

**BOARD OF ZONING APPEALS
MEETING MINUTE SUMMARY
May 13, 2020**

Chairperson Paul Culter called the regular Sharonville Board of Zoning Appeals meeting of May 13, 2020 to order at 6:30 p.m. via Zoom.

Roll Call

- ◆ In attendance via Zoom for Roll Call were Board of Zoning Appeals Members: Paul Culter, Dan Ison, Matt Eggenberger, Andrew Sasser, and Tom Pernik. Additionally, Councilman Rob Tankersley was also in attendance to provide insight on behalf of City Council where applicable. Member Dustin Goldie was excused absent with notice.
- ◆ Also in Attendance were Community Development Staff: John Creech (Director of Community Development - Board Secretary), Sarah Dircks (City Planner - Presenting), and Gina Good (Administrative Specialist – Recording Minutes).

Approval of Meeting Minutes Written Summary and Audio Recording

- ◆ The written summary of minutes and audio recording from the regular Board of Zoning Appeals meeting of February 12, 2020 were approved as written and distributed.

Old Business

- ◆ None

New Business

- ◆ Variance of 6' to reduce minimum front setback in a Single Family Residential (R1-B) Zoned District yard from 30' to 24' –10932 Aztec Ct – Gregory Kelly - Sharonville Zoning Ordinance 1125.09 and 1131.05
 - Gregory Kelly and Maggie Goller, owners of 10932 Aztec Ct, located in the single family (R1-B) zoned district are requesting a 6' front yard variance to install an enclosed patio in the front yard, 24' away from the front yard right of way.
 - The minimum front yard setback in the R1-B zoned district is 30' from the right of way (Section 1131.05).
 - In the R1-B zoned districts unenclosed entryway features may be installed 6' into the minimum setback, 24' from the front right of way (Section 1125.09). Roofed structures do not fit within the entryway description and are required to conform to the 30' setback.
 - The motion for passage by Mr. Ison was seconded by Mr. Eggenberger. Mr. Creech proceeded with a Roll Call Vote on passage.
 - Motion was approved unanimously with the conditions below:

1. Building Permit approval will be required prior to any construction. Board approval only reduces the setback requirement and does not guarantee building approval.
 2. All improvements and work indicated on construction drawings/documents shall be approved as part of this front yard setback variance and must be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved variance - (includes building and exterior finishes)
- ◆ Use Variance to allow for the Public Assembly use of up to a 75 seats for a church in the Central Business District (CB-D) – 3385 Creek Road- Tyler Parker of Storm Properties LLC- Sharonville Zoning Ordinance 1135.
- Tyler Parker, owner of 3385 Creek Road, located in the Central Business CBD zoned district is requesting Use Variance for permission to lease their building to a church which hopes to have a 50-75 seat Church.
 - The property owner has enough parking sufficient for the public assembly of 48 people. The applicant is requesting a Parking Variance for an indoor assembly of an additional 27 people on site.
 - Section 1133.02 states churches are permitted in Public Facility zoned areas.
 - Section 1135.02(d)1 & 1135.02(c)(5) states that “amusement and recreational services such as: assembly and meeting halls, billiard halls, bowling alleys, dance halls, indoor theaters, ice and roller skating rinks and other social, fraternal, sport or recreational establishments, provided they are conducted within an enclosed building and sufficiently sound insulated to confine the noise to the premises” are permitted within the Central Business District.
 - Section 1151.04 of the City code requires that there is a parking spaces for every 3 seats of public assembly. A church anticipating 75 seats is required to have 25 on-site parking spots.
 - Staff recommended considerations for Board of Zoning Appeals approval, which included the option for Parking-Lease agreements or Shared-Parking agreements with an adjacent business to meet the parking requirements for occupancy of 75 people.
 - The applicant submitted a letter to the Board which included their rationale for requesting a variance which included notes that the building was formerly a church, is setup to accommodate a church, and is near public parking and residential areas.
 - Jonathon McNulty, property owner of 11076 Main Street, called in regarding this case to say it was his preference for a church to utilize off-street parking lot prior to utilizing on street parking on Main Street or paving remaining green space on property.

- Mr. Culter commented that he believe the building could accommodate a church and he was not opposed to grating a variance of the parking without additional requirements.
- Mr. Sasser stated that he will not vote in favor of requiring an additional shared-parking overlap agreement due to the available public parking which will be available.
- Various Members discussed a concern with parking during the Car Show or festivals.
- The motion for passage by Mr. Sasser was seconded by Mr. Pernik. Mr. Creech called Roll Call Vote on passage.
- Motion approved unanimously with the conditions listed below:
 1. Building Permit approval will be required prior to any construction.
 2. A Certificate of Occupancy Permit is required prior to occupancy of the building. The Board may only grant zoning related variances. Fire inspector approval will additionally be required to occupy the building.
 3. All improvements and work indicated as part of this Use Variance must be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Use Variance.

Adjournment

- ◆ The motion by Mr. Sasser to adjourn the meeting was seconded by Mr. Pernik. Chairperson Mr. Culter adjourned the meeting at 7:05 p.m.

Paul Culter, Chairperson

John Creech, Secretary