sharonville.

VI. Code Section

Upon review of the applicant’s building request, submitted December 18, 2019, staff was
unable to approve the applicant’s request. Section 11315.05 of the City code requires that
there be a minimum 9,600 sq. ft. of land and 80ft lot width in order to build a new residence
within the City of Sharonville. Whereas the applicant was unable to obtain additional lot width
to meet the minimum lot width requirement the applicant submitted a variance request on
December 19th.

VII. Summary:

The property is in part 8, block B of the Sharon Acres Subdivision, which was platted in June
1962. The property was never developed or officially assigned an address. In August 2019,
the applicant purchased a 6,664.68 sq. ft., 65.88 ft wide lot vacant lot, Hamilton County Parcel
ID #608-0017-0432-00. When the applicant approached the Department of Community
Development to build a residence on the property the applicant was made aware that the
minimum lot size within the R1-B zoning district was 9,600 sq. ft. and 80 ft. in lot width.

When the applicant approached the City, the applicant was advised to attempt to ask one of
the owners of a vacant lot surrounding their property if they could purchase an additional
2935.32 sq. ft. and 14.2 ft. lot width to make their lot sufficient for development.
On December 11, 2019, the applicant was able to purchase Hamilton County Parcel ID #608-0017-0445-00, a 55.29 ft. wide, 3,920.4 sq. ft. lot located directly behind the lot they purchased in August 2019. Once the applicant combines the parcels with the Hamilton County Auditor, they will have a total of 10,585.08 square feet, which is sufficient lot area for development. The applicant was not however able to make an agreement with property owners to the left or right to obtain additional lot width. The applicant is aware of all other building requirements within the R1-B zoning district and is proposing to build a residence which will be within the permitted setbacks and outside of any easements maintained on the site.

VIII. Staff Recommendation/ Considerations:

Upon review of the application due to the applicant’s rationale for granting a variance, and three (3) months of effort the applicant invested into bring the lot into conformance to the best of their ability, and the ability of the property owner to meet other building setback requirements sufficient for development, staff finds that granting a variance would:

- relieve hardship and preserve the applicant’s right to the reasonable and legitimate use of his property
- relieve hardship due to peculiar shape of lot or property and do not generally apply to other land or buildings in the vicinity
- relieve hardship due to special conditions or circumstances which was not a result from the actions of the applicant

If the Board sees fit to approve this request, staff has the following considerations:

1. The applicant must record #608-0017-0432-00 and #608-0017-0445-00 as single parcel with the Hamilton County Auditor, and record the property with the address 10621 Sharondale Road.
2. The applicant will still be required to seek building permit approval which may require an official survey to guarantee property is built outside of the easements which bisect the property.
3. Building Permit approval will be required prior to any construction. Board approval only reduces the setback requirement and does not guarantee building approval.
All neighbors within 100 feet of the property have been notified:

Address:
308-0017-0432-00 &
308-0017-0445-00

Meeting Date:
January 8, 2020

Letter from Applicant

12/17/2019

Dear Board Members,

I have tried in earnest to purchase the land on either side of my property in order to meet the 80 foot lot width building requirement. I have researched and contacted all of the property owners on both sides of my property. Each attempt was thoroughly unsuccessful. However, I was able to purchase the lot to the rear of my property which brought the square footage of my lot above the required amount to build on. I now humbly appeal to you to grant me this variance and relieve me of this hardship and preserve my right to the reasonable use of my property.

Sincerely,
Hannah Johnson
For the Board of Zoning Appeals Meeting of January 8, 2020

To: Board of Zoning Appeals

From: Sarah Dircks, City Planner (sdircks@cityofsharonville.com)

Subject: Variance to allow a general business zoned property to be used as a public facility use- General Business (GB) zoned District- 11262 Reading Road- Submitted by Ted Tribull on behalf of Calvary Union Fellowship.

Date: December 20, 2019

IX. Applicant Request:

Ted Tribull, Pastor of Calvary Union Fellowship, current tenant of 11262 Reading Road, is requesting a “use variance” to allow a general business zoned property on the northern end of the downtown loop along the US-42 gateway, to be used as a church (i.e. Public facility use).

The applicant has not submitted a site plan along with their variance request; therefore their current variance request if approved would allow the applicant to maintain their current lease of the building. Their site plan approval must be finalized and a certified building inspector must issue a certificate of occupancy prior to occupancy of the building.

X. Code Section

Sharonville Ordinance 1133.02(b) notes that Civic buildings and uses, such as churches are permitted in areas in which are zoned Public Facilities.

Sharonville Ordinance 1133.03(a)(2) regulates that churches be required to maintain a 50’ side and rear yard setback.

Sharonville Ordinance 1165.08(b) “the requested variance shall not constitute a change in land use resulting in the establishment of a use not normally permitted in the applicable zoning district.”

Sharonville Ordinance 1165.04 allows churches to submit appeals before the board without an application fee.

Sharonville Ordinance 1165.08(d) the special conditions or circumstances which form a basis for the variance application shall not result from the actions of the applicant.
XI. Summary:

This case was brought to the Department of Community Development’s attention by the Sharonville Fire Department. A Fire Inspector informed the applicant that they were unable to occupy the space until they received a valid certificate of occupancy from the Department of Community Development. In order to obtain a certificate of occupancy, the use of the property must be approved by zoning and then a building and fire inspector must approve the interior use of the building.

Upon requesting zoning approval, staff informed the applicant that the property was not zoned for Public Facilities. Reasons for granting variances does not allow for “use variances”. While the applicants request is similar to a zone change it does not follow the legal zone change process. Zone changes, similar to the zone change for the Sharonville Police Department, require a recommendation from Planning Commission and City Council Approval.

Throughout the zoning history in Sharonville there have been a number of instances where religious institutes have requested to have place of public assembly and worship in zoning districts which do not permit public facility uses. Between 1978 and 2009 various properties within residential, industrial or business districts were rezoned to public facilities. During former department administration between 2010 and 2014 the Board had voted to approve “use variances” on behalf of a religious organization. The approved “use variances” included conditions of approval which stated that the approval was based per tenant, and that the underlying zoning would resume if the tenant’s lease expired. The approved “use variances” were granted in large shopping centers or on shopping strips with ample parking which could accommodate a religious organization, but that the Board did not see fit for re-zoning due to potential use of the building in the long term. In 2016, there was a very similar “use variance” request for a church to locate on Reading Road. The application was denied due to limited parking availability and because the building was suitable for other permitted uses.

Once the use is permitted on a site, a site plan must be approved prior to occupancy of the building. Arguably this case has similar reasons for denial as the case in 2016. Due to the lot shape, limited parking, high volumes of traffic off of US-42 and lack of safe pedestrian crossings to additional sufficient parking, this property has a number of challenges in approving a site plan according to building, zoning, and fire code requirements. The applicant’s request for a public assembly use requires higher parking requirements and will create a circumstance where an increased burden during the approval process in comparison to a small footprint office or other approved use.
The property, 11262 Reading Road, is a vacant building located on the northern gateway of the Downtown Loop. The property is located at the intersection of two of the strategic area locations within the Sharonville 2030 Plan, the Downtown Loop and the Lebanon Road/US-42 Gateway. The City was recently awarded a small grant from Hamilton County to work on the streetscape in the Downtown loop, and they were awarded a significant grant to install a bike trail from the existing shared use trail along E Kemper Road, to Sharon Woods and connecting down into the Downtown Loop, but stopping short at the La Rosa’s Pizza, located at 11264 Lebanon Road. The property is a triangle property built to the right of way on Reading Road on the west side, and up to the right of way of Lebanon Road/US-42 on the east side. Building is built to the property line on the north, and there is limited parking in the front triangle of the lot, requiring patrons to either back-in or back out on to Reading Road or US-42.

XII. Staff Recommendation/ Considerations:

The request before the Board is for a “Use Variance”. Although the applicant has entered into a three year lease, the applicant is not the property owner.

Upon review of the application due to the applicant’s rationale for granting a variance, staff finds:

- The expressed hardship of the applicant is a direct result of the leasing agent advertising uses not permitted within the zoning district, and/or the applicant leasing the property without verifying permitted uses.
- The existing lot is a challenging size which in itself presents difficulties. Granting a use variance to allow a place of assembly / church on a lot which will not be able to accommodate the parking and setback requirements would only increase challenges on the lot.
- Nonconforming use of neighboring lands, structures or buildings in the same zoning shall not be considered grounds for the issuance of a variance. The applicant has submitted a Use Variance request because the applicant had found evidence that a former City Employee had allowed Use Variances to permit used car lots and churches throughout the City. “Use variances” are illegal and unsupported by the City Code.
- The requested variance constitutes a change in land use resulting in the establishment of a use not normally permitted in the applicable zoning district.

If the Board sees fit to approve the applicant’s request, the following recommendations and conditions for consideration are recommended by staff

1. The variance is limited to the end of the applicants lease in 2022.
2. The applicant will need to submit a site plan by January 27, 2020 in order to request any setback or parking variance request and planning commission approval of a new use on February 12, 2020.
3. Certificate of Occupancy approval is required prior to any use of the building. Board approval does not guarantee building or fire inspector code approval.

Image of Property

All neighbors within 100 feet of the property have been notified:

Address:
308-0017-0432-00 &
308-0017-0445-00

Meeting Date:
January 8, 2020
Letter from Applicant (Full sized letter mailed)

Dear Board of Zoning,

I, Pastor Ted Triebull, request that 11262 Reading Rd, Sharonville, OH 45241 be granted a use variance from its current (GB) General Business use to allow the building to be used as a church (PF) Public Facilities for what we will be calling Calvary Chapel Sharonville, but is currently still Calvary Union Fellowship. We are a non-denominational, bible-teaching church who genuinely cares for those in need and loves everyone. We prayed for a while about where the Lord would be leading us next, as a fellowship, and this building is where we believed God had confirmed. We entered into a 3-year lease with the owner, who is supportive of our requested use variance, expecting we wouldn’t have issue with zoning because there was a non-profit organization in the space before us. We understand now how the zoning designation works specifically in Sharonville and how the Women’s Center was not the same as a church. Part of our confusion was that both of our previous locations were in business districts in strip malls (one in Fairfield and the other in Liberty TWP).

As we are currently paying on a building that we can’t use, (which is an oversight on my side,) I am asking for the most mercy and understanding your board can afford us. I know God has a plan in all of this. God first used a conversation in Sharonville on July 4th, 1998 to show me who my wife would be. We were married later that year in the house of the owners of the Already Cafe. I personally am involved with a business on Main Street in downtown Sharonville, just doors down from the hopeful church building. I love the city of Sharonville and our church would love to be able to impact the community in as many positive ways as the Lord provides. Thank you for your consideration.

In His Hands,

[Signature]

Pastor Ted Triebull
Calvary Union Fellowship
513-238-6775