

Background and Process Summary
Variance Request for 15 West Mill Street
Springboro Board of Zoning Appeals Meeting & Hearing
Wednesday, July 18, 2018

On Wednesday, July 18, 2018 the City of Springboro Board of Zoning Appeals (BZA) will hold a Public Hearing regarding an appeal filed by the Springboro Church of Christ, property owner, requesting a variance from the front yard setback requirements for the R-2, Low-Density Residential Zoning District, for their property located at 15 West Mill Street. 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 July 18th Public Hearing.

Subject Property Background

The applicant has filed an application for a variance to allow the construction of a permanent structure on the subject property within the required front yard setback. For the R-2 District the required front yard setback is 35 feet. The applicant is proposing construction of a 4,054-square annex building to serve the needs of the congregation. Springboro United Church of Christ's main church building is located immediately to the east at 5 West Central Avenue (615 South Main Street). The proposed annex building will be located as close as 6 feet to the front property line. The Springboro United Church of Christ is currently engaged in the site plan review process with the Planning Commission and City staff on how the proposed annex fits into the property. The approval of the variance by the BZA is required in order to allow for the site plan review process to continue under the current plans presented for the site by the property owners.

The subject property is located approximately 0.65 acres in area and is located approximately 180 feet west of the intersection of South Main Street (SR 741) and West Mill Street. The subject property bears Sidwell No. (Warren County parcel number) 0413400050. The image on page 4 of this information sheet illustrates the existing situation at the subject property.

In early 2018 the property owner legally demolished a building situated on the property. The structure at one time was used as a parsonage but more recently was used for storage and other church needs. Off-street parking serving the adjacent church remains on the subject property. The subject property is also used as a staging area for church events including Oktoberfest. In April, the property owner submitted a plan to the City for the construction of a 4,054-square foot, 2-story annex building on the subject property. That plan included retention of the existing parking areas, two street access drives, and perimeter landscaping. The plan included a two-story building that matched the 35-foot setback requirement for the R-2 District. The plan was reviewed by the Springboro Planning Commission on a preliminary basis at their April 11th work session through the site plan review process. At that time the plan was favorably received and the plan was placed on the May 30th Planning Commission agenda for formal approval.

Variance Application

Following the April 11th meeting the property owners reconsidered the placement of the building in light of the building's programming needs including Oktoberfest and the relationship of the building to the adjacent and historic church building. The result is a building that is located as close as 6 feet from the front property line as measured from the overhang on the proposed building's front porch. Most of the proposed building will be located 10.5 feet from the front property line. The property owner was advised that the building's placement did not comply with the R-2

District minimum setback requirements and possible remedies including seeking a variance from the BZA. The result was the plan being reviewed at the July 18th public hearing.

The R-2 District's purpose is to allow for the orderly development of low-density residential areas at the density of four units per acre. The R-2 District covers West Mill Street from the subject property westward on both sides of the street. The map on page 5 illustrates the zoning pattern for the subject property and vicinity. While the R-2 District does not allow commercial or industrial development, uses such as churches, schools, bed and breakfasts, farmer's markets, home occupations, golf courses, and similar uses are permitted. The R-2 District front yard setback requirement is 35 feet as measured from the front property line, typically located on the property owner side of the sidewalk, and any building projection, including roof overhang.

The adjacent church property located at 5 Mill Street/615 South Main Street is located in the CBD, Central Business District, a zoning designation that allows for a mix of land uses including churches, retail businesses and offices, school and residential uses. The CBD covers most property directly fronting South Main Street from just south of Mill Street north to near Central Avenue (SR 73). The adjacent church property is also within the Springboro Historic District, a locally- and federally-recognized historic district that extends from the just south of the subject property north to Central Avenue. While the two districts are similar in geography they are not exact and they serve different purposes. The CBD is used by the City to regulate land uses and building massing through setback and building height restrictions, while the Historic District protects the historic integrity of the district by managing changes to the external appearance of buildings within it.

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. A variance from this Zoning Code shall not be granted by the Board unless and until the following procedure is followed.

- (a) **Application.** A written application for a variance.
- (b) **Schedule a Public Hearing.** A Public Hearing shall be scheduled within 60 days of filing the application.
- (c) **Notice of Public Hearing.** Before holding the Public Hearing, notice of such hearing shall be given at least 15 calendar days before the date of such hearing. The owner of the property for which the application is made, or his or her agent, shall be notified by general mail or personal delivery. Notice of such hearing shall be posted on the property for which the application is made, at the Municipal Building, and in other locations required under City Code Section 224.01, Posting Places, at least 15 days prior to the Public Hearing.
- (d) **Public Hearing.** The Board of Zoning Appeals shall hold a Public Hearing in accordance with state law. Any party may appear in person or by an agent or attorney.

- (e) **Findings of the Board of Zoning Appeals.** The Board shall make findings that the following requirements have been met by the applicant for a variance:
- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.;
 - (2) A literal interpretation of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under this Zoning Code;
 - (3) The special conditions and circumstances do not result from the actions of the applicant; and
 - (4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this 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, July 18, 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. 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 were 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 July 18th 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 July 4, 2018 at 10:00 a.m.

The aerial photograph dated 2014 below illustrates the subject property at 15 West Mill Street and vicinity. The black lines indicate the property lines for the subject and adjacent properties. The purple line represents the boundary for the Springboro Historic District.



This map is an excerpt of the Official Zoning Map of the City of Springboro and illustrates existing zoning for the subject property and vicinity. Light yellow indicates R-2, Low-Density Residential District, and brown indicates CBD, Central Business District.

15 West Mill Street Vicinity Map--Zoning

