

**Board of Zoning Appeals
Municipality of New Lebanon
February 1, 2022
7:00 p.m.**

- I. Call to Order
- II. Verbal Roll Call of Board Members Present for the Record.
- III. Approval of Minutes

Meeting Minutes 10-26-2021

- IV. Old Business
- V. New Business

To consider BZA application #21-05 filed by Najah Melhem, owner of 198 S. Church Street, New Lebanon, Ohio requesting approval of substitution of a nonconforming use as permitted in §152,168 (D) (2) and (G) (1) of the Zoning Code to operate a cigarette, cigar, and tobacco shop (smoke shop). This location is zoned R-3, Single Family/Two Family Residential District but has been occupied with nonconforming businesses for many years.

(1) Motion that the variance requested arises from special conditions of, or involving, the property which are unique (that is, a situation which is not ordinarily found in the same zoning district) and that the situation results from the enforcement of this zoning code and not by an action or actions of the property owner, the applicant, or any other person or party who has had control of the property;

(2) Motion that the strict application of the provisions of this zoning code, from which a variance is requested, will constitute unnecessary hardship on the property owner represented in the application;

(3) Motion that the variance desired will not adversely affect the public health, safety, and morals; and

(4) Motion that the variance desired will not compromise the general spirit and intent of this zoning code.

- VI. Public Comments
- VII. Board Member Comments
- VIII. Adjournment