

BOARD OF ZONING APPEALS
MEETING MINUTES
FEBRUARY 23, 2012

AGENDA

New Cases:

- | | |
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| <p>1. 53 North High Street – Setback Variance
12-011V
(Approved 5 – 0)</p> | <p>53 North High Street
Non-Use (Area) Variance</p> |
| <p>2. Wendy’s International – Parking Variance
12-012V
(Approved 4 – 0)</p> | <p>One Dave Thomas Boulevard
Non-Use (Area) Variance</p> |

Administrative Business

Chair Victoria Newell called the meeting to order at 6:30 p.m. Other Board members present were Brett Page, Patrick Todoran, Kathy Ferguson, and Brian Gunnoe. City representatives present were Rachel Ray, Jennifer Rauch, Alexis Dunfee and Flora Rogers.

Motion and Vote

Victoria Newell made a motion, seconded by Brett Page, to accept the documents into the record. The vote was as follows: Ms. Ferguson, yes; Mr. Gunnoe, yes; Mr. Todoran, yes; Mr. Page, yes; and Ms. Newell, yes. (Approved 5 – 0.)

Motion and Vote

Victoria Newell made a motion, seconded by Patrick Todoran, to approve the January 26, 2012 Meeting Minutes as presented. The vote was as follows: Mr. Page, yes; Mr. Gunnoe, yes; Ms. Ferguson, yes; Mr. Todoran, yes; and Ms. Newell, yes. (Approved 5 – 0.)

Communications

Rachel Ray pointed out that on Monday, February 27th, City Council is scheduled to hear the second reading of the Bridge Street Corridor Code and Area Rezoning. She congratulated Planning Assistant Rachel Beck, who had passed her masters’ degree thesis defense and would be graduating and moving to Washington for military service. She announced that the new Architectural Review Board member appointed was Bob Dyas, as a representative of the Dublin Historical Society.

Ms. Newell swore in those who wished to address the Board in regard to the cases on the agenda, including the applicants, William Jacob, Bottom Line CPA, and Paul Orban, representing Diann Minoso, The Wendy’s Company, and City representatives.

**1. 53 North High Street – Setback Variance
12-011V**

**53 North High Street
Non-Use (Area) Variance**

Jennifer Rauch presented this non-use (area) variance application for a site zoned, CB, Central Business District. She said the site contains an existing building with medical and general office uses with parking located north of the building, along North Street and west of the building, along Darby Street. She said the applicant received approval from the Architectural Review Board and was issued a sign permit for the existing sign in 2006. She explained the sign was approved in an illegal location, within the required eight-foot setback from the right-of-way. She said the applicant has requested to update the sign and retain its current location within the required setback. Ms. Rauch said the applicant is requesting a variance to maintain the existing location within the required eight-foot setback from the rights-of-way of North and North High Streets.

Ms. Rauch said based on Planning's analysis the proposed variance meets the criteria for Standards 1-3. She said with regard to the special conditions, Planning has identified the lots within the Historic District are typically smaller than those lots located throughout the city in more traditional commercial lots, thus leaving less area to locate the sign. She said in addition, the applicant gained approval in 2006 and constructed the sign in what they believed was a compliant location and then installed a flagpole, landscaping, and lighting around the sign.

Ms. Rauch said the Code would permit up to a 50-square-foot sign for office uses; however, the *Historic Dublin Design Guidelines* recommend only a six-square-foot maximum sign area. She said the applicant received approval for a six-square-foot sign from the Architectural Review Board. She said Planning finds the decreased sign area minimized the visual impact of the sign in the surrounding area and maintains the intent of the setback to preserve the visual corridors along the street frontage.

Ms. Rauch said based on Planning's analysis, two of the four standards in the second set of standards are met. Ms. Rauch said the request is not recurrent in nature and will not require a Code modification, and therefore the standard has been met. She said the proposed variance will not have any negative impacts on the delivery of government services. She said Planning found that other ground signs on similarly sized lots within the vicinity of this sign are located in compliant locations, thus this standard is not met. Ms. Rauch said the final standard is also not met, because a compliant location could be found on site. She said based on the review of the standards, Planning recommends approval of this non-use (area) variance, as it meets the applicable criteria.

Victoria Newell noted that along High Street there appeared to be multiple signs located within the required setbacks and asked if there were other sign setback variances granted in Historic Dublin.

Ms. Rauch said there were a number of approved variances for signs within the District, as well as signs constructed in nonconforming locations. She said across the street, BoHo Boutique's sign was located within the eight-foot setback, but it had existed for a number of years and therefore it is considered to be nonconforming. She said as long as the sign structure is not changed for a nonconforming sign location, the sign can be maintained in its existing location.

William Jacob, 8326 Autumnwood Way, the applicant, said the summary was accurate. He said noted the proposed sign was located in the same location along North High Street as neighboring signs. Ms. Newell agreed.

Ms. Newell invited additional comments regarding this application. [There were none.]

Ms. Newell said she agreed with the analysis within the Planning Report and found the request to be appropriate.

Brett Page agreed and stated the proposed sign location fits with the character of the area and is consistent with other signs within the Historic District. He said he found the proposal to meet the standards.

Motion and Vote

Victoria Newell made a motion, seconded by Brian Gunnoe, to approve the non-use (area) variance request to permit a multi-tenant ground sign to encroach four and a half feet into the required eight-foot setback from the North High Street right-of-way and one-foot into the required eight-foot setback from the North Street right-of-way, because the request meets all of the required non-use (area) variance standards.

The vote was as follows: Ms. Ferguson, yes; Mr. Todoran, yes; Mr. Page, yes; Mr. Gunnoe, yes; and Ms. Newell, yes. (Approved 5 – 0.)

**2. Wendy's International – Parking Variance
12-012V**

**One Dave Thomas Boulevard
Non-Use (Area) Variance**

Brian Gunnoe recused himself from this case due to a business conflict.

Jennifer Rauch said the 34-acre site, located on the north side of West Dublin-Granville Road at the intersection with Shamrock Boulevard, is zoned CC, Community Commercial District. She said the site contains a multi-story office building located in the southwestern portion of the site with the main entrance oriented towards West Dublin-Granville Road. Ms. Rauch said existing parking is located along the western border and east of the existing building along Shamrock Boulevard. She said access to the site, in addition to the Shamrock Boulevard access, is also provided in two locations along the West Dublin-Granville Road frontage. She said there is existing landscaping around the border of the site and the northeastern portion of the site is undeveloped.

Ms. Rauch said the existing site contains 916 parking spaces. Ms. Rauch said the applicant is requesting to construct a new 75,000-square-foot building, which would require an additional 296 parking spaces under the current Code which is based on one parking space for every 250 square feet of building area. She said the applicant is requesting to be relieved of this requirement and provide only the 916 parking spaces. Ms. Rauch said however, the applicant has indicated a location where parking could be provided on-site, if required.

Ms. Rauch said regarding the standards, the applicant has provided documentation and information that the existing parking is currently underutilized. She said more particularly, the parking area located in the eastern portion of the site is very rarely used and in the winter, is not even plowed or cleared due to its lack of use. Ms. Rauch said it has been demonstrated that the building interior is inefficiently designed, and even at full capacity of the space and with the new building, the existing parking could serve the needs of employees and visitors. She said the site has existed for a number of years, and previously more employees located on the site and the site has functioned with the existing parking with no issues. She said the site does meet the needs of the users, thus not causing any adverse effects on the site or surrounding properties. Ms. Rauch said the first three standards of the first set of standards have been met.

Ms. Rauch said three of the four standards in the second set of standards are met. She said parking variances have been granted for other users within the city and Planning has recommended a condition that the applicant be required to construct the additional parking should it be deemed appropriate or necessary by the City. She said Planning recognizes the parking requirements within the city can be excessive, and in this instance, providing additional impervious surfaces do not seem appropriate, given

that the current parking is underutilized. Ms. Rauch said within the Bridge Street Corridor, Planning is looking at a more comprehensive overview of parking and identified areas for shared and deferred parking. She said this proposal does not affect the delivery of government services. She pointed out the third criteria is not met because the applicant could construct the parking on their site and meet the requirements.

Ms. Rauch said Planning is recommending approval with one condition:

- 1) That the applicant be required to construct the additional parking spaces should the City determine that the need for additional parking has been demonstrated.

Mr. Orban agreed to the condition.

Motion and Vote

Victoria Newell made a motion, seconded by Brett Page, to approve the non-use (area) variance request to permit 916 parking spaces for the site, because the request meets all of the required non-use (area) variance standards with the following condition:

- 1) That the applicant be required to construct the additional parking spaces should the City determine that the need for additional parking has been demonstrated.

The vote was as follows: Mr. Todoran, yes; Ms. Ferguson, yes; Mr. Page, yes; and Ms. Newell, yes. (Approved 4 – 0.)

Communications

Ms. Ray said at the March meeting, the presentations regarding the Annual Items of Interest will continue that had been identified by the Board at the end of last year.

Ms. Newell adjourned the meeting at 6:50 p.m.