

Board of Zoning Appeals
Meeting Agenda
May 23, 2023
7:00 P.M.

PLEASE TURN OFF CELL PHONES

- I. CALL MEETING TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. MINUTES OF REGULAR MEETING OF April 25, 2023
- V. CORRESPONDENCE
- VI. REPORTS
 - Report on Council
 - Report on Planning Commission
- VII. CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS
- VIII. OLD BUSINESS
 1. Continued from April 25, 2023 BZA Meeting–
Danielle & Joseph Little, Property Owner at 582 Smiley Ave, is requesting a variance to maintain the existing gravel driveway in violation Zoning Code Section 153.302 (J); which requires all parking surfaces in the city to be improved with asphalt or concrete.
PUBLIC HEARING (BZA Application 20230116)
- IX. NEW BUSINESS
 - NONE
- X. DISCUSSION
- XI. ADJOURNMENT

Note: The next Board of Zoning Appeals Meeting is scheduled for June 27, 2023.

BOARD OF ZONING APPEALS MEETING
April 25, 2023
7:00 P.M.

I CALL MEETING TO ORDER

Meeting called to order by Chairman Anderson at 7:05 p.m.

II ROLL CALL

Members Present: Jeffrey Anderson, Dave Nienaber, Tom Hall, Carolyn Ghantous, Michelle Miller

Staff Present: Carl Lamping

III PLEDGE OF ALLEGIANCE

IV ORGANIZATION

None

V MINUTES OF THE REGULAR MEETING OF March 28, 2023

Motion to approve the minutes presented by Mr. Nienaber and seconded by Mrs. Ghantous.

(Voice vote taken and the minutes were approved with a vote of 4 to 0.)

VI CORRESPONDENCE

None.

VII REPORTS

Report on City Council

Mrs. Ghantous provided a report on City Council meeting held on April 19, 2023. There were three ordinances and one resolution. For more information, the video of the Springdale City Council meeting is on the City of Springdale website. There was no questions or discussion.

Report on Planning Commission

Mr. Hall provided a report on the Planning Commission meeting for April 11, 2023. The application before Planning Commission was for Springdale Commerce Park for a Minor Modification to the PUD, Application # 20230070. Next meeting will be May 9th. There was no questions or discussion.

VIII CHAIRMAN'S STATEMENT

Chairman Anderson read the Chairman's Statement. Mr. Tom Vanover, Mr. Doyle Webster, Ms. Danielle Little, were sworn in.

IX OLD BUSINESS

None.

X NEW BUSINESS

1. **PUBLIC HEARING** (Application #20230116)

Danielle & Joseph Little, Property Owner at 582 Smiley Ave, is requesting a variance to maintain the existing gravel driveway in violation of Zoning Code Section 153.302(J); which requires all parking surfaces in the city to be improved with asphalt or concrete.

Mr. Lamping, staff representative, gave an overview of the project.

Ms. Little, homeowner of 582 Smiley Avenue gave information as to the reason for the variance request.

Mr. Anderson explained that two members of the BZA Board were not present, and that Ms. Little does have the option to table the submission for a future meeting when a full board would be present.

Ms. Little asked if the option to table the submission could still be possible up until the voting on the submission.

Mr. Anderson stated that it would still be possible since a BZA member can, at any time, make a motion to table it. Mr. Anderson stated that typically it is completed before the discussion of the submission so that all individuals would have the same opportunity, but it is not required. It can be requested by the applicant, but it is up to the board to make a motion to table it. Mr. Anderson stated that he would be willing to make that motion if the applicant wanted it at that moment, but that each member of the BZA would still need to vote on the motion. Ms. Little declined to request that this project be tabled.

Mr. Vanover expressed his opinion on the application before BZA. Mr. Vanover felt that without a true hardship being expressed by the applicant, the current code should be enforced in this situation.

Mr. Webster expressed his information on the history of how this application came to exist due to previous complaints registered on the property in question. He had received this information due to being the Mayor of Springdale. Mr. Webster stated that he agreed with the staff's comments that this variance should not be allowed and that the current code should be enforced in this situation.

While there were no other comments made, Mr. Anderson did state that the public hearing would remain open throughout the "Q and A".

Mr. Anderson gave Ms. Little a chance to speak again.

Ms. Little wanted to remind individuals that objected to the driveway that they would still be allowed to park the camper and/or boat there according to the current code. Ms. Little stated that if the gravel was removed and the surface was returned to grass and dirt that it would become unsightly as the camper and/or boat are moved.

Mr. Anderson did acknowledge that he had noticed on previous CAGIS images that several different vehicles had been parked on that surface.

At this point, Mr. Anderson did open up for questions from the Board.

Mr. Nienaber asked for clarification from the applicant regarding her previous statement regarding being allowed to park on that area regardless of the surface type.

Mr. Lamping clarified by stating that the code allows for one recreational vehicle to be parked in the side yard. The code does not specifically require that recreational vehicle to be on a driveway. Mr. Lamping stated that by liberal application of the code, the recreational vehicle is allowed to be in a side yard, in the grass.

Ms. Little stated that she was approached and that it was explained that the driveway was perceived as an access driveway, and, that as an access driveway it has to be

an approved surface. Ms. Little stated that on her application she understood that to mean that she was requesting a variance to keep the gravel to park the camper on that surface. Ms. Little, after further investigation has discovered that the pavement is required if cars are being parked on that surface.

Mr. Anderson stated the code that Ms. Little was referring to, which was 153.252(F)(8)(1).

“One recreational vehicle, one boat on a trailer, one personal watercraft or one trailer used for recreational purposes may be stored in an unenclosed area in the side yard or rear yard of the property, but not closer than five feet to the nearest lot line. The recreational vehicle, boat on a trailer, or trailer used for recreational purposes need not be parked on an improved surface.”

Mr. Anderson noted that the variance request is not for RV parking and stated that the variance is not being evaluated for RV parking or vehicle parking. What is being evaluated is a request for an access driveway to be maintained or used without it being an improved concrete or approved surface.

Mrs. Ghantous asked for clarification as to if the purpose of the application was for the ability to park the recreation vehicles on the side of the house or the gravel driveway to remain. The applicant stated that she wanted to keep the ability to park on the side of the house as well as keep the gravel surface that they are parked on.

Mr. Anderson noted that a previous variance was granted on Kemper road for a crushed concrete packed down access driveway from the driveway apron to a new garage that was also granted as a variance. While that driveway did go to the back of the property, the application before the board is different since it is at the side of the house.

Mr. Lamping asked what year that variance was granted. Mr. Anderson stated that it was in 2006, after the change in the code.

Mr. Hall stated that it is very clear in the code that the gravel is not an allowable surface and he would recommend it not be approved.

After asking for any other statements from the board or the audience, Mr. Anderson closed the public hearing. Mr. Anderson gave Ms. Little an opportunity to either proceed or request to table the application for the next meeting. Ms. Little stated that she would like to table the application until the next meeting for a full board.

Mr. Anderson made a motion to table the application until the next board meeting so that the applicant would have a full board for the meeting.

Mr. Nienaber seconded the motion.

A vote was taken and the motion to table the application until the next board meeting was granted 5-0.

Mr. Anderson added that since the application was tabled until the next board meeting, the public hearing may need to be reopened at the next meeting in order for the other two board members to be included in the discussion.

XI DISCUSSION

No items for discussion.

XII ADJOURNMENT

Mr. Hall made a motion to adjourn and Mr. Nienaber seconded.

Mr. Anderson stated that we are adjourned at 7:50 p.m.

Respectfully submitted,

_____, 2020 _____
Chairman, Jeffrey Anderson

_____, 2020 _____
Secretary, Tom Hall

City of Springdale



Building Department

(513) 346-5730

11700 Springfield Pike
Springdale, Ohio 45246

Fax (513) 346-5747

Planning/Zoning Application

Date: 03/02/2023

Applicant / Owner

Applicant Name: Danielle Little
Address: 582 Smiley Ave
City, State, Zip: Cincinnati Ohio 45246
Phone: 513-978-3518
E-mail: dreneelittle@gmail.com

Owner Name: LITTLE DANIELLE &
JOSEPH
Address: 582 SMILEY AV
City, State, Zip: CINCINNATI , OH 45246
Phone: 5139783518
Email: dreneelittle@gmail.com

Project

Project Name: Side gravel driveway
Project Location: 582 Smiley Ave
City, State, Zip: Cincinnati Ohio 45246
Parcel(s):
Dev. Area:

Major Project:
Minor Project:
BZA Hearing: Variance
Permit Type: BZA Hearing
Use Group: R - Residential
Flood Hazard: NA
Project Cost: 0

Project Description: We purchased our home in November of 2020. Although we already lived in Springdale before moving we were drawn to this property because they had a side gravel driveway. We are long time residence and had always noticed the Gambles camper parked on it. We also owned a camper and wanted to buy the property to park our camper on it. . A CAGIS image shows they have had this driveway since 2014. A recent complaint about our property has led to the city to realize the previous owners never had a variance. We are requesting a variance to keep this existing gravel driveway.

The undersigned Property Owner and/or the Applicant (acting as an Agent for the Property Owner), do hereby covenant and agree to comply with all the laws of the State of Ohio, Hamilton County and the ordinances of the City of Springdale pertaining to land usage, buildings and site development.

Danielle Little

Name

Date



City of Springdale Building Department
11700 Springfield Pike
Springdale, Ohio 45246

Dear Mr. Lamping,

My name is Danielle Little and I live at 582 Smiley Ave.

I have been advised by your office that a gravel parking area on my property is in violation of the city zoning code and must be a paved surface.

The specific section quoted is 153.302 J

I have applied for a variance in response to your notification and am scheduled for a hearing on April 25, 2023.

I intend to be present at that hearing.

However, my position is as follows:

I believe you have taken one line of the code out of context and are attempting to apply it to my residential property when in fact section 153.302, when taken in its entirety, is obviously intended to address commercial parking lots.

If paragraph J can be seen as a stand alone requirement relative to residential properties then should Paragraph K which requires curbing around parking areas, not apply to all driveways in Springdale.

What about paragraph D, subsection 6 which requires all driveway aprons to have a minimum 20 foot radius. Will you be requiring all of the driveways on Kemper Rd. and other areas of the city to be modified.

Paragraph E requires parking spaces to be clearly outlined with four inch painted lines.

These are obviously only a few of the individual sections of 153.302. However, if paragraph J is a stand alone requirement enforceable on all properties in Springdale then it is my contention that, in order to avoid an appearance of individualized enforcement, your office should be actively pursuing these other areas as stand alone enforcement issues as well.

As mentioned, I intend to be present for the scheduled hearing, however, I would appreciate your response to these issues raised as I am incurring legal expense when I believe there is no legitimate reason.

Sincerely,

Danielle Little

City of Springdale



Building Department

(513) 346-5730

11700 Springfield Pike
Springdale, Ohio 45246

Fax (513) 346-5747

Violation Order

02/01/2023

LITTLE DANIELLE & JOSEPH
582 SMILEY AVE
CINCINNATI , OH 45246

RE: 582 SMILEY AV, Case Number: 230132

Dear Property Owner:

The City of Springdale has ordinances which mandate certain criteria to protect the public health, safety, comfort and general welfare of the community as well as protect and promote the safety and value of all buildings, structures and premises within the city.

The city has inspected the property listed above and has identified the following issues for your review and correction:

ORDINANCE 153.302(J) PAVEMENT

1. Parking areas and access driveways shall be improved with asphalt or concrete in accordance with the City Land Development Regulations.
2. Pavers may be used if approved by the Planning Commission. Pavers shall include durable materials, suitable for parking and designed for vehicular loads such as cobblestones, brick, concrete formed blocks, or cut stone.
3. Off-street parking areas and residential driveways may be constructed of pervious pavement if approved by the City Engineer.
To resolve this issue, you must: Bring driveway into compliance before 4/1/23.

Failure to address all issues outlined above may result in legal proceedings being filed by the City of Springdale. The ordinance(s) cited above can be viewed online at:
https://codelibrary.amlegal.com/codes/springdale/latest/spring_oh/0-0-0-22707

Any person affected by this legal notice may request an appeal before the appropriate Appeal Board. The request shall be filed with the Building Department within fifteen days of being served this legal notice of violation, specifying the grounds or mitigating circumstances.

Thank you for your understanding and cooperation. If you would like to discuss or have any questions, please contact me between 8:00 a.m. and 5:00 p.m. Monday through Friday.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Ellison'.

Richard Ellison
Property Maintenance Inspector



Cloverdale Av

Smiley Av

Greenlawn Av

595

591

587

583

589

585

581

604

596

592

582

578

570

11677

603

599

595

591

587

583

575

567

11657

586

11649

11656

CONDITIONS AND FINDINGS OF THE BOARD OF ZONING APPEALS

Application Number: **20230116**

Property Address: **582 SMILEY AV**

Date of Meeting: **March 28, 2023**

Requested Variance: **Property Owner at 582 Smiley Ave is requesting to maintain the existing gravel driveway in violation Zoning Code Section 153.302 (J); which requires all parking surfaces in the city to be improved with asphalt or concrete.**

(Extracted from Zoning Code Section 153.206 (B) Review Factors

CRITERIA	STAFF COMMENT	NOTES
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.	Staff does not believe there are special circumstances.	
Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.	We believe the property will yield a reasonable return without the variance.	
Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.	We believe this request for a Variance is NOT substantial.	
Whether the essential character of the neighborhood would be substantially altered or whether adjacent properties would suffer substantial detriment as a result of the variance.	We believe the essential character of the neighborhood would be substantially altered; as this code requirement is standard throughout the City.	
Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and refuse pick-up	We believe 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	No Special Conditions are known	

CONDITIONS AND FINDINGS OF THE BOARD OF ZONING APPEALS

Application Number: **20230116**

Property Address: **582 SMILEY AV**

Date of Meeting: **March 28, 2023**

Requested Variance: **Property Owner at 582 Smiley Ave is requesting to maintain the existing gravel driveway in violation Zoning Code Section 153.302 (J); which requires all parking surfaces in the city to be improved with asphalt or concrete.**

CRITERIA	STAFF COMMENT	NOTES
Whether the property owner's predicament can feasibly be obviated through some method other than a variance	No.	
Whether the spirit and intent behind these code requirements would be observed and substantial justice done by granting a variance	The spirit and intent behind these code requirements would not be observed by granting a variance	
Whether the granting of the variance requested will confer on the owner any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district	We believe that granting this variance requested would confer a special privilege that is denied by this regulation to other lands, structures, or buildings in the same district	
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		