

Background and Process Summary
City of Springboro Board of Zoning Appeals Meeting & Hearing
Variance Request for 210 Myrtle Lane
Wednesday, December 5, 2018

Background

On Wednesday, December 5, 2018 the City of Springboro Board of Zoning Appeals (BZA) will conduct a public hearing regarding an appeal filed by Gary & Judy Gibson, property owners, requesting a variance from the Planning & Zoning Code requirements in order to allow an accessory structure to remain on their property located at 210 Myrtle Lane. The property is located in the R-2, Low-Density Residential Zoning District. The R-2 District allows accessory structures but only in rear yards. The accessory structure, a storage shed, was installed on the subject property in a front yard earlier this Autumn. The Public Hearing will take place at 6:00 p.m. EDT in Council Chambers in the Springboro Municipal Building located at 320 West Central Avenue, Springboro, Ohio 45066.

This summary document describes the nature of the variance application, the BZA variance process in general and information regarding the December 5th public hearing.

The subject property is approximately 0.17 acres in area and is located on the northeast corner of the intersection of Myrtle Lane and Cherry Street. Each road frontage, according to the Planning & Zoning Code, is considered to be a front yard. The subject property bears Sidwell No. (Warren County parcel number) 0407120140. An aerial photograph of the subject property and vicinity is shown on page 3 of this information sheet.

Variance Application, the BZA and Public Hearing Process

The applicant has filed a variance application in order to allow the shed, an accessory structure installed on the property earlier this Autumn, to remain on the subject property. The storage shed is located on the Cherry Street frontage of the property on the northwest corner of the subject property. The variance request occurred after the property owner was cited for a violation of the Planning & Zoning Code when the shed was observed on the property in a location not permitted by code. The R-2 District does not allow accessory structures such as the shed to be located in rear yards only.

The BZA and the Public Hearing Process

The BZA is provided for in Section 9.07 of the Charter of the City of Springboro: "The Board of Zoning Appeals shall hear and determine applications for variances from the provisions of the zoning ordinance in accordance with the procedures provided therein..."

Section 1285.04, Variances, of the Planning and Zoning Code establishes a process for the review of variances from the strict interpretation of the Planning and Zoning Code:

The Board of Zoning Appeals is hereby authorized to authorize, upon appeal in specific cases, a variance from this Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Zoning Code would result in a practical difficulty. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

Variances may only be granted after an application is filed and a public hearing is conducted, when property owners within 200 feet of the subject property are notified, and a public hearing notice is published in a paper of general circulation, in this case the Springboro Star Press.

The applicant also is required to supply documentation, and the BZA needs to find, that the following four requirements have been met:

1. That special conditions and circumstances exist that are peculiar to the land, structure or building involved, which are not applicable to other lands, structures or buildings in the same district.
2. That the literal interpretation of the Planning & Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district, in this case the R-2 District.
3. That the special conditions and circumstances do not result from the actions of the applicant.
4. In granting the request, the variance will not confer on the applicant any special privilege that is denied by the Planning & Zoning Code to other lands, structures or buildings in the same district.

Current Status

In response to the variance application submitted by the property owners, the City of Springboro set a public hearing of the BZA for Wednesday, December 5, 2018. In addition to the appeal, other BZA organizational business will be attended to prior to and after the public hearing.

The public hearing of the BZA is a quasi-judicial proceeding. All present that choose to speak at the public hearing will be sworn in as witnesses by the presiding officer of the BZA. All property owners within 200 feet of the subject property have been individually notified of the variance request and public hearing. In addition to the applicant, time will be provided during the public hearing for proponents and opponents to comment on the variance.

After all interested parties have been afforded an opportunity to speak, the presiding officer will close the public hearing and the BZA will deliberate. Typically, decisions on the variance application, made in the form of a motion, are made at the same meeting. Variance applications can either be approved as requested, approved with conditions, or denied. Exceptions to this practice may occur for reasons such as the BZA tabling the decision or continuing the public hearing in favor of additional information regarding the case, or in the event that a majority of BZA members are not in attendance in order for business to be conducted. In either of these circumstances the BZA will schedule a new meeting/public hearing date as soon as possible.

If You Cannot Attend the Public Hearing

If you cannot attend the public hearing on December 5th you may still forward your comments regarding the variance request, in writing, to the City of Springboro. The letter must be signed and include your name and address and contact information. Letters may be sent to the c/o Dan Fitzpatrick, Zoning Inspector, Springboro Building and Zoning Department, 320 West Central Avenue, Springboro, Ohio 45066. Letters may be faxed to Mr. Fitzpatrick's attention (937) 748-3216 or by e-mail at danf@cityofspringboro.com; in each case you will need to indicate your name, address and contact information.

All information regarding this variance request is available for review at the Springboro Building & Zoning Department for public inspection. Please call (937) 748-9791 for more information.

Revised November 20, 2018

The aerial photograph below dated 2017 illustrates the subject property, highlighted in light blue, at 210 Myrtle Lane and vicinity. The black lines indicate the property lines for adjacent properties.

