

**BOARD OF ZONING APPEALS  
MINUTES FOR THE  
MAY 24, 2016  
MEETING**

Pursuant to written notice, the meeting of the Board of Zoning Appeals (the "BZA") was called to order by Chairman Al Schutte at 7:30 PM on Tuesday, May 24, 2016, in the Council Chambers of the Village of Evendale Municipal Building. Attending were Chairman Al Schutte, members Dave Harwood, Rhett McGregor, Mike Reed, and Ken Valentine. Supporting the BZA was Pam Morin (staff).

**Overstock Cincinnati  
10268 Reading Road**

**Applicant has submitted an application for a variance from Schedule 1262.11 of the Village of Evendale Zoning Code limiting one wall sign per tenant.  
File #V-16-01**

The applicant was not present at this meeting.

WHEREAS, pursuant to Evendale Municipal Code Section 1284.01, the Board of Zoning Appeals, upon application thereto, shall have the powers as granted to them per § 1270.04 of this Code, including, but not limited to, hearing and deciding appeals and granting variances from the provisions and requirements of this Zoning Code which will not be contrary to the public interest or the general purpose and intent of this Code, and only in those specific instances defined by this chapter and based upon the standards set forth in this chapter;

WHEREAS, Overstock Cincinnati, tenant at 10268 Reading Road, Evendale, Ohio (the "Property"), submitted a request to the Building Commissioner of Evendale, Ohio an application to install two wall signs on the Property;

WHEREAS, the application was denied by the Building Commissioner April 18, 2016 because the application was for five wall signs, in violation of Schedule 1262.11(c) of the Evendale Municipal Code (the "Code");

WHEREAS, the applicant timely filed an appeal (within 14 calendar days, as set forth in Section 1284.03 of the Code) and the BZA timely (within calendar 60 days, as set forth in Section 1284.03(d) (1) of the Code) held a public meeting at the Village of Evendale Municipal Building after providing the requisite notice; and

NOW, THEREFORE, upon motion made by Mr. Reed, duly seconded by Mr. Valentine and adopted by a vote of 5 in favor, 0 against, the BZA adopted the following resolutions:

RESOLVED, that the following findings of fact and conclusions of law be and hereby are adopted:

1. The applicant's request for a building permit allowing him to install five wall signs on the Property was correctly and timely denied;
2. The applicant timely filed an appeal from the denial;
3. The Village of Evendale timely and properly provided public notice as well as notice to all required parties;
4. The BZA timely conducted a hearing.

5. The weight of the evidence before the BZA satisfied enough of the justifications set forth below that the BZA is required to consider when determining whether to grant a variance from the provisions of Schedule 1266.04(A) of the Code;

RESOLVED FURTHER, that the appeal is denied because of the failure by the applicant to appear at the meeting and present evidence.

The following are the justifications set forth in Section 1284.05(c):

- i. Whether the property will yield a reasonable return without the variance or whether there can be beneficial use of the property;
- ii. Whether the variance is substantial;
- iii. 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;
- iv. Whether the variance would adversely affect the delivery of governmental services;
- v. Whether the property owner purchased the property with knowledge of the limitations currently imposed on it by this Zoning Code;
- vi. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
- vii. Whether the spirit and intent behind this Zoning Code would be observed and substantial justice done by granting the variance.

Section 1284.05 (b) Prohibited Variances. Notwithstanding any other provision of this chapter, no variance shall be granted that:

- (1) Is intended as a temporary measure only;
- (2) Is greater than the minimum variance necessary to relieve the particular hardship or practical difficulty demonstrated by the applicant; or
- (3) Constitutes a change in land use resulting in the establishment of a use not normally permitted in the applicable use district.

A motion was made by Mr. Schutte and seconded by Mr. Harwood to approve the minutes of the December 9, 2015 meeting, with one change. The motion passed with a 4 – 0 vote, with Mr. McGregor abstaining.

The meeting was adjourned at 7:50 PM.

Attest:

Al Schutte, Chairman  
Board of Zoning Appeals