



City of Vandalia Board of Zoning Appeals

Regular Meeting Agenda

February 26, 2025

Council Chambers

<https://us02web.zoom.us/j/7206872780?omn=89298680042>

6:00 p.m.

1. Call to Order
2. Attendance
3. Old Business
4. New Business
 - a. **BZA 25-0001 Chickens – 995 Forest View Court**
 - b. **BZA 25-0002 Maximum Building Sign Area – 780 Northwoods Boulevard**
5. Approval of Minutes
 - a. **Board of Zoning Appeals Minutes: December 11, 2024**
6. Communications
 - a. **New Member Welcome**
7. Adjournment

MEMORANDUM

TO: Board of Zoning Appeals
FROM: Ben Graham, Zoning and Planning Coordinator
DATE: February 20, 2025
SUBJECT: **BZA 25-0001** – 995 Forest View Court - Variance from City Code
Section 1224.01(e)(20) “Chickens”

General Information

Applicant: Caitlin Korol
995 Forest View Court
Vandalia, Ohio 45377

Existing Zoning: Planned Unit Development (PUD)

Location: 995 Forest View Court
Vandalia, Ohio 45377

Previous Case(s): PC 19-05¹

Requested Action: Recommendation to City Council

Exhibits:

- 1- Application
- 2- Criteria Responses
- 3- Letter of Justification
- 4- Location Map
- 5- Aerial Maps
- 6- Site Plan
- 7- Pictures
- 8- Support Petition²
- 9- Local Jurisdiction Ordinances
- 10- Violation Letter³

¹ City Council approved PC 19-05 on May 6, 2019, a Text Amendment adding the raising of chickens as a permitted accessory use with standards into the zoning code.

² The neighboring properties at 955, 960, 975 and 980 Forest View Court, and 370 and 396 West Alkaline Springs Road all signed a support petition or called in to support this variance.

³ This letter was sent out citing the wrong citation of City Code Section 1482.14 “Vermin Harborage,” and not 1224.01(e)(20) “Chickens.” The Applicant would not be required to exterminate her chickens if the variance is not approved.

Background

The Applicant, Caitlin Korol has requested a variance to have 5 chickens on less than 2.5 acres of land. The Applicant submitted a variance to allow 5 chickens on 0.34 acres. City Code Section 1224.01(e)(20)(A) provides that the “raising of chickens shall be permitted with the standards as set forth in this Section, in the A, RSF-1, RSF-2, RSF-3, RSF-4 and PUD Zoning Districts, unless otherwise restricted by private development standards, as an accessory use to a principal single-family use when the lot size is 2 acres or more.”

City Code Section 1224.01(e)(20)(B)(i) provides that “No chickens shall be permitted at a ratio greater than 2 chickens per acre with a maximum of 8 chickens per property, regardless of acreage.” The Applicant is proposing having 5 chickens on 0.34 acres.

City Code Section 1224.01(e)(20)(B) provides that “chickens shall be kept in a coop or enclosed pen which shall be no closer than 25 feet from any lot line.” If the variance is approved, the applicant has agreed to move and provided a site plan showing the chicken coop 30 feet from the property line.

The Applicant stated in her Letter of Justification that the chickens are their beloved pets and cherished members of their family, and that they do well under their care. These chickens also provide meaningful opportunities for education and personal growth, not only for her family but also for neighborhood children who frequently gather in the cul-de-sac. Currently, they have five chickens, which produce minimal waste. To ensure cleanliness and prevent any odor or unsanitary conditions, all waste is carefully bagged and removed from the property on a weekly basis.

Variance Criteria

In determining whether a property owner has suffered practical difficulties, the Board of Zoning Appeals and City Council shall weigh the following factors; provided however, an applicant need not satisfy all of the factors and no single factor shall be determinative, to determine the following:

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;

Applicant Response: The introduction of backyard chickens provides a reasonable return and beneficial use by fostering a meaningful and symbiotic relationship between animals and people. These chickens are cherished members of our family, and in return, they thrive under our care. This bond is similar to the relationships people have with other beloved pets, such as cats and dogs. Moreover, keeping chickens offers invaluable opportunities for education and growth for our family and the multitude of neighboring kids who roam and play in our cul-de-sac. It teaches people the importance of sustainability, waste reduction, and responsibility in caring for other living beings. This variance allows our family and neighboring kids to participate in a safe outdoor activity. It aligns with Montgomery County and neighboring city regulations.

Staff Comment: Staff feels the property in question will yield a reasonable return and the property has a beneficial use without granting the variance.

- (2) Whether the variance is substantial;

Applicant Response: This is not a substantial variance because it aligns with Vandalia's policy of allowing chickens in residential zoning. However, the current additional restrictions on property size prevent nearly all homeowners from participation. Neighboring communities such as Tipp City do not have property size restrictions on the raising of chickens in residential zoning code. Our backyard property at 995 Forest View Ct. has sufficient land and trees for privacy and for reasonable distance of chickens from neighboring houses.

Staff Comment: Staff feels the variance is somewhat substantial given the allowed ratio of chickens to acreage and the existing tree buffer.

- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

Applicant Response: The current size and extent of the chicken coop and surrounding pen represents a small portion of the property. This coop is currently surrounded by a small forest of trees and does not impact the value or enjoyment of neighboring properties. The chickens are reasonably quiet, and we do not have, and will not get roosters. These chickens are not for the purposes of livestock. They are family pets, as our daughter hopes to be a veterinarian when she grows up. Our family is vegetarian which is further evidence of our lack of desire to have any more chickens for the purposes of meat production. As there are only 5 chickens currently, there is minimal waste which is removed on a weekly basis via bagged garbage disposal to prevent any buildup of unsanitary conditions or smells.

Staff Comment: Staff does not feel that granting the variance would substantially alter the character of the neighborhood.

- (4) Whether the variance would adversely affect the delivery of government services (i.e., water, sewer, garbage);

Applicant Response: Weekly coop cleaning is bagged in regular trash for pickup, same as cat litter or dog bags. No adverse effect noted.

Staff Comment: Staff does not feel the variance would adversely affect the delivery of government services.

- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;

Applicant Response: No, I was aware of Montgomery County regulations regarding chickens, which is what our current situation is based upon.

Staff Comment: Staff believes the property owner did not have knowledge of the zoning restriction before purchasing the property.

- (6) Whether the property owner’s predicament feasibly can be obviated through some method other than a variance;

Applicant Response: Without a variance, we would be required to exterminate our pets which would be emotionally devastating to our two children. Chickens are highly social animals and capable of bonding with humans.

Staff Comment: Staff feels the owner’s predicament cannot be obviated without a variance because of the existing lot size. Staff notes that if the variance is not approved, the Applicant would not be required to exterminate her chickens but rather remove them from the property.⁴

- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

Applicant Response: The spirit and intent of the initial allowance of chickens in residential properties in the Vandalia Zoning Code was to encourage participation in a simple and exciting part of family development. Our coop is small in its footprint, and does not affect curb appeal.

Staff Comment: Staff does not feel the intent behind the zoning code would be observed by granting the variance.

- (8) Any other relevant factor to assist the Board of Zoning Appeals in weighing and balancing the public and private benefits and harms of the requested relief.

Applicant Response: The residents of our cul-de-sac are satisfied with the current location and impact of our chicken coop and chickens. However, the current location of the coop does not meet the 25 foot minimum requirement from the rear property line. We had assumed these properties would be un-bothered by the coop location, as their houses are several hundred feet away and secluded by forest in-between. If a minimum property size requirement was lifted allowing us to retain our chickens, we would on request of the council, move the coop to directly behind our house (greater 30ft from any neighboring property, and completely nonvisible from the street.

Additionally, if the appeal was granted, we would not increase our number of chickens or have any other non-traditional pets (other than cat/dog).

Staff Comment: Staff does not feel there are any other relevant factors and thus, this criterion is not applicable.

⁴ The original violation letter incorrectly cited VCO 1482.10(e), which *does* require that vermin be exterminated. Chickens are not considered vermin under our code, and violations relating to chickens may be resolved by simply removing the chickens from the property.

Recommendation

Staff recommends the Board of Zoning Appeals recommend **denial** of the requested variance from City Code Section 1224.01(e)(20) for the purpose of allowing 5 chickens on 0.34 acres at 995 Forest View Court.

Should the Board of Zoning Appeals recommend **approval** of the variance, Staff recommends the following conditions:

1. The chicken coop shall be moved at least 25 feet from any lot line,
2. Coops and pens shall be maintained to prevent offensive smells becoming injurious to the health, comfort, or property of individuals or of the public, and
3. The wings of any chicken kept under this variance shall be clipped.

The recommendation of the Board of Zoning Appeals will be forwarded to City Council for their review.



333 James E. Bohanan Memorial Drive
Vandalia, Ohio 45377

Call 937.898.3750
Fax 937.415.2319

BZA VARIANCE - RESIDENTIAL

Application Number: BZA 25-0001

Date: 01/24/2025

Location of Property: 995 FOREST VIEW CT
Tax Parcel ID: B02 01016 0010 000

Commercial ☐ Residential ☒

Owner: Grant and Caitlin Korol 995 Forest View Ct Vandalia, OH 45377-1739 Mobile: Phone: 315-664-1275 Fax: Email: caitlin.korol@yahoo.com	Applicant: Grant and Caitlin Korol 995 Forest View Ct Vandalia, OH 45377-1739 Mobile: Phone: 315-664-1275 Fax: Email: caitlin.korol@yahoo.com
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Description of Work:

Variance to have 5 chickens on a residential property that is less than 0.34 acres.

Cost of Construction: **\$0**

Use Group
Construction Type

APPLICATION ONLY

(1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance

The introduction of backyard chickens provides a reasonable return and beneficial use by fostering a meaningful and symbiotic relationship between animals and people. These chickens are cherished members of our family , and in return, they thrive under our care. This bond is similar to the relationships people have with other beloved pets, such as cats and dogs. Moreover, keeping chickens offers invaluable opportunities for education and growth for our family and the multitude of neighboring kids who roam and play in our cul-de-sac. It teaches people the importance of sustainability, waste reduction, and responsibility in caring for other living beings. This variance allows our family and neighboring kids to participate in a safe outdoor activity. It aligns with Montgomery County and neighboring city regulations.

(2) Whether the variance is substantial

This is not a substantial variance because it aligns with Vandalia's policy of allowing chickens in residential zoning. However, the current additional restrictions on property size prevent nearly all homeowners from participation. Neighboring communities such as Tipp City do not have property size restrictions on the raising of chickens in residential zoning code. Our backyard property at 995 Forest View Ct. has sufficient land and trees for privacy and for reasonable distance of chickens from neighboring houses.

(3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance

The current size and extent of the chicken coop and surrounding pen represents a small portion of the property. This coop is currently surrounded by a small forest of trees and does not impact the value or enjoyment of neighboring properties. The chickens are reasonably quiet, and we do not have, and will not get roosters. These chickens are not for the purposes of livestock. They are family pets, as our daughter hopes to be a veterinarian when she grows up. Our family is vegetarian which is further evidence of our lack of desire to have any more chickens for the purposes of meat production. As there are only 5 chickens currently, there is minimal waste which is removed on a weekly basis via bagged garbage disposal to prevent any buildup of unsanitary conditions or smells.

(4) Whether the variance would adversely affect the delivery of government services (i.e., water, sewer, garbage)

Weekly coop cleaning is bagged in regular trash for pickup, same as cat litter or dog bags. No adverse effect noted.

(5) Whether the property owner purchased the property with knowledge of the zoning restriction

No, I was aware of Montgomery County regulations regarding chickens, which is what our current situation is based upon.

(6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance

Without a variance, we would be required to exterminate our pets which would be emotionally devastating to our two children. Chickens are highly social animals and capable of bonding with humans.

(7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance; and

The spirit and intent of the initial allowance of chickens in residential properties in the Vandalia Zoning Code was to encourage participation in a simple and exciting part of family development. Our coop is small in its footprint, and does not affect curb appeal.

(8) Any other relevant factor to assist the Board of Zoning Appeals in weighing and balancing the public and private benefits and harms of the requested relief.

The residents of our cul-de-sac are satisfied with the current location and impact of our chicken coop and chickens. However, the current location of the coop does not meet the 25 foot minimum requirement from the rear property line. We had assumed these properties would be un-bothered by the coop location, as their houses are several hundred feet away and secluded by forest in-between. If a minimum property size requirement was lifted allowing us to retain our chickens, we would on request of the council, move the coop to directly behind our house (greater 30ft from any neighboring property, and completely non-visible from the street.

Additionally, if the appeal was granted, we would not increase our number of chickens or have any other non-traditional pets (other than cat/dog).

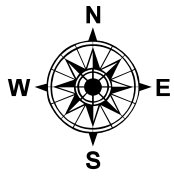
Requesting appeal to ordinances 1482.14 which is an incorrect code as our zone is allowed to have chickens. Also requesting an approval to maintain the 5 chickens that we currently have although minimum amount of land is not currently met. Current acreage is at 0.34. I will attach pictures of current coop, chickens and ordinances to compare to Tipp City, Troy and City of Dayton. I would also respectfully attempt to show you that these chickens are not used in a poultry processing sense, they are pets and very much loved by myself, children, and neighbors in our Cul-de-sac. I am open to meeting all requirements of chickens if the 2-acre minimum can be dropped down.

5 HENS currently, no roosters. They are very well taken cared of and meticulously clean. We do not sell eggs nor have any intention of doing so. We have no intention of ever having more than 5. I have also included an aerial view of our property. The coop sits in the left corner of our lot. I will be including a signed document in the future with the cul-de-sac residents stating that they have no issues with coop.

Thank you for your time and I hope you have a wonderful New Year!

Respectfully,

Caitlin Korol



1 inch = 21 feet

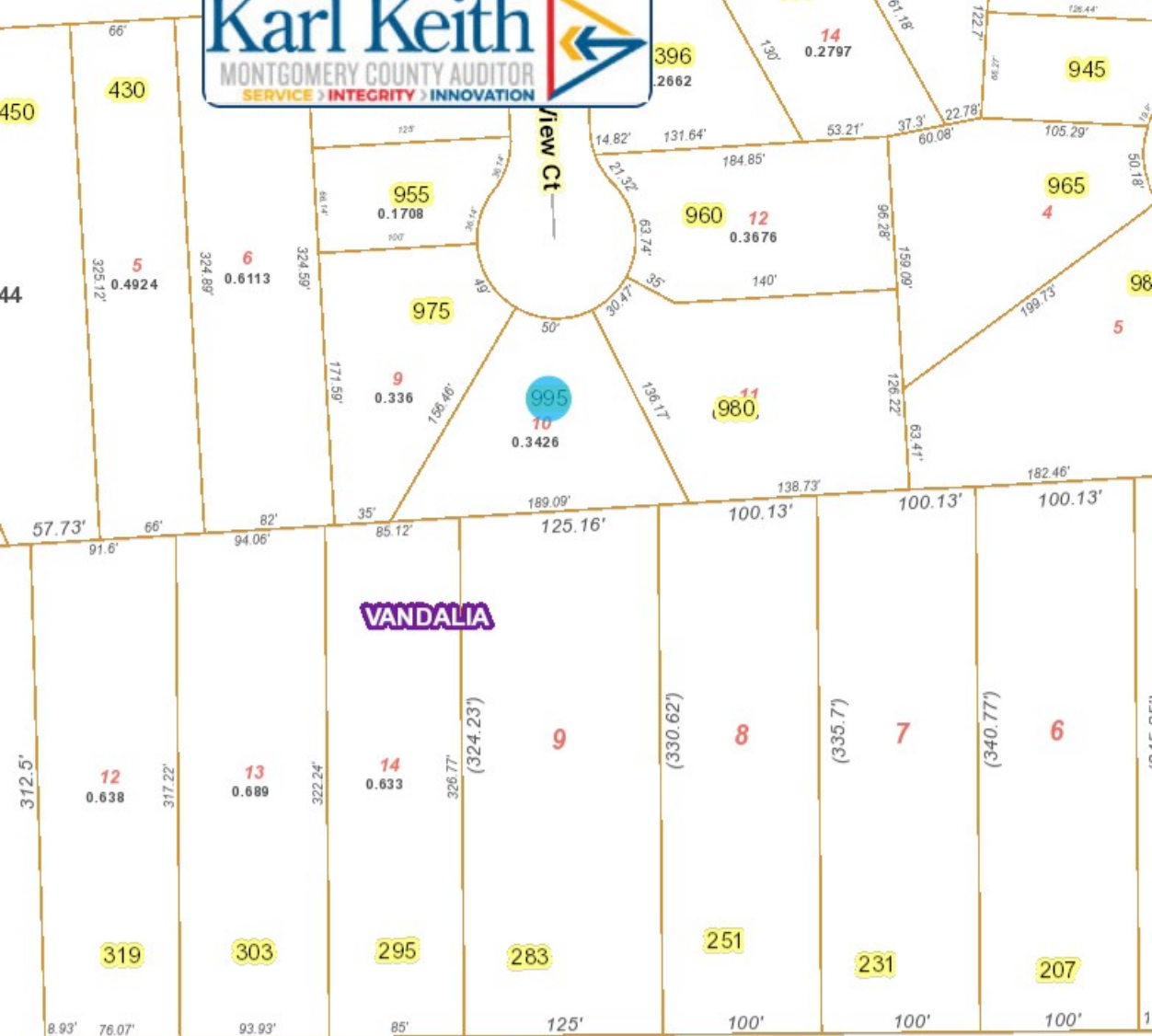


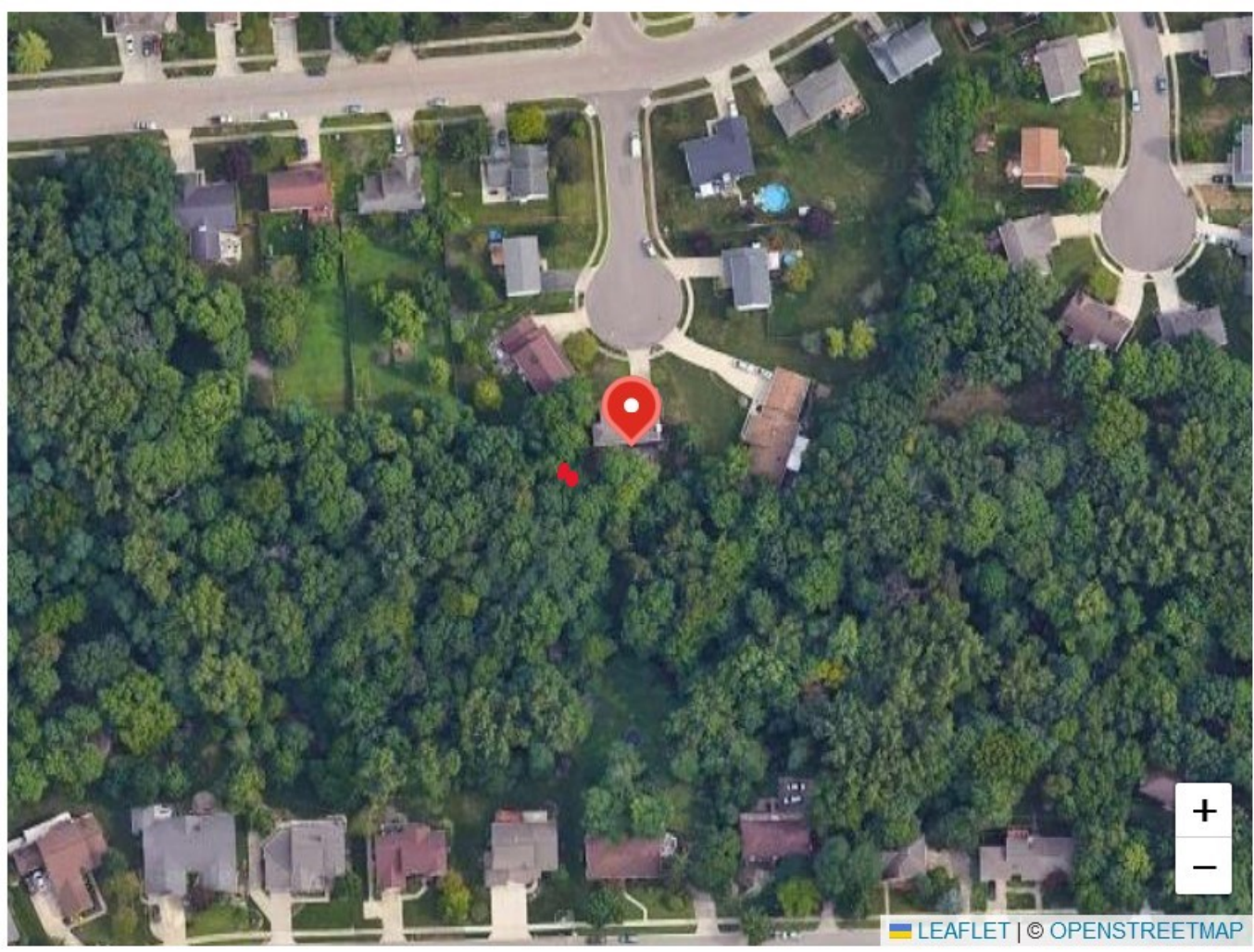
City of Vandalia Board of Zoning Appeals

995 Forest View Court

BZA 25-0001 Chickens



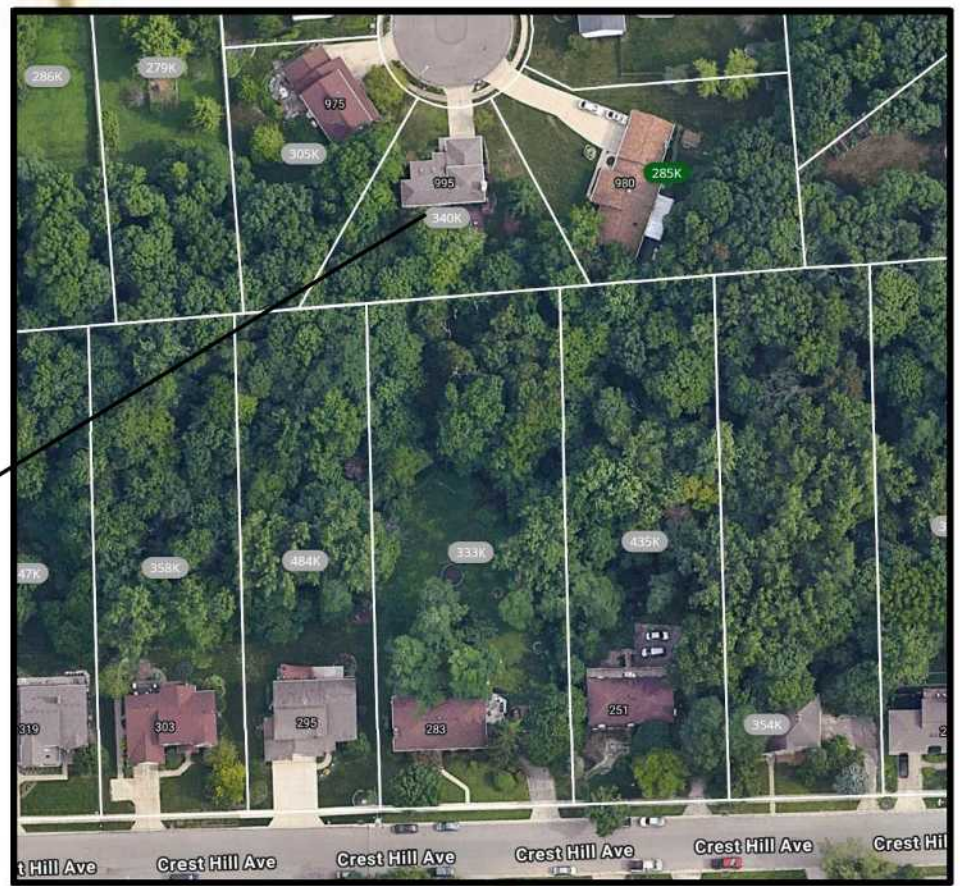
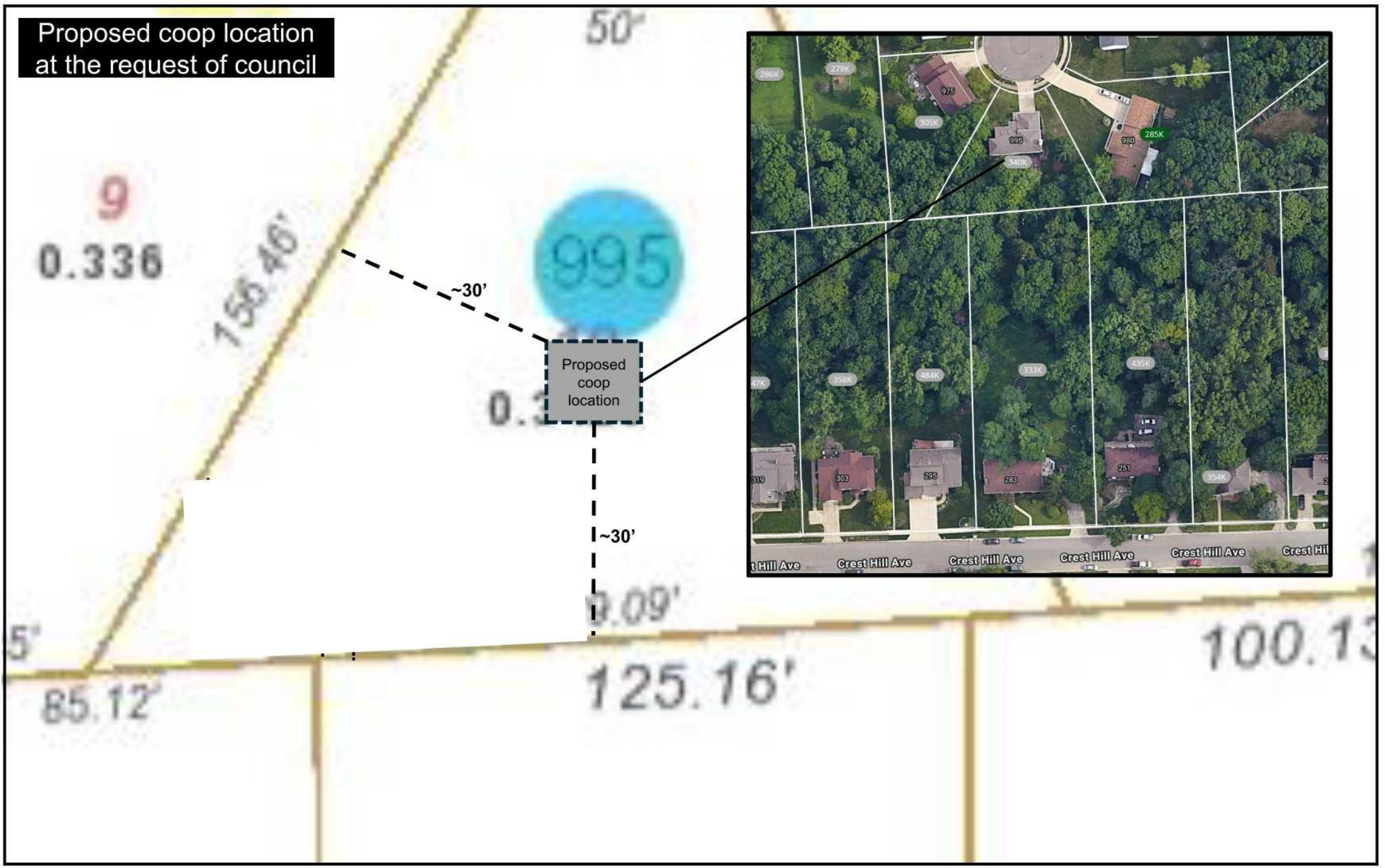




Current coop location



Proposed coop location
at the request of council



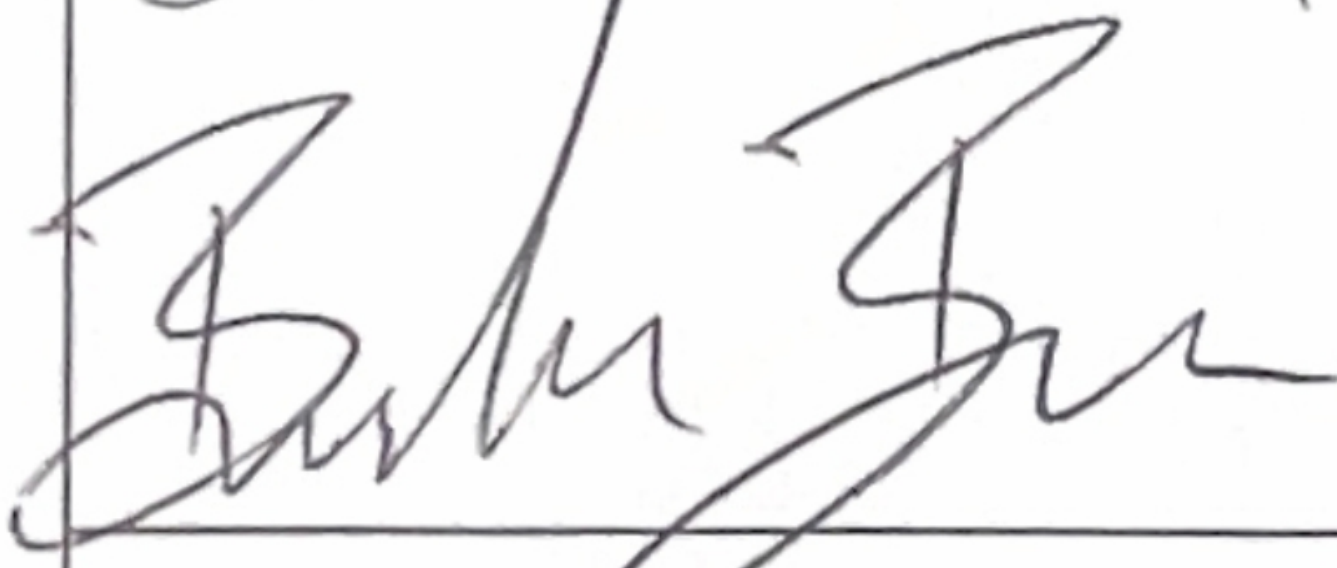






Caitlin Morol

The neighboring residents below consent to and are in favor of chickens residing at 995 Forest View Ct. To be kept and housed in the same or similar capacity to which they have been up to this date.

Name/Signature	Address	Phone number.
Courtney Burkle 	980 Forest view ct.	937-369-4553
Sherri Mayhill 	960 Forest View Ct.	937-545-2577
Sarah Mullens 	955 Forest View Ct	937-522-5249
Lacey Partin 	396 West Alkaline Springs rd.	937-986-9163
Brandon Boyce 	370 W. Alkaline Springs Rd	704-692-6958
Amanda Rudd 	975 Forest view Ct	1-937-307-4095

Resident was not able to sign but verbally consents and welcomes phone call if needed.



The provisions of this chapter shall be enforceable within the municipality concurrently with state and federal laws relative to sanitation and health and the ordinance or orders of the county health district relative thereto, and shall not be construed as modifying, repealing, limiting or affecting in any manner such laws, ordinances, or orders.

(1974 Code, § 94.01)

§ 94.02 KEEPING ANIMALS.



(A) No person shall keep any pig, horse, cow, goat, 3 or more dogs at least 3 months of age, or any other animal or animals or any fowl or poultry in any pen, yard, lot or other enclosure situated within 100 feet of an inhabited dwelling house, other than the house of the owner of such animal or animals, fowl or poultry.

(B) The owner or keeper of any such animal or animals, fowl, or poultry shall keep the pen, yard, lot, or other enclosure in a sanitary condition and free from preventable offensive odors.

(1974 Code, § 94.24) Penalty, see § [94.99](#)

(1) Exotic Animals. No person shall own, harbor, keep, breed, sell or import any exotic animal within any zoning district. The term "exotic animal" shall mean any wild animal not indigenous to Ohio or any reptile not indigenous to Ohio. (Examples: lions, tigers, elephants, alligators, crocodiles, etc.) Additionally, omnivorous and carnivorous Ohio species such as bear, deer, elk, wolf, coyote, fox, turkey, lynx, and bobcat are deemed exotic. Any animal that is commonly sold by a bona fide commercial pet shop is permitted. The above listed animals purchased or adopted and housed on the subject property prior to the adoption of this text amendment are exempted from such prohibition, provided that:

A. A bill of sale or notarized statement that verifies this date is provided.

Montgomery Ohio Chicken Ordinance

Yes

6

No

No

Coops and enclosures must not be visible from the street, must be screened from neighboring properties by fencing or landscaping, and must adhere to setbacks and property maintenance codes.

Cheryl Hilvert, city manager 10101 Montgomery Rd Montgomery, OH 45242
(513) 891-2424

New Ordinance #13-2009 states that: 1. Chapter 150.03 of the Land Usage Code shall be amended to exclude hens from the definition of farm animals. 2. Section 151.1003 of the Land Usage Code shall be amended to recognize as a permitted use in the A, B, and C districts the keeping of chickens/hens provided that such animals are kept for personal use by the resident of the property and that chickens/hens shall be limited to six or fewer chickens. 3. Section

12/16/2024

Korol Grant And Caitlin
995 Forest View Ct
Vandalia, OH 45377-1739

Violation Location: 995 FOREST VIEW CT

Violation Description: Appears chicken being caged rear yard.

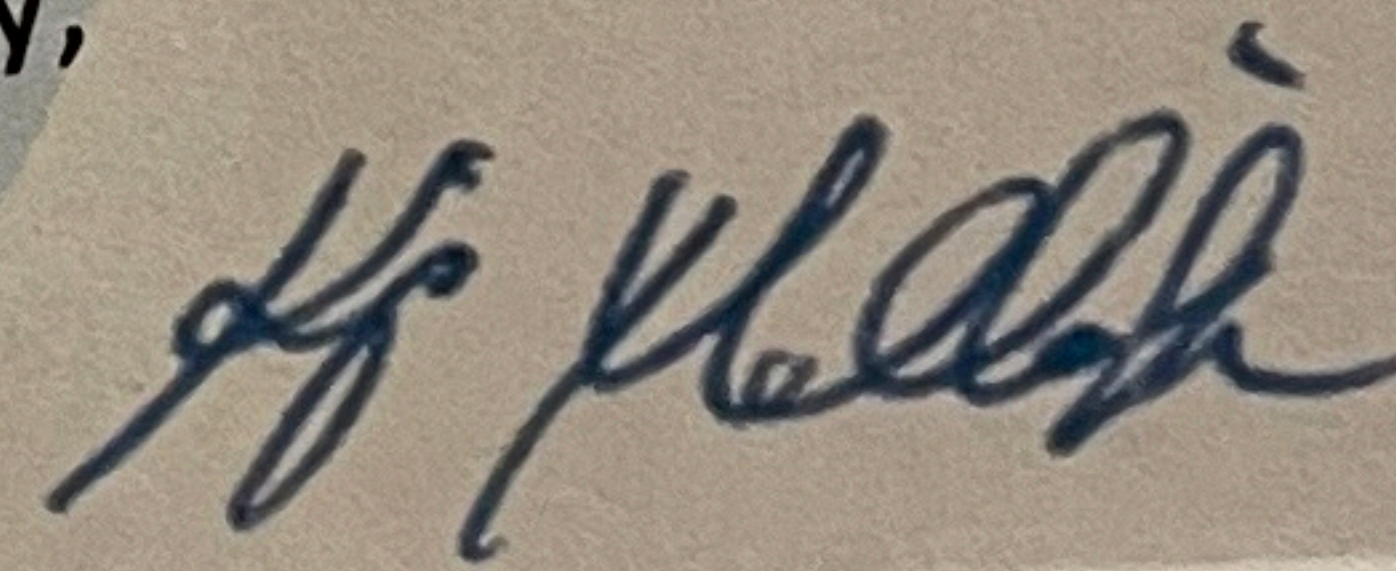
To Whom It May Concern:

To assure the health, safety and appearance of its neighborhoods, City of Vandalia ordinances 1482.14 requires that all structures be kept free from insect and vermin infestation.

It has come to our attention that your property is in violation of this code. To avoid legal action by the City of Vandalia, the property owner is responsible for extermination within this structure by the compliance date listed below.

We appreciate your cooperation in this matter and if you should have any questions, please contact this office at 937-898-3750 Monday thru Friday, between the hours of 8:00 a.m. to 5:00 p.m. Thank you for your cooperation in this matter.

Sincerely,



Kip Millikin
Property Maintenance Inspector

Compliance Date: 12/30/2024
1482.14 - VHP - VERMIN HARBORAGE

*Any person aggrieved by a decision by the Code Official shall have the right to appeal that matter to the Property Maintenance Board of Appeals within fifteen (15) days of the date of decision.

MEMORANDUM

TO: Board of Zoning Appeals
FROM: Ben Graham, Zoning and Planning Coordinator
DATE: February 20, 2025
SUBJECT: **BZA 25-0002**– 780 Northwoods Boulevard - Variance from Table 1236-1 in City Code Section 1236.11(e) “Maximum Building Sign Area”

General Information

Applicant: Atlantic Sign Company
2328 Florence Avenue
Cincinnati, OH 45206

Existing Zoning: Gateway Business (GB)

Location: 780 Northwoods Blvd
Vandalia, Ohio 45377

Previous Case(s): BZA 02-18,¹ BZA 14-11,² PC 14-25,³
Ord 18-25,⁴ BZA 20-02,⁵ BZA 20-15⁶
& PC 20-10⁷

Requested Action: Recommendation to City Council

¹ City Council Approved BZA 02-18 on August 19, 2002, to allow a trash compactor to be placed behind the building.

² City Council Tabled BZA 14-11 on December 15, 2014, for 45 days. This request was to allow a 48.5 square foot “Little Clinic” sign with the existing signage for a total of 165.18 square feet. The allowed amount of signage at the time was 150 square feet and the Applicant withdrew their application with the passage of PC 14-25.

³ City Council Approved PC 14-15 on February 2, 2015, a Text Amendment that included language to increase the maximum allowed wall signage to 250 square feet with facades greater than 300 feet in the GB, HB, O/IP, I/I, and I zoning districts.

⁴ City Council Approved Ord 18-24 on December 17, 2018, the repeal and replace of the zoning code, that included language to decrease the maximum allowed wall signage to 200 square feet in the GB, HB, O/IP, I/I, and I zoning districts. This was viewed as an oversight and was changed back in 2020.

⁵ City Council Approved BZA 20-02 on February 3, 2020, to allow a new 19.63 square foot “Starbucks” sign with an existing 118.28 square foot “Kroger” sign, 49.69 square foot “Little Clinic,” sign, and a 42 square foot “Pharmacy Drive Thru” sign for a total of 229.6 square feet of signage.

⁶ City Council Approved BZA 20-15 on September 8, 2020, to allow two nonconforming entrance signs for Kettering Health to remain erected with 4 conditions.

⁷ City Council Approved PC-20-10 on November 16, 2020, a Text Amendment that included language to increase the maximum allowed wall signage to 250 square feet with facades greater than 300 feet in the GB, HB, O/IP, I/I, and I zoning districts.

- Exhibits:
- 1- Application
 - 2- Owner Letter
 - 3- Letter of Justification
 - 4- Existing Signage
 - 5- Location Map
 - 6- Sign Drawings

Background

The Applicant, Atlantic Sign Company, on behalf of Kroger has requested a variance to exceed the maximum building sign area. The Applicant submitted a variance to have 327.58 square feet of signage. Table 1236-1 in City Code Section 1236.11(e) provides that the maximum allowed wall signage is 250 square feet with facades greater than 300 feet.

Kroger is proposing adding a new 190 square foot “Kroger” sign and a 69.1 square foot “Pickup” sign and keeping their existing 19.63 square foot “Starbucks” sign and 48.85 square foot “Little Clinic” sign for a total of 327.58 square feet. This proposal exceeds the allowed amount of signage by 77.58 square feet.

The Applicant stated in his Letter of Justification that these signs “aim to improve wayfinding on the property and draw in more customers for the entire development.” There is a “thick line of trees that block the building from the road” and these new signs will fit with Kroger’s national branding strategy. The Applicant and Kroger believe this proposal “will have a positive impact on the business, city, and development.”

Variance Criteria

In determining whether a property owner has suffered practical difficulties, the Board of Zoning Appeals and City Council shall weigh the following factors; provided however, an applicant need not satisfy all of the factors and no single factor shall be determinative, to determine the following:

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;

Applicant Response: The only alternative to this request would be to cut down the tree line that blocks the view of the building from Northwoods Blvd. Kroger certainly would like to avoid the removal of any vegetation, in order to keep up the character and appeal of the development. In an effort to preserve green space, maintain current landscaping standards, and uphold the character of the zoning district.

Staff Comment: Staff feels the property in question will yield a reasonable return and that the property has a beneficial use without granting the variance. Staff notes the presence of a tall, freestanding sign facing I-75 and a similar sign facing Northwoods Boulevard, both unobstructed by trees and promoting Kroger.

- (2) Whether the variance is substantial;

Applicant Response: We are requesting to install more than double what is currently allowed. Yes this variance is substantial.

Staff Comment: Staff feels the variance is substantial.

- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

Applicant Response: The neighborhood primarily consists of commercial uses. These signs will not have an impact on any property other than the one occupied by Kroger.

Being an anchor store, the enlarged signs will help draw in more customers to Kroger. This generally results in increased foot traffic to surrounding businesses.

Staff Comment: Staff does not feel that granting the variance would substantially alter the character of the neighborhood.

- (4) Whether the variance would adversely affect the delivery of government services (i.e., water, sewer, garbage);

Applicant Response: Government services may have an easier time delivering services due to easier identification of the building. This will also increase the ability of non-governmental organizations to deliver services.

Staff Comment: Staff does not feel the variance would adversely affect the delivery of government services.

- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;

Applicant Response: The zoning code for this district has changed multiple times throughout the years Kroger has occupied this space.

Staff Comment: Staff believes the current property owner did not have knowledge of the zoning restriction before purchasing the property.

- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

Applicant Response: Without a variance, Kroger would only be allowed 250 ft² of signage on the north elevation. This elevation is home to the primary entrances to the store.

Staff Comment: Staff feels the owner's predicament can be obviated without a variance with smaller signage.

- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

Applicant Response: This district is zoned commercial, and this proposal would not change that. This proposal helps Kroger to be able to maintain their property better with newer signs, and give the development a fresh new look. For this reason, we believe that the spirit and the intent of the zoning code will be upheld.

Staff Comment: Staff feels that substantial justice would be done, but does not feel the intent behind the zoning code would be strictly observed by granting the variance.

- (8) Any other relevant factor to assist the Board of Zoning Appeals in weighing and balancing the public and private benefits and harms of the requested relief.

Applicant Response: These signs, especially the pharmacy drive-thru sign, are primarily intended to improve wayfinding on and around the property. When a customer approaches from the west on Northwoods Blvd, the pharmacy sign will help them quickly identify where the drive-thru is. The updated sign is much more visible from a greater distance, without impacting the property rights of neighboring properties.

Customer satisfaction is increased. When the confusion of which side of the building to park in front of and enter into is eliminated through the implementation of effective wayfinding signage, customers are less confused when they enter the store and in turn are a more highly satisfied customer.

Staff Comment: Staff does not feel there are any other relevant factors and thus, this criterion is not applicable.

Recommendation

Staff recommends the Board of Zoning Appeals to recommend **approval** of the requested variance from Table 1236-1 in City Code Section 1236.11(e) for the purpose of allowing 327.58 square feet of signage at 780 Northwoods Boulevard.

The recommendation of the Board of Zoning Appeals will be forwarded to City Council for their review.

BZA VARIANCE - COMMERCIAL

Application Number: BZA 25-0002

Date: 01/22/2025

Location of Property: 780 NORTHWOODS BLVD
Tax Parcel ID: B02 00315 0046 002

Commercial

Residential

Owner: KRF Dayton LLC 7565 Kenwood Rd Suite 204 Cincinnati, OH 45236 <i>Mobile:</i> <i>Phone:</i> <i>Fax:</i> <i>Email:</i>	Applicant: Atlantic Sign Company 2328 Florence Avenue Permit Department Cincinnati, OH 45206 <i>Mobile:</i> <i>Phone:</i> 5132416775 <i>Fax:</i> <i>Email:</i> permits@atlanticsigncompany.com
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Description of Work:

Maximum Sign Area allowed for the primary facade is a total 250 sqft. This proposal includes adding a new Kroger sign and a Pickup/Pharmacy sign and keeping an existing Starbucks and Little Clinic Sign. A. Kroger w/ Cart Letter Set: 399 sqft B. Pickup PDT Letter Set: 94.4 Ext. Little Clinic: 48.85 sqft Ext. Starbucks: 19.63 sqft

Cost of Construction: \$

Use Group
Construction Type



KRF Dayton LLC

312 Plum Street

Cincinnati, OH 45202

513-785-9708

hmcintosh@essentialgrowth.com

Kroger-Vandalia #747

780 Northwoods Blvd

Vandalia, OH 45377

February 12, 2025

Re: Kroger # 747 / 780 Northwoods Blvd / Vandalia OH 45377

Dear Tenant:

Please consider this as Landlord / Property owner approval to submit for Variance and Permits as well as install signage for the above referenced project. Landlord's approval does not represent or warrant that the signage will meet local zoning ordinances, building codes, or any other applicable laws. It is the tenant's responsibility to ensure that the signage complies with all relevant local regulations and to obtain any necessary permits or approvals from the appropriate authorities.

The tenant must ensure that all installation work is performed by a licensed and insured contractor. Any damage to the building or property resulting from the installation or removal of the signage must be repaired at the tenant's expense.

Please notify us once the installation is complete for a final inspection. Should you require any further clarification or assistance, feel free to contact us.

Heather McIntosh

Heather McIntosh



The City of Vandalia Board of Zoning Appeals

The City of Vandalia City Council

Mr. Ben Graham

333 James E Bohanan Drive

Vandalia, OH 45377

LETTER OF JUSTIFICATION

Members of City Council, Board of Zoning Appeals, and Mr. Ben Graham,

The Kroger Company and Atlantic Sign Company respectfully submit this request for a variance to allow signs on the north elevation in excess of the allowed 250 square feet. As proposed, the northern elevation shows 563.38 ft². This request aims to improve wayfinding on the property and draw in more customers for the entire development.

Signage is crucial for the advertising of a business. Kroger is no exception. Kroger Shoppers are known for visiting different locations. The property and its proximity to I-75 combine to create a unique circumstance where the property needs to be easily identifiable to people exiting the interstate and those on Northwoods Blvd. Motorists must be able to identify that Kroger is located off of the exit and then be able to easily navigate to the parking lot and then to the correct entrance. These signs will help those who are visiting this store for the first time. The site has a thick line of trees that block the view of the building from the road. Additionally, approval of this request would allow Kroger to remain brand compliant with their national branding strategy. Recently Kroger has added the "Fresh Cart" logo to their branding. Adding this cart is crucial for maintaining consistency no matter what location a customer decides to shop at.

Kroger stores generally have multiple other tenants located inside. This location has a Starbucks and an existing sign on the north elevation. If this sign were to be removed to make room for other signs, there would be no identification that they are there. This will undoubtedly lead to decreased foot traffic and sales. The Little Clinic is another use inside the store. It is a health clinic serving the Vandalia Community at reasonable cost. These services are crucial for many. Without their wall sign, the community may not be made aware that this is a service offered to them.

Proposed Site Plan



Proposed Signs(existing and proposed)

- Sign A: KROGER W/ CART LETTER SET
 - Type: Wall Sign
 - Area: 399 ft²
 - Quantity: One (1)
- Sign B: PICKUP PDT LETTER SET
 - Type: Wall Sign
 - Area: 94.4 ft²
 - Quantity: One (1)
- Ext: Little Clinic
 - Type: Wall Sign
 - Area: 48.85 ft²
 - Quantity: One (1)
- Ext. Starbucks
 - Type: Wall Sign
 - Area: 19.63 ft²
 - Quantity: One (1)

Variance Review Criteria - Responses



1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;

The only alternative to this request would be to cut down the tree line that blocks the view of the building from Northwoods Blvd. Kroger certainly would like to avoid the removal of any vegetation, in order to keep up the character and appeal of the development. In an effort to preserve green space, maintain current landscaping standards, and uphold the character of the zoning district.

2. Whether the variance is substantial;

a. We are requesting to install more than double what is currently allowed. Yes this variance is substantial.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

a. The neighborhood primarily consists of commercial uses. These signs will not have an impact on any property other than the one occupied by Kroger.

b. Being an anchor store, the enlarged signs will help draw in more customers to Kroger. This generally results in increased foot traffic to surrounding businesses.

4. Whether the variance would adversely affect the delivery of government services (i.e., water, sewer, garbage);

a. Government services may have an easier time delivering services due to easier identification of the building. This will also increase the ability of non-governmental organizations to deliver services.

5. Whether the property owner purchased the property with knowledge of the zoning restriction;

a. The zoning code for this district has changed multiple times throughout the years Kroger has occupied this space.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

a. Without a variance, Kroger would only be allowed 250 ft² of signage on the north elevation. This elevation is home to the primary entrances to the store.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance; and

a. This district is zoned commercial, and this proposal would not change that. This proposal helps Kroger to be able to maintain their property better with newer signs, and



give the development a fresh new look. For this reason, we believe that the spirit and the intent of the zoning code will be upheld.

8. Any other relevant factor to assist the Board of Zoning Appeals in weighing and balancing the public and private benefits and harms of the requested relief.

a. These signs, especially the pharmacy drive-thru sign, are primarily intended to improve wayfinding on and around the property. When a customer approaches from the west on Norrthwoods Blvd, the pharmacy sign will help them quickly identify where the drive-thru is. The updated sign is much more visible from a greater distance, without impacting the property rights of neighboring properties.

b. Customer satisfaction is increased. When the confusion of which side of the building to park in front of and enter into is eliminated through the implementation of effective wayfinding signage, customers are less confused when they enter the store and in turn are a more highly satisfied customer.

Conclusion

The Kroger Company and Atlantic Sign Company believe that approval of this request will have a positive impact on the business, city, and development. If more customers are frequenting the property, all of the businesses benefit. Additionally, improved wayfinding creates a much safer parking lot for pedestrians and motorists. For these reasons, we believe that approval of this request will honor the spirit and intent of the city's zoning ordinance. We greatly appreciate your time and consideration of this matter. We welcome any questions and look forward to the opportunity to present before you.

Respectfully Submitted,

Alex Barnett, Permit Manager

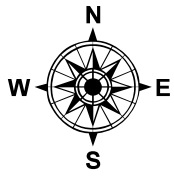
Atlantic Sign Company

2328 Florence Ave, Cincinnati, OH 45206

513.241.6775

alex@atlanticsigncompany.com





1 inch = 132 feet



City of Vandalia Board of Zoning Appeals

780 Northwoods Boulevard

BZA 25-0002 Maximum Building Sign Area





KROGER #747
780 NORTHWOODS BLVD.
VANDALIA, OH 45377
1270712828.05 2.21.2025



QTY.	DESCRIPTION	SQ. FT.
A	1 KROGER W/ CART LETTER SET	190.0
B	1 PICKUP PDT LETTER SET	69.1
C	1 CLEARANCE BAR	
D	2 CANOPY KROGER W CART LETTER SET	24.6
E	2 CANOPY CART SIGN	7.8
F	2 KIOSK CART SIGN	4.2
G	2 CANOPY LED PRICER	
H	2 PYLON LED PRICER	
P	2 PYLON KROGER REPLACEMENT FACE	
H	2 PYLON TLC REPLACEMENT FACE	
J	1 PICKUP LETTER SET	63.1

KROGER #747
780 NORTHWOODS BLVD.
VANDALIA, OH 45377



THIS DESIGN REMAINS OUR EXCLUSIVE PROPERTY AND CANNOT BE DUPLICATED WITHOUT WRITTEN CONSENT

THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINGS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED, REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION UNLESS AUTHORIZED IN WRITING BY AN OFFICER OF CUMMINGS SIGNS.

CUSTOMER APPROVAL:

DATE:

Rev. #	DATE	BY	Rev. #	DATE	BY
Rev. #1			Rev. #4		
Rev. #2			Rev. #5		
Rev. #3			Rev. #6		



DRAWING NO:
1270712828.05

DATE: 2.21.2025

J. Allington / S. HAWKE



EXISTING
SCOPE OF WORK: FRONT ELEVATION - REMOVE KROGER LETTERS. INSTALL NEW BLUE KROGER W/ CART LETTER SET.
ELECTRICAL ACCESS: CUMMINGS REQUIRES ELECTRICAL TO BE WITHIN 6' OF SIGNAGE. GC/DEALER RESPONSIBLE FOR RUNNING ELECTRIC.



KROGER #747
780 NORTHWOODS BLVD.
VANDALIA, OH 45377

PROPOSED A



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CUSTOMER APPROVAL:

DATE:

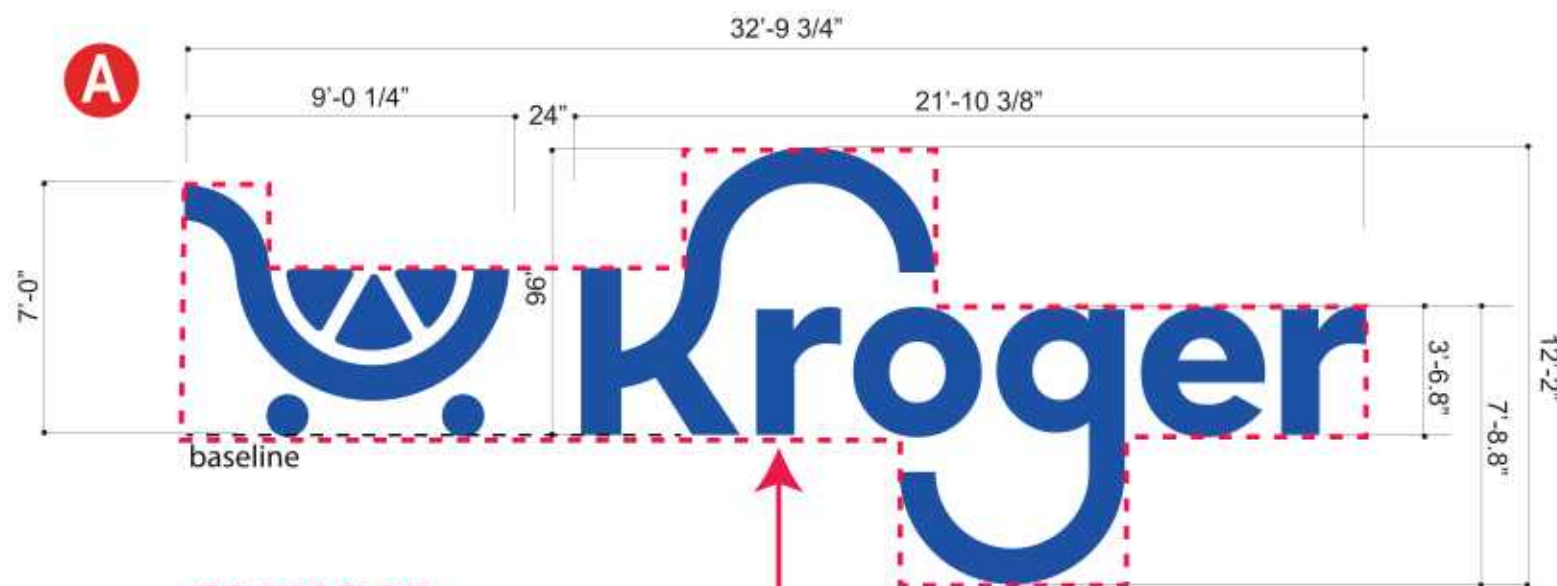
	DATE	BY		DATE	BY
Rev. #1			Rev. #4		
Rev. #2			Rev. #5		
Rev. #3			Rev. #6		



DRAWING NO:
1270712828.05

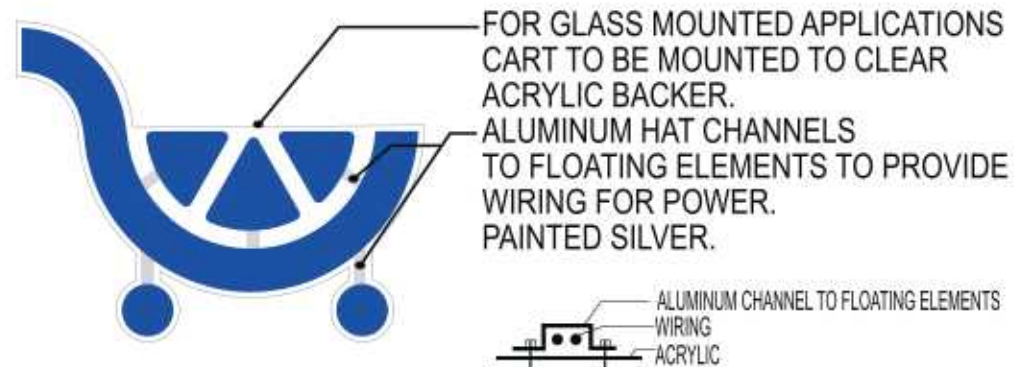
DATE: 2.21.2025

J. Allington / S. HAWKE



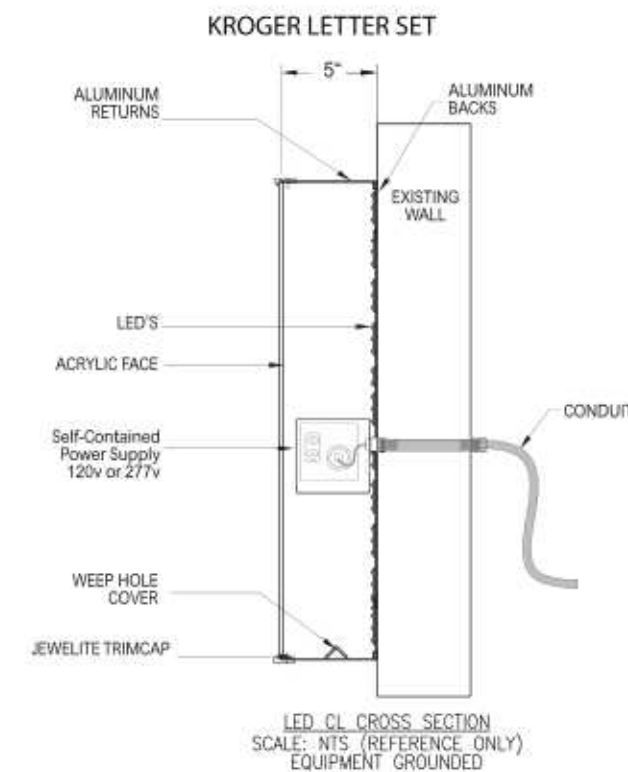
THE AREA OF THE
RED DOTTED LINE = 190 SQ. FT.

FOR GLASS MOUNTED APPLICATIONS



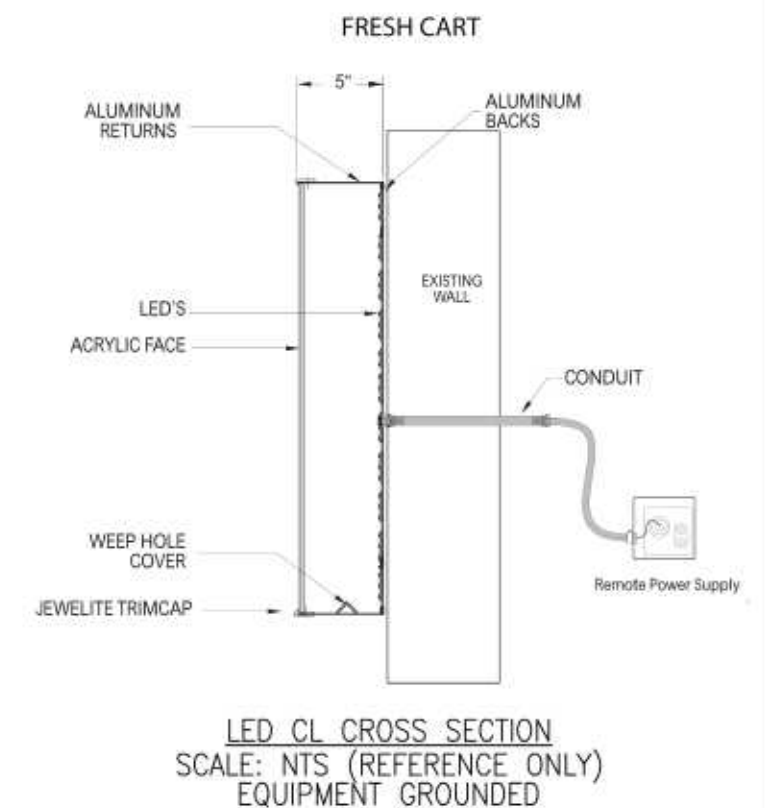
scale: 3/16" = 1'-0"

- 3730-8537 KROGER BLUE
- RETAINER:
KROGER BLUE PMS 2728C
- FILLER:
KROGER BLUE PMS 2728C



***MOUNTING CLIPS AS NEEDED
BY SEPARATE ORDER
BASED ON SURVEY OR
BUILDING SPECS**

****INSTALLER PROVIDES HARDWARE -
ALL THREADED RODS,
LAG BOTS, THRU BOLTS ETC.
AS REQUIRED BY WALL CONDITIONS**



PART # 403-23-CL96-KRBL-FL
PART # 403-23-CL84-R-2728B

PART # 403-23-CL84BCKR
PART # 403-20-CL96KRG-CLIPS
PART # 403-20-CL84-CLIPS



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OFFICER OF CUMMINGS SIGNS.

CUSTOMER APPROVAL:

DATE:

Rev. #	DATE	BY	Rev. #	DATE	BY
Rev. #1	3.31.2022	S.H.	Rev. #4		
Rev. #2	6.26.2023	S.H.	Rev. #5		
Rev. #3	7.6.2023	S.H.	Rev. #6		



DRAWING NO:
811072090.01A1

DATE: 2.22.2022
S. Hawke



EXISTING
SCOPE OF WORK: FRONT ELEVATION - REMOVE RX WALK UP LETTERS. INSTALL NEW WHITE PICKUP PHARMACY DRIVE THRU LETTER SET ON RACEWAY (SW 6053).
ELECTRICAL ACCESS: CUMMINGS REQUIRES ELECTRICAL TO BE WITHIN 6' OF SIGNAGE. GC/DEALER RESPONSIBLE FOR RUNNING ELECTRIC.



PROPOSED B

KROGER #747
780 NORTHWOODS BLVD.
VANDALIA, OH 45377



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CUSTOMER APPROVAL:

DATE:

	DATE	BY		DATE	BY
Rev. #1			Rev. #4		
Rev. #2			Rev. #5		
Rev. #3			Rev. #6		

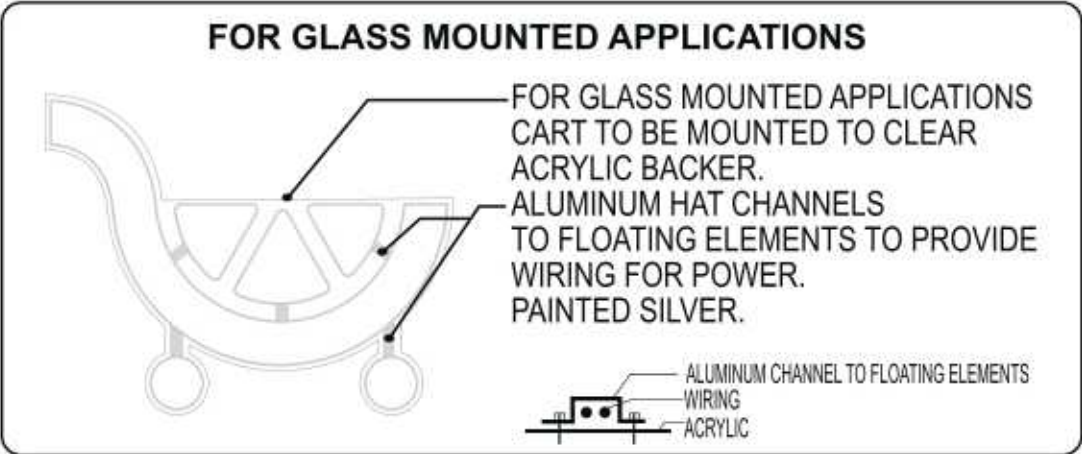


DRAWING NO:
1270712828.05
DATE: 2.21.2025
J. Allington / S. HAWKE

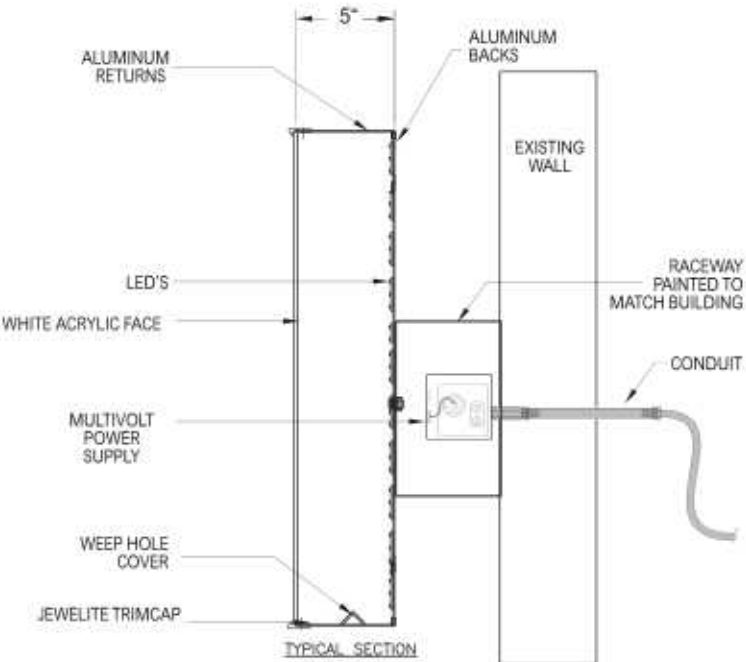


SCALE: 3/8" = 1'-0"

THE COMBINED AREA OF
THE RED DOTTED LINE = **69.1 SQ. FT.**
38.1 (Cart Pickup)
31.0 (Pharmacy Drive Thru)
TOTAL 69.1 SQ. FT.



- WHITE ACRYLIC
- RETAINER: WHITE
- FILLER: WHITE
- RACEWAY: 6053.



95.4 SQ. FT.



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CUSTOMER APPROVAL:

DATE:

	DATE	BY		DATE	BY
Rev. #1			Rev. #4		
Rev. #2			Rev. #5		
Rev. #3			Rev. #6		



DRAWING NO:
1270712828.05
DATE: 2.21.2025
J. Allington



NOT IN SCOPE - TO REMAIN AS IS

Minutes of the City of Vandalia Board of Zoning Appeals
December 11, 2024

Agenda Items

1. Call to Order
2. Attendance
3. Old Business
4. New Business
 - a. BZA 24-14 Front Yard Drive-Through ATM – 750 West National Road
 - b. BZA 24-15 Minimum Lot Frontage – 304 North Dixie Drive
5. Approval of Minutes
 - a. Board of Zoning Appeal Minutes: November 13, 2024
6. Communications
7. Adjournment

Members Present:	Mr. Mike Flannery, Mr. Mike Johnston, Mr. Rober Wolfe, and Ms. Ashley Franklin
Members Absent:	Mr. Kevin Larger
Staff Present:	Mr. Ben Graham, Zoning and Planning Coordinator
Others Present:	Ms. Kathryn Settimo and Chris Biggers of Bigg Designs, Mr. Robert Hussong

1. Call to Order

Mr. Flannery called the meeting to order at 6:01 p.m. Mr. Flannery described the BZA as a recommending body that evaluated the BZA application and stated that the City Council made the final decision on all appeal and variance requests but will not hold a public hearing such as BZA. She noted that City Council would hear the request at the meeting on January 6, 2025, at 7:00 p.m.

2. Attendance

Ms. Franklin made a motion to excuse Mr. Larger. Mr. Johnston seconded the motion. The motion carried 4-0.

3. Old Business

Mr. Graham confirmed that there was no old business.

4. New Business

a. BZA 24-14 Front Yard Drive-Through ATM – 750 West National Road

Mr. Graham gave the report from Staff stating that The Applicant, OptiVia Solutions, on behalf of Fifth Third Bank has requested a variance to allow a front yard drive-through ATM. The Applicant has proposed adding an ATM with a drive-through in the front yard of the Imperial Shopping Center. Table 1224-2 in City Code Section 1224.01(d)(8) states that all drive-through facilities shall be located in the side and rear yards.

Mr. Graham stated the ATM will be placed on a raised curb with a canopy, bollards, two light fixtures, and a clearance bar. The drive-through will have 4 stacking spaces with each space having a width of 12 feet and a length of 18 feet. The drive-through will feature clearly marked barrier lines, directional arrows, and signage painted to indicate "Entry" and "One-Way Exit Only." Additionally, there will be new directional arrows painted around the drive-through for smooth traffic flow. The drive-through will be setback 40 feet from the right-of-way and 20 feet from the side property lines, which meets the minimum building setback requirements.

Mr. Graham added there will be two landscaped islands installed in the parking lot to improve the traffic flow. Staff would recommend that both parking islands on the property be served with a concrete curb, mulch, and shrubs. Staff would also recommend that a shade tree is put on the landscaped island on the west side of the property. Staff would like to highlight that adding these two landscaped islands reduces the total impervious surface coverage across the site. Additionally, this improvement brings the site closer to compliance with the interior landscaping requirements.

Mr. Graham reported that the Applicant stated in their Letter of Justification that “allowing this new drive-up ATM in a visible location would yield a reasonable return in both function and customer satisfaction for the Imperial Shopping Plaza clientele. The alternative location(s) provided in lieu of a variance are neither customer-friendly nor bank-friendly; and such placement would also detrimentally impact the property by impacting nontraditional areas of ingress/egress.”

Mr. Graham referenced the PowerPoint to show the Board the front, side, and rear yards of the Imperial Shopping Center.

Mr. Graham reported that Staff recommends the Board of Zoning Appeals to recommend approval of the requested variance from Table 1224-2 in City Code Section 1224.01(d)(8) for the purpose of allowing a front yard drive-through ATM at 750 West National Road with the following conditions:

1. The parking islands are served with a concrete curb, mulch, and shrubs. The parking island on the west side of the property is served with at least 1 shade tree.
2. The lighting for the drive-through follows the provisions of Section 1226.08 “Outdoor Lighting.”

Mr. Graham referred to the PowerPoint showing the proposed landscaped islands for the drive-through.

Mr. Flannery invited the Applicant to address the Board.

Ms. Kathryn Settimo, on behalf of Bigg Designs, stated she was representing Fifth Third Bank for the potential location at 750 West National Road.

Ms. Settimo asked the Board if they had any questions.

Mr. Flannery asked Ms. Settimo if she understood the conditions placed on the recommendation. Ms. Settimo replied that she has no issues with the conditions and will comply with them.

Mr. Johnston asked about the style and setup of the ATM. Ms. Settimo replied that the ATM will have a canopy with Fifth Third markings on it.

Mr. Johnston asked if the ATM will be running along National Road. Mr. Graham replied yes. Ms. Settimo added that the existing sign will remain.

Hearing no further questions or comments, Mr. Flannery closed the public hearing.

Mr. Flannery then proceeded to the variance review criteria.

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;

BZA Comment: The Board agreed the property in question will yield a reasonable return and the property has a beneficial use without granting of the variance.

- (2) Whether the variance is substantial;

BZA Comment: The Board agreed that the variance is not substantial.

- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

BZA Comment: The Board agreed that granting the variance would not substantially alter the character of the neighborhood.

- (4) Whether the variance would adversely affect the delivery of government services (i.e., water, sewer, garbage);

BZA Comment: The Board agreed that the variance would not adversely affect the delivery of government services.

- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;

BZA Comment: The Board agreed the property owner did not have knowledge of the zoning restriction before purchasing the property.

- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

BZA Comment: The Board agreed that the owner's predicament cannot feasibly be obviated without a variance. If the ATM was installed in compliance with the zoning code, it would need to be placed behind the building and would be adjacent to the nearby residential properties.

- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

BZA Comment: The Board agreed that substantial justice would be done and the intent behind the zoning code would be observed by granting the variance.

- (8) Any other relevant factor to assist the Board of Zoning Appeals in weighing and balancing the public and private benefits and harms of the requested relief; and

BZA Comment: The Board agreed there were no other relevant factors.

Mr. Flannery reported that staff recommends the Board of Zoning Appeals recommend approval of the requested variance from Table 1224-2 in City Code Section 1224.01(d)(8) for the purpose of allowing a front yard drive-through ATM at 750 West National Road with the following conditions:

1. The parking islands are served with a concrete curb, mulch, and shrubs. The parking island on the west side of the property is served with at least 1 shade tree.
2. The lighting for the drive-through follows the provisions of Section 1226.08 “Outdoor Lighting.”

Mr. Flannery called for a motion.

Mr. Wolfe made the motion to recommend approval of the requested variance with the stated conditions. Ms. Franklin seconded the motion. The motion passed 4-0.

Mr. Graham advised the applicant that it would be in his best interest to attend the City Council Study Session on December 16, 2024, at 5:15 p.m. and the City Council Meeting on January 6, 2025, at 7:00 p.m.

b. BZA 24-15 Minimum Lot Frontage – 304 North Dixie Drive

Mr. Graham gave the report from Staff stating that the Applicant, Robert Hussong, on behalf of North Point Community Church has requested a variance to not meet the minimum lot frontage requirement. The Applicant submitted a variance to allow a place of worship to have 50 feet of lot frontage. City Code Section 1218.04(j)(2) provides that the minimum frontage shall be 100 feet or the minimum lot frontage of the applicable zoning district, whichever is larger.

Mr. Graham stated that the church plans to use most of the building, and the Crossroads Railroad Club will remain in the basement. The congregation will meet on Sunday mornings and will have some small groups that will meet a few times during the week. The railroad club meets on Tuesday evenings. The Applicant supplied two letters from M-Power Gym, Masonic Temple, and Vandalia Tactical giving them permission to use their parking lots for overflow parking.

Mr. Graham reported that the Applicant stated in his Letter of Justification that the current building is vacant and there will be no detriments to a church being present there. “There are many possibilities in how the church could be useful to the community, neighborhood, and businesses next door.”

Mr. Graham reported that Staff recommends the Board of Zoning Appeals to recommend approval of the requested variance from City Code Section 1218.04(j)(2) for the purpose of allowing a place of worship to have a 50-foot lot frontage at 304 North Dixie Drive.

Mr. Flannery invited the Applicant to speak.

Mr. Robert Hussong stated she was representing North Point Community Church for the potential location at 304 North Dixie Drive.

Mr. Hussong asked the Board if they had any questions because Mr. Graham summed the variance request up perfectly.

Mr. Wolfe inquired about the frequency of the church's gatherings. Mr. Hussong explained that the church plans to hold Sunday morning services from 10:00 a.m. to 12:00 p.m. with full attendance, youth group meetings on Wednesdays with fewer than 20 participants, monthly board meetings with approximately eight attendees, and staff meetings with fewer than five individuals.

Mr. Hussong stated that Sunday mornings would be the primary time of use, with occasional events on Saturdays. He is aware of the calendar that M-Power Gym publishes and does not want to obstruct the frontage of the buildings of M-Power Gym and Vandalia Tactical, but rather use the available parking along the grass. There is parking available with Oscars with that property being closed and there are 25-27 parking spots along the Masonic Temple. He assured the congregation would have sufficient parking, even at maximum capacity.

Mr. Wolfe asked what happens when Oscar's re-opens with their limited parking. Mr. Graham clarified that shared parking arrangements are ultimately decided by property owners. He added that the applicant has supplied two letters from neighboring property owners agreeing to shared parking. Furthermore, the zoning code does not impose minimum parking space requirements.

Mr. Flannery commented that, given the church's primary usage on Sunday mornings, there would likely be no conflicts with operations at the Masonic Temple during that time.

Mr. Wolfe asked what the plan is if the church outgrows their current site. Mr. Hussong replied that the average attendance would be 1 vehicle per 3 individuals. If they get to a point with overgrowing the site because they are moving to a Wednesday night service, they will purchase another unit.

Ms. Franklin inquired whether businesses solely own the parking spaces in front of their buildings. Mr. Graham confirmed this to be the case.

Ms. Franklin also asked if properties could post signs designating parking areas, to which Mr. Wolfe added a question about the ability to tow unauthorized vehicles. Mr. Graham affirmed both points, providing an example of Apex Woodworking, the previous tenant, towing customer vehicles from M-Power Gym when they occupied the building. However, Ms. Hussong remarked that towing vehicles is not a neighborly practice.

Mr. Graham noted that there is no expectation of Oscar's reopening in the near future.

Hearing no further questions or comments, Mr. Flannery closed the public hearing.

Mr. Flannery then proceeded to the variance review criteria.

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;

BZA Comment: The Board agreed the property in question will yield a reasonable return and the property has a beneficial use without granting of the variance.

2. Whether the variance is substantial;

BZA Comment: The Board agreed that the variance is not substantial.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

BZA Comment: The Board agreed that granting the variance would not substantially alter the character of the neighborhood.

4. Whether the variance would adversely affect the delivery of government services (i.e., water, sewer, garbage);

BZA Comment: The Board agreed that the variance would not adversely affect the delivery of government services.

5. Whether the property owner purchased the property with knowledge of the zoning restriction;

BZA Comment: The Board agreed the property owner did not have knowledge of the zoning restriction before purchasing the property. However, The Board believes the new potential owner has knowledge of the zoning restriction.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

BZA Comment: The Board agreed that the owner's predicament cannot be obviated without a variance because of the existing lot lines.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

BZA Comment: The Board agreed that substantial justice would be done but does not feel the intent behind the zoning code would be strictly observed by granting the variance.

8. Any other relevant factor to assist the Board of Zoning Appeals in weighing and balancing the public and private benefits and harms of the requested relief; and

BZA Comment: The Board agreed there were no other relevant factors.

Mr. Wolfe reported that staff recommends the Board of Zoning Appeals recommend approval of the requested variance from City Code Section 1218.04(j)(2) for the purpose of allowing a place of worship to have a 50-foot lot frontage at 304 North Dixie Drive.

Mr. Flannery called for a motion.

Mr. Johnston made the motion to recommend approval of the requested variance. Mr. Wolfe seconded the motion. The motion passed 4-0.

Mr. Graham advised the applicant that it would be in his best interest to attend the City Council Study Session on December 16, 2024, at 5:15 p.m. and the City Council Meeting on January 6, 2025, at 7:00 p.m.

5. Approval of Minutes

a. Board of Zoning Appeal Minutes: November 13, 2024

Ms. Franklin made a motion to approve the November 13, 2024, Meeting Minutes. Mr. Johnston seconded the motion. The motion passed 3-0-1 with Mr. Flannery abstaining.

6. Communications

Mr. Graham reported there are no hearing items for December 25, 2024, and thus no meeting. The next possible meeting date is January 8, 2024.

Mr. Wolfe wished the Board a Merry Christmas.

7. Adjournment

Ms. Franklin made a motion for adjournment. Mr. Wolfe seconded the motion.

The meeting was adjourned at 6:33 p.m.

Mike Flannery
Chair