



BOARD OF ZONING APPEALS
Wednesday, December 4, 2024, 7:30 PM
CITY HALL
301 SYCAMORE STREET, BROOKVILLE, OHIO 45309
(937) 833-2135
www.brookvilleohio.com

Agenda

- I. Opening**
 - a. Call to Order
 - b. Pledge of Allegiance
 - c. Roll Call
- II. Adoption of Agenda**
- III. Approval of Minutes**
 - a. Approval of August 22, 2024 Meeting Minutes
- IV. Application for Zoning Variance #24-03**
 - a. 230 Johnsville Brookville Road - Detached garage
- V. Old Business**
- VI. New Business**
- VII. Adjournment**

Chairperson Kathleen Dafler
Members: • Chip Hills • Gary Kirchhofer • Christopher Marshall • Tony Perry



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Brookville Board of Zoning Appeals
Regular Meeting
August 22, 2024

The Regular Meeting of the Brookville Board of Zoning Appeals was called to order by Chairperson Dafler at 7:30 p.m. on August 22, 2024. The meeting was held in the City Council Chambers and virtually using Webex. The Pledge of Allegiance was recited. Members Dafler, Hills, Kirchofer, Marshall and Perry; Law Director Stephan and Manager Kuntz were present. Clerk Duncan was absent.

Roll call by Manager Kuntz.

Motion by Kirchofer, second by Marshall to adopt the Agenda as presented. All yeas, motion carried.

Motion by Kirchofer, second by Marshall to approve the February 29, 2024 Meeting Minutes as presented. Hills abstained, Perry abstained, Marshall yea, Dafler yea, Kirchofer yea. Motion carried with three yeas and two abstentions.

Law Director Stephan reported Amvets Post 1789 located at 715 Market Street has filed an application for zoning variance. Notice of this hearing was published in the Register Herald and sent to adjoining property owners within 200 feet of the property. The Amvets Post 1789 intends to build a banquet room and kitchen addition on to the back of their building. The drawing submitted with the application indicates that the north corner of the banquet room will be 20.17 feet from the back property line. The property is zoned General Business. Section 1137.03(b) (4) of the General Business District provides that when the rear lot line of the business property abuts residential district lot lines, the minimum side or rear transitional setback distance shall be 25 feet in depth and provided with a landscape screen or wall as defined in Section 1155.01. There are residential properties at the rear of the Amvets property that are part of Hunters Run. The requested variance is to reduce the required rear yard setback from 25 feet to 20.17 feet to permit the north corner of the building addition to be located as presented. With respect to the required landscape screen or wall, there is an existing tree line at the back of the property. Pictures of the tree line are attached to this Memorandum. The Board of Zoning Appeals could either determine that the existing tree line provides a landscape screen or require an additional landscape screen to be planted by the applicant. Section 1111.06 (a) authorizes the Board of Zoning Appeals to approve a variance to permit a rear yard setback that is less than the required setback. City staff is recommending approval of this variance.

Chairperson Dafler inquired whether anyone present has a statement.

Law Director Stephan administered the Oath of Witness to Jeff Bang, 533 Vine Street.

Mr. Bang, Commander of Amvets Post 1789, stated they would like to add on to the back of the building for a kitchen and dining area. This should bring more people into town and allow AmVets the opportunity to have a restaurant type of business in Brookville. Mr. Bang stated he believes this will bring a lot of people into the community.

Chairperson Dafler asked if there are any opponents to the proposed variance.

There were no opponents.

Member Kirchofer inquired whether Mr. Bang has discussed the plan with the neighbors.

Mr. Bang replied the only conversations he has had with the neighbors is via text when they tell him they are enjoying the music at AmVets.

Motion by Perry, second by Marshall to approve the zoning variance application for AmVets Post 1789 as presented. All yeas, motion carried.

Manager Kuntz reminded everyone of the BZA Training Session on September 26, 2024 at 6:00 p.m.

Motion by Marshall, second by Kirchofer to adjourn. All yeas, motion carried.

Kimberly Duncan, Clerk

Kathleen Dafler, Chairperson

MEMORANDUM:

DATE: NOVEMBER 29, 2024

TO: CITY OF BROOKVILLE BOARD OF ZONING APPEALS

FROM: RODNEY L. STEPHAN, LAW DIRECTOR

RE: APPLICATION FOR ZONING VARIANCE 24-03

Keith Maxam and Linda Maxam have filed an application for zoning variance. A copy of the application is submitted to the Board of Zoning Appeals with this memorandum.

The applicants are requesting a variance to construct a detached garage in the rear yard of their property without a driveway to the building.

Under 1157.03(b) entitled Detached Garages, 1157.03(b) (4) states that a concrete, asphalt, or paved driveway leading to the detached garage shall be required.

A county auditor map of the property is also enclosed with this memorandum. The property is located at 230 Johnsville-Brookville Rd, and is zoned R-1B. A single-family residence is located on the property. The property is 0.813 acres and it is 330.96 feet from the street to the rear property line.

Notice of the public hearing on this variance application was published in the Registered Herald as required in Section 1111.09 and notices were sent by first class mail to all property owners of property adjacent to or across the street from this property as required by Section 1111.10.

Application # VA 24-03

APPLICATION FOR A ZONING VARIANCE OR APPEAL

The undersigned applies for a **ZONING VARIANCE OR APPEAL** to be issued solely on the basis of information contained herein, and, with the knowledge that the falsification of any fact or statement with, or within this application null and void. (NO ORDER OF THE ZONING BOARD OF APPEALS GRANTING A **VARIANCE OR APPEAL** SHALL BE VALID FOR A PERIOD LONGER THAN TWELVE (12) MONTHS FROM THE DATE OF SUCH ORDER, UNLESS THE BUILDING PERMIT OR ZONING APPROVAL IS OBTAINED WITHIN SUCH PERIOD AND THE ERECTION OR ALTERATION OF A BUILDING IS STARTED OR THE USE IS COMMENCED WITHIN SUCH PERIOD.)

1. Applicant: Keith + Linda Maxam
2. Applicant address: 230 Johnsville Brookville Pike, Brookville, OH
3. Phone: (Hm) (513) 1659470 (Bus) _____ Interest in property: owner
4. Location or address of property to be affected: Residential backyard
5. Legal description: Detached garage in backyard without attached, continual driveway
6. Present Zoning classification: _____ Existing use: N/A
7. In order to be processed, applicant must provide:
 - (a) Description or nature of **variance or appeal** requested;
 - (b) Narrative statements which demonstrate to the satisfaction of the Board of Zoning Appeals that the **variance** conforms to the following standards;
 - (1) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;
 - (2) The conditions upon which an application for a **variance or appeal** is based are unique to the property for which the **variance or appeal** is sought, and are not applicable, generally, to other property within the same Zoning classification;
 - (3) The purpose of the **variance or appeal** is not based exclusively upon a desire to increase financial gain;
 - (4) The alleged difficulty or hardship is caused by this Ordinance and has not been created by any person presently having an interest in the property;
 - (5) The granting of the **variance or appeal** will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (6) The proposed **variance or appeal** will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase damage of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood;
 - (7) The Zoning Board of Appeals may impose such conditions and restrictions upon the premise benefitted by a variance as may be necessary to comply with standards established in this section and the objectives of this Ordinance;

8. Under no circumstances shall the Board of Zoning Appeals grant a ***variance or appeal*** to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. In granting any ***variance or appeal***, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the ***variance or appeal*** is granted, shall be deemed a violation of this Ordinance and punishable under Section 1107.99.

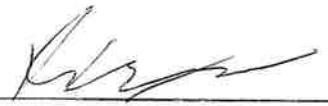
9. The Board of Zoning Appeals shall hold a public hearing within forty (40) days after the receipt of an application for a ***variance or appeal*** from the Zoning Enforcement Officer or a applicant.

10. Before holding the public hearing required in Section 111.08, notice of such hearing shall be given in one or more newspaper of general circulation of the Municipality at least seven (7) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed ***variance or appeal***.

11. Has previous application been filed for the a ***variance or appeal***? NO

When? _____ Results? _____

Application Date: 11/4/2024


Signature of Applicant

OFFICE USE ONLY BELOW LINE

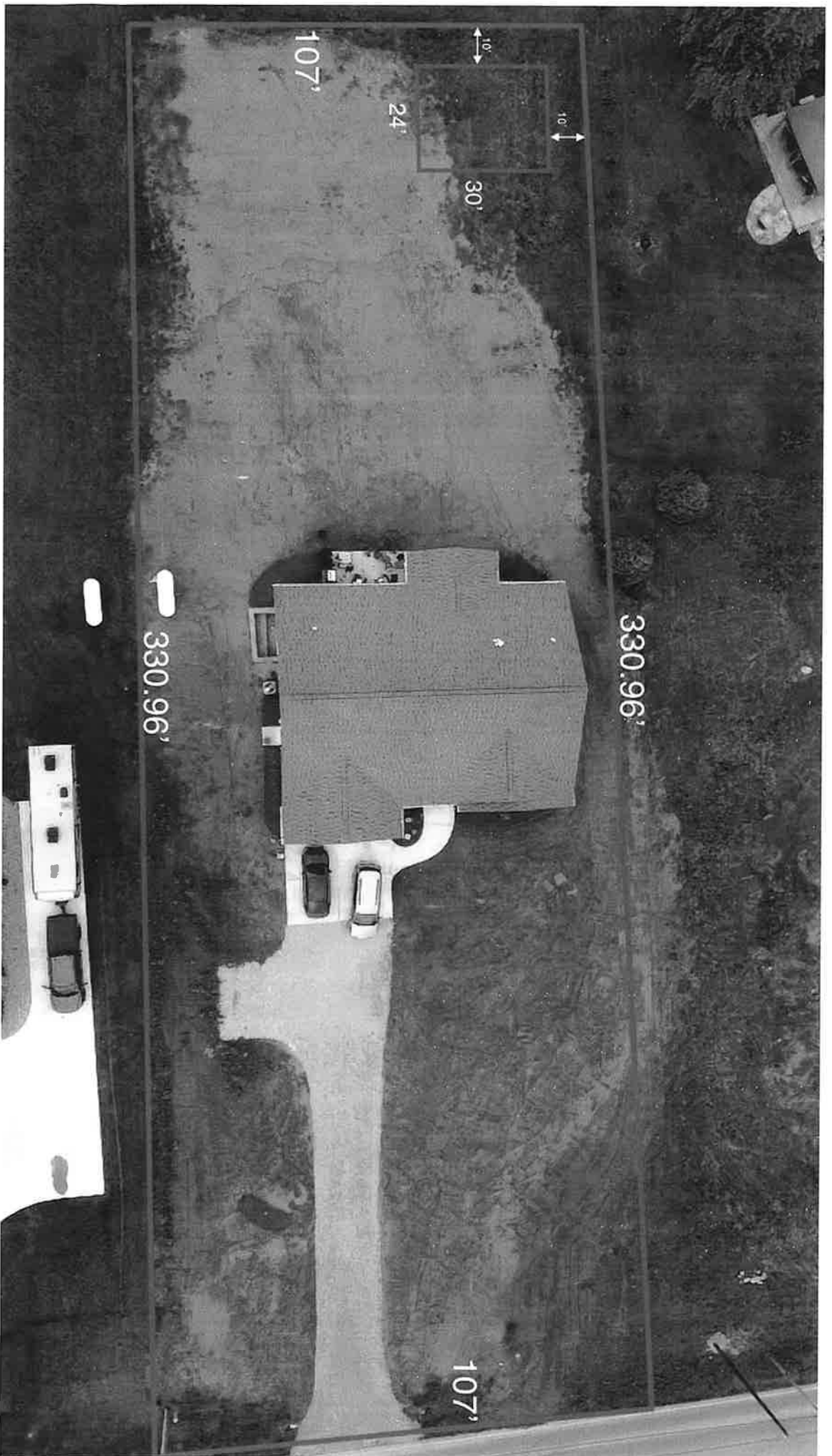
Reviewed by Planning Commission: Yes? _____ No? _____ Date: _____

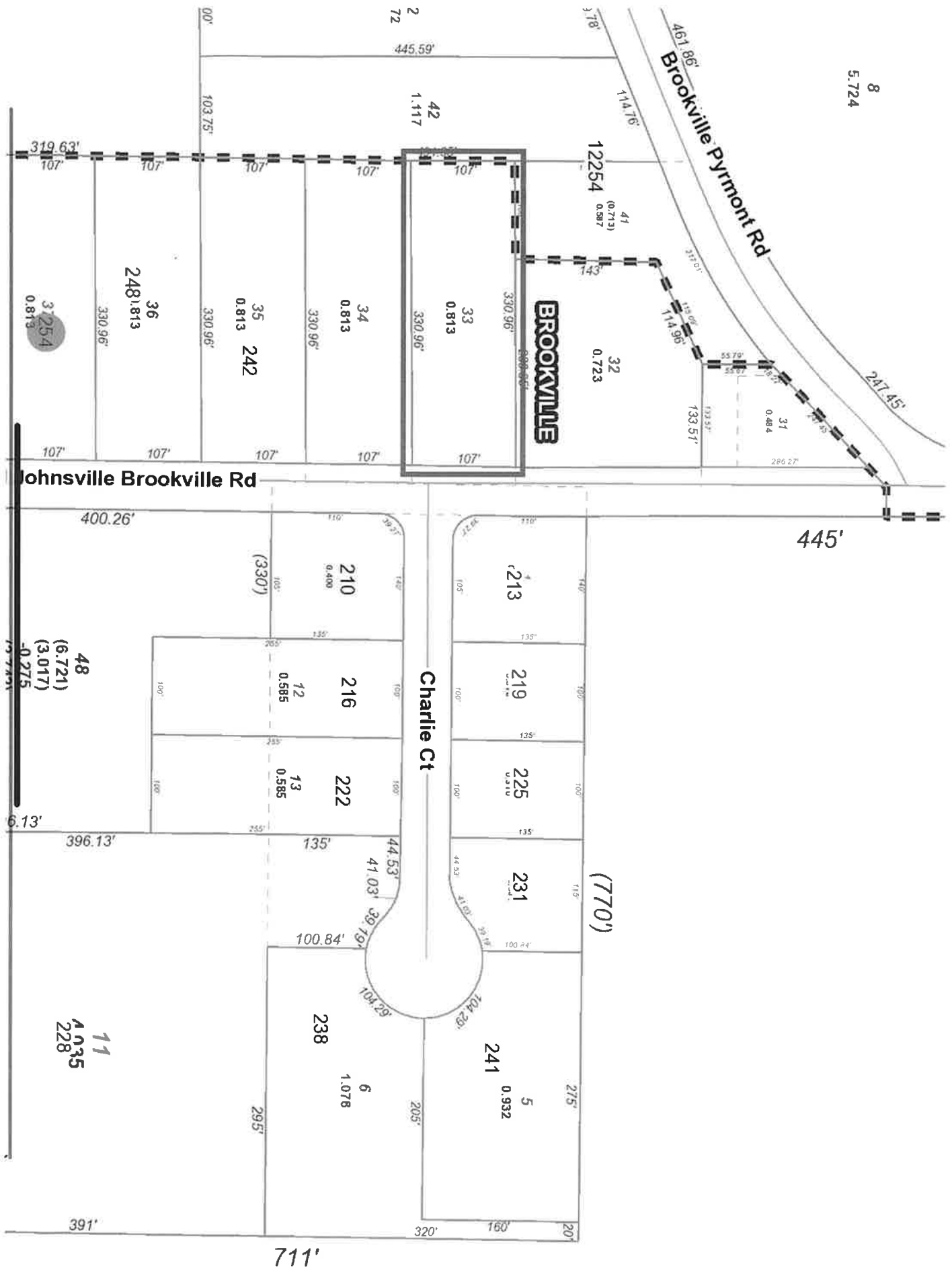
App/Denied Board of Zoning Appeals: _____ Date: _____

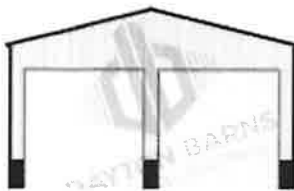
Fee: _____ Receipt number: _____ Date: _____

(NON REFUNDABLE)

REV01/02

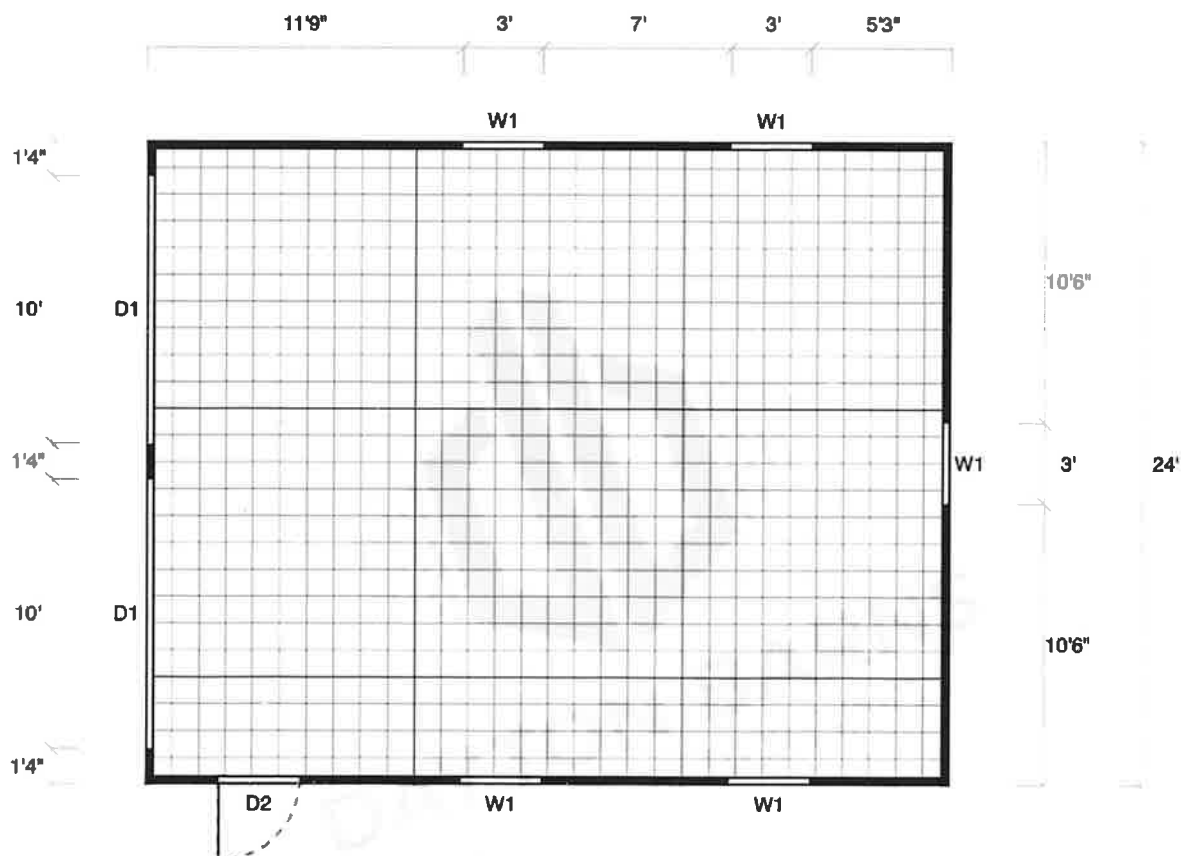






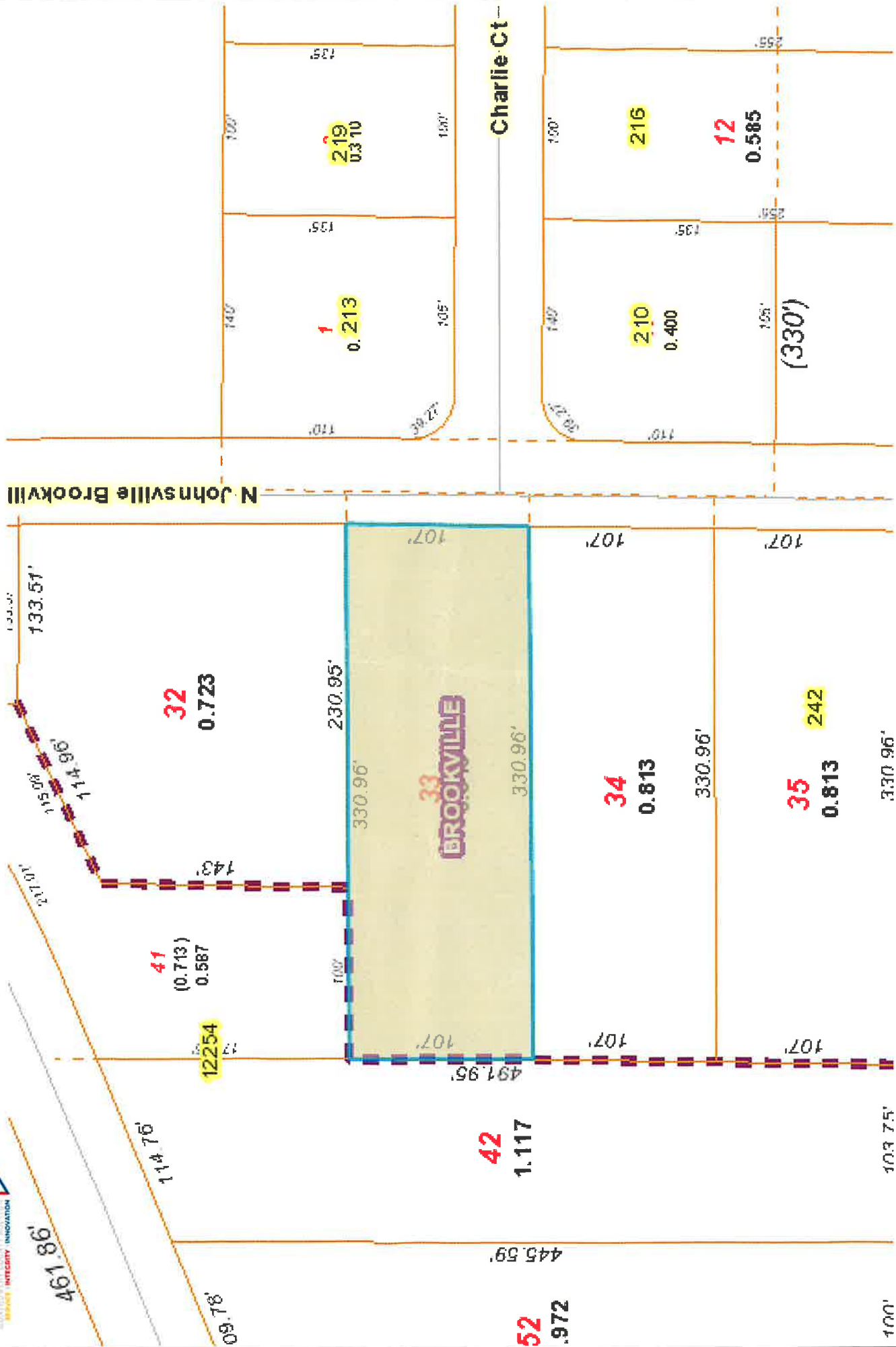
LEFT SIDE

FRONT



BACK





DISCLAIMER

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1 inch = 100 ft