



City of Dublin Board of Zoning Appeals

Planning Report

Thursday, February 26, 2015

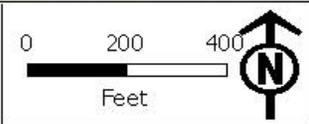
LabCorp – 6380 Wilcox Road Building and Parking Setbacks

Case Summary

Agenda Number	1
Case Number	15-010V
Location	6380 Wilcox Road East side of Wilcox Road approximately 500 feet north of Shier Rings Road.
Proposal	The proposal is to allow parking areas and portions of an existing building to encroach into the minimum setbacks required by Code.
Request	Non-Use (Area) Variances Variances to allow a site to encroach into the required building setback by 8 feet, where 50 feet is required; and encroach into the required pavement setback by 25 feet where 50 feet is required. This requires review and approval by the Board of Zoning Appeals based on the review criteria of Zoning Code Section 153.231.
Applicant	Dana McDaniel, City Manager, City of Dublin
Owner	Roche Biomedical Laboratories Inc.
Planning Contact	Logan Stang, Planning Assistant Tammy Noble-Flading, Senior Planner.
Contact Information	(614) 410-4652; lstang@dublin.oh.us (614) 410-4649; tflading@dublin.oh.us
Planning Recommendation	Approval: Variance for Building and Parking Setbacks Planning recommends approval for three variances to Section 153.072 to allow a site to encroach into the minimum pavement setbacks by 25 feet and to encroach into the minimum building setback by 8 feet. This recommendation is based on Planning's analysis that the application meets all the review criteria of Section 153.231.



15-010V
Setback Variance
LabCorp
6380 Wilcox Road



Facts	
Site Description	<ul style="list-style-type: none"> • 10 acre site. • Frontage: 500 feet along Wilcox Road. • Site consists of a single structure constructed over three parcels. • Two access points along Wilcox Road, one on the southern property and one on the northwestern property.
Zoning	TF, Technology Flex District
Surrounding Zoning and Uses	North: PUD, Planned Unite Development District, MAG East: Technology Flex District, Ohio State University Board of Trustees South: Technology Flex District, Ohio State University Board of Trustees West: Technology Flex District, Tom Whiteside Auto Sales
Site Features	<ul style="list-style-type: none"> • Site is developed with a two-story, 57,900 square foot laboratory and a one-story, attached 24,750 square foot office building. • 303 parking spaces including 7 handicap spaces on the north, east and south side of the building. • 3.9 acres of pervious surface (open space) • Retention basin in the southeastern corner of the property and a detention basin in the northwestern corner of the property.
Variances	<p>The site is currently developed and is affected by right-of-way acquisition from the Ohio Department of Transportation for roadway improvements to the interchange of SR161 and US 33. The site currently meets the Zoning Code in terms of building setback and pavement setback with the exception of a drive aisle in the center of the front parking area. This drive aisle is non-conforming and will not be further affected by the right-of-way acquisition.</p>  <p>As this and similar situations are being created by the roadway improvements, the City of Dublin is acting as the applicant to determine if the Board of Zoning Appeals will allow the nonconforming setbacks created by the infrastructure improvements to become conforming through the variance process. In this instance the improvement project is reducing the minimum building and pavement setbacks. The drive aisle is already nonconforming and will be further affected by this project. Approval of the variance would also eliminate this nonconforming status. The requested variances are as follows:</p> <ol style="list-style-type: none"> a. A variance to the minimum building setback along SR 161 and US 33. The required building setback is 50 feet. The request is to permit the building to be 42 feet, which requires a variance of 8 feet.

Facts	
	<ul style="list-style-type: none"> b. A variance to the minimum pavement setback along SR 161 and US 33. The required pavement setback is 50 feet. The request is to permit the parking areas to be 40 feet which requires a variance of 10 feet. c. A variance to the minimum pavement setback for a drive aisle located along SR 161 and US 33. The required pavement setback is 50 feet. The request is to permit the drive aisle to be 25 feet, which requires a variance of 25 feet.

Details	Building Setback
Process	Zoning Code Section 153.231(C)(3) allows the Board of Zoning Appeals to approve requests for non-use (area) variances where the Board finds that there is evidence of a practical difficulty on the property, limiting conformance to the strict requirements of the Zoning Code. The Board must make findings that the required review standards have been satisfied (refer to the last page of this report for the full wording of the review standards).

Analysis	Building Setback
Variance Request	The variance request, if approved, would permit an existing building to encroach into the required building setback by 8 feet, allowing a 42 foot setback where 50 feet is required.
ALL THREE OF THE FOLLOWING STANDARDS MUST BE MET	
(1) <i>Special Conditions</i>	<p>Standard Met</p> <p>The site is a fully developed site and operational for over two decades. The layout and facilities of the site are necessary to the successful operations of the business. This condition makes renovating the building and removing parking areas, to comply with Code, be an impractical action for the property owner to take.</p>
(2) <i>Applicant Action/Inaction</i>	<p>Standard Met.</p> <p>The actions prompting the request are based on land acquisition by the Ohio Department of Transportation (ODOT) for redevelopment of the I-270/US 33 interchange. This action was not prompted by, or a result of, actions or inactions of the property owner.</p>
(3) <i>No Substantial Adverse Effect</i>	<p>Standard Met.</p> <p>The site will operate in the same manner as before the right-of-way was purchased by ODOT. The building will not be affected, nor will parking or access points be changed. Therefore there will be no adverse effects to employees, visitors, or the general public.</p> <p>Furthermore, the purpose of building and parking setbacks is to provide additional open space to accommodate future infrastructure needs. This project will fulfill those infrastructure needs and continue to allow the site to function, as it currently exists. Furthermore, the improvement project is a much needed infrastructure improvement for the central Ohio region.</p>

Analysis		Building Setback
At Least Two of the Following Four Standards Must Be Met		
(1) <i>Special Privileges</i>	<p>Four Standards Met. The following standards have been reviewed with the finding that at least two of the four standards have been met.</p> <p>(1) Standard Met. All sites affected by right-of-way acquisition are afforded the same opportunity to apply for variances, if needed. Granting variances will not provide special privileges to the property owners.</p>	
(2) <i>Recurrent in Nature</i>	<p>(2) Standard Met. It is not uncommon for developed sites to become nonconforming based on right-of-way acquisition and roadway improvements. To address this issue, the Zoning Code allows these uses to legally operate as a nonconforming structure (includes buildings and parking areas). Therefore, there is code modifications that would be necessary to rectify this occurrence. In this instance, the City of Dublin has elected to process a variance application to prevent any financing or insurance issues that can occur when a structure is deemed nonconforming.</p>	
(3) <i>Delivery of Governmental Services</i>	<p>(3) Standard Met. The request will not impact the delivery of governmental services and in fact, allows a public improvement project to proceed.</p>	
(4) <i>Other Method Available</i>	<p>(4) Standard Met. The only other method available to meet current zoning regulations is to renovate the existing building and eliminate parking to meet the setback requirements. Renovation of the existing building would result in a significant loss of square footage and associated site modifications. This would significantly impair the operations of the site and is therefore not a reasonable alternative.</p>	

Details		Pavement Setback
Process	<p>Zoning Code Section 153.231(C)(3) allows the Board of Zoning Appeals to approve requests for non-use (area) variances only in cases where the Board finds that there is evidence of a practical difficulty present on the property, limiting conformance to the strict requirements of the Zoning Code. The Board shall make a finding that the required review standards have been appropriately satisfied (refer to the last page of this report for the full wording of the review standards).</p>	

Analysis		Pavement Setback
Variance Request	<p>The variance request, if approved, would permit a developed site to encroach into the pavement setback by 10 feet and a drive aisle to encroach into the pavement setback by 25 feet.</p>	
ALL THREE OF THE FOLLOWING STANDARDS MUST BE MET		
(1) <i>Special Conditions</i>	<p>Standard Met. The site is a fully developed site and operational for over two decades. The layout and facilities are necessary to the successful operations of the business. This condition makes renovating the building and removing parking areas, to comply with Code, be an impractical action for the property owner to take.</p>	

Analysis		Pavement Setback
(2) <i>Applicant Action/Inaction</i>	<p>Standard Met. The actions prompting the request are based on land acquisition by the Ohio Department of Transportation for redevelopment of the I-270/ U.S. Route 33 Interchange. This action was not prompted by, or a result of, actions or inactions of the property owner.</p>	
(3) <i>No Substantial Adverse Effect</i>	<p>Standard Met. The site will operate in the same manner as before the right-of-way was purchased by the Ohio Department of Transportation. The building will not be affected, nor will parking or access points be changed. No changes to the operation of the site noticed by the general public. Therefore there will be no adverse effects to employees, visitors, or the general public.</p>	
AT LEAST <u>TWO</u> OF THE FOLLOWING FOUR STANDARDS MUST BE MET		
(1) <i>Special Privileges</i> (2) <i>Recurrent in Nature</i> (3) <i>Delivery of Governmental Services</i> (4) <i>Other Method Available</i>	<p>Four Standards Met. The following standards have been reviewed with the finding that at least two of the standards have been met.</p> <p>(1) Standard Met. All sites affected by right-of-way acquisition are similarly affected. Granting variances will not provide special privileges to the property owners.</p> <p>(2) Standard Met. It is not uncommon for developed sites to become non-conforming based on right-of-way acquisition and roadway improvements. To address this issue, the Zoning Code allows these uses to legally operate as a nonconforming structure (includes buildings and parking areas). Therefore, there is no modifications to the zoning code that would be necessary to rectify this occurrence.</p> <p>(3) Standard Met. The request will not impact the delivery of governmental services.</p> <p>(4) Standard Met. The only other method available to meet current zoning regulations is to renovate the existing building and eliminate parking to meet the setback requirements. Renovation of the existing building would result in a significant loss of square footage and associated site modifications. This would significantly impair the operations of the site and is therefore not a reasonable alternative.</p>	

Recommendations		Approval
Building and Parking Setback Variances	Based on Planning's analysis the requested variances meet the required non-use (area) variance standards. Approval is recommended for variances from Section 153.072 to allow a building that encroaches 8 feet into the required building setback, parking areas to encroach 10 feet into the required pavement setback, and a drive aisle to encroach 25 feet into the required pavement setback.	

NON-USE (AREA) VARIANCES

Section 153.231(H)(1) Variance Procedures

On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development requirements of this Code unreasonable and, therefore, the variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions that meet the standards of review for variances. In granting any variance, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with the Zoning Code.

Non-Use (Area) Variances. Upon application, the Board of Zoning Appeals shall only approve a request for a non-use variance only in cases where there is evidence of practical difficulty present on the property in the official record of the hearing, and that the findings required in (a) and (b) have been satisfied with respect to the required standards of review (refer to the last page of this Report for the full wording of the review standards):

(a) That all of the following three findings are made:

- (1) That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district whereby the literal enforcement of the requirements of this Chapter would involve practical difficulties. Special conditions or circumstances may include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter or amendment; or by reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or by reason of the use or development of the property immediately adjoining the property in question.
- (2) That the variance is not necessitated because of any action or inaction of the applicant.
- (3) Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied or of this Chapter.

(b) That at least two of the following four findings are made:

- (1) That a literal interpretation of the provisions of the Zoning Code would not confer on the applicant any special privilege or deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter.
- (2) The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.
- (3) The variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage).
- (4) The practical difficulty could be eliminated by some other method, even if the solution is less convenient or most costly to achieve.