

SUBJECT: Proposed text amendment for §1445-01 Purposes of Variances.

PURPOSE:

To obtain approval from the City Planning Commission (CPC) on text amendments as related to the standards in the Zoning Code that can be granted relief by the Hearing Examiner through the variance process.

PROPOSED TEXT AMENDMENT:

§ 1445-01. Purpose of Variances.

The variance procedures are intended to provide a means by which relief from dimensional, numerical or locational standards may be granted from a particular application of the Cincinnati Zoning Code that is unreasonable and creates practical difficulties. Variances from the use regulations of this code are not authorized.

JUSTIFICATION:

The Zoning Code currently allows variances from dimensional standards only. Occasionally, variances are requested from numerical or locational standards of the Code such as the number of parking spaces, residential uses on the first floor in certain commercial districts or the location of an accessory structure. These types of variances cannot even be considered under the existing Code. There may be situations where such variances are warranted. The new language allows for additional flexibility while ensuring that the purpose and intent of the Zoning are upheld.

PUBLIC STAFF CONFERENCE:

The Planning Division staff held a public conference on this Zoning Text Amendment on Tuesday, August 14, 2007. Gary Wollenweber of Hyde Park stated that he spoke to other residents in the Hyde Park neighborhood about this text amendment. They believe that the Zoning Hearing Examiner can misuse this authority as has been done by previous Examiners through the allowance of front yard parking in residential areas. They believe this would give too much freedom and undermine the intent of the Zoning Code. Gary commented that specific issues (i.e. regarding allowances for drive-throughs) should be addressed as such through the Code and not through "blanket" measures such as this. Gary stated that Hyde Park Community Council was going to vote on this issue later that evening and was almost positive that they would vote to oppose this text amendment.

RECOMMENDATION:

The Department of Community Development and Planning staff recommends that the City Planning Commission approve the requested text amendment.

Respectfully submitted:

APPROVED:

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7/26/07

Amendment Committee