

MINUTES – BOARD OF ZONING APPEALS

City of Trenton, Ohio

Date: June 27, 2022, 7:00 p.m.

MEETING PLACE: CIVIC HALL - 11 EAST STATE STREET

CALL TO ORDER – The meeting was called to order at 7:02 PM.

PLEDGE OF ALLEGIANCE Recited.

ROLL CALL – Mr. McSorley, Ms. Matala, Mr. Yonts and Ms. Archibald were present. Ryan Prewitt, absent.

A motion was made by Ms. Archibald to excuse Ryan Prewitt, second by Mr. Yonts. The motion carried 4 yes, 0 no.

Also present was Planning and Zoning Administrator Bill Jones and applicant Ron Reynolds.

APPROVAL OF MINUTES – September 27, 2021, minutes

A motion was made by Ms. Matala to approve the minutes of the September 27, 2021 minutes, second by Mr. McSorley. The motion carried with a 4 yes, 0 not vote.

PRESENTATIONS – None.

NEW BUSINESS

1. Variance hearing for Ron Reynolds of 4 W. Home Avenue in reference to placing a shed in a side yard.

Mr. Jones started out with the original application for a shed along with the proposed plot plan. The proposed shed is to be in part of the east side yard. Next Mr. Jones showed a display of how the parcel yard is divided into the front, side and rear yards. This is a corner lot. Mr. Jones explained that Mr. Reynolds wants to put in a 14'x25' shed but since his rear yard between the house and the rear fence is approximately 15 feet. There may be another 5 feet or so beyond the fence. There is not enough room, because of the shape of the lot with the existing house to place a shed.

Mr. Jones went over the denial letter to the original application, which was denied, due to the fact that you cannot place a shed in a side yard. Mr. Jones went over section 1258.04 of the city code that requires a shed or an accessory building shall be placed in the rear yard.

Last, Mr. Jones went over the Board of Zoning Appeals application provided by Ron Reynolds.

Ron Reynolds explained that he has lived in this house for 40 years and the recent passing of his father made him the owner of his father's belongings and he does not have the space for all the personal items of his father.

Discussions were made about turning the shed so the long wall of the shed would run parallel to the north fence but it would not work, the shed would still be in the side yard. As well, Mr. Reynolds explained that

the proposed shed location would not bother any neighbors because there is a privacy fence to the north neighbor and a line of woods and bushes between him and his east neighbor.

After there was not further discussion, the BZA members went into private deliberations in the conference room.

After returning to the open meeting, the discussion ensued about the definition of a practical difficulty. The seven criteria went as follows:

1. The requested variance is justified by a practical difficulty. Staff agreed that the shape of the lot was a problem. The board members all voted 4 yes.
2. The practical difficulty was not created by the unlawful acts or omission of any owner or tenant. Staff agreed this to be true. The board members voted 4 yes.
3. The practical difficulty does not commonly occur in any neighborhood in the City having the same zoning classification as the subject property. Mr. Jones explained that we do have instances where odd shaped lots, mainly in the older sections of town, do at times present a problem like this but it does not “commonly” occur. The board members voted 4 yes.
4. Approval of the variance would not materially damage the character of the neighborhood. Mr. Jones explained this is a little hard to prove but as discussed before, there is a fence to the north neighbor, a line of trees and bushes to the east and there is plenty of side yard for the shed so staff agreed, this would not damage the neighborhood. The board members voted 4 yes.
5. Approval of the variance would not violate a significant legislative purpose of the Zoning Code. Mr. Jones explained again, this was hard to prove. In this case, the purpose of the legislation is to have accessory structures contained in the rear yard. In this case, he does not have enough rear yard, so staff does not believe this violates and legislative purpose. Board members voted 4 yes.
6. Approval of the variance would not reduce the efficiency of emergency services or adversely and unreasonably affect non-emergency services. Staff agreed this would not harm any of these services. Board members voted 4 yes.
7. There is no reasonable solution to the practical difficulty other than a variance and the variance requested is the least that can reasonably reduce the practical difficulty. Mr. Jones explained that a variance was needed, no other way to fit a shed of this size. The only other argument would be the size of the shed. As explained before, he needs more storage and staff did not feel the request was excessive. The board members voted 4 yes.

After no further discussion, a motion was made by Ms. Matala to grant the variance as requested, second by Mr. McSorley. The motion carried with a 4 yes, 0 no vote.

Mr. Jones explained to Mr. Reynolds that the board has approved the variance request and it would be thirty days until a zoning certificate could be approved. There must be a thirty-day waiting period in case someone would like to file an action with the Common Pleas Court against the decision of the Board of Zoning Appeals.

REPORTS BY STAFF AND BOARD MEMBERS

In the reports section of the meeting, Mr. Jones explained that we will have new rules and procedures for the operation of a BZA meeting. As we did tonight, one of the changes will be that the board does have the opportunity to recess into private deliberations before voting. We are still working on some language issues with the attorney but as soon as we are done, we will have a training session.

NEXT MEETING – Ms. Archibald stated the next BZA meeting will be on July 25, 2022, if needed.

ADJOURNMENT At 7:31 PM, a motion was made by Mr. McSorley to adjourn, second by Ms. Archibald. The motion passed 4 yes, 0 no.