



City of Dublin

Land Use and Long
Range Planning

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BOARD OF ZONING APPEALS

MEETING MINUTES

FEBRUARY 26, 2015

AGENDA

- 1. Building and Parking Setback Variances
15-010V
(Approved 3 – 0)**

**6380 Wilcox Road
Non-Use (Area) Variance**

Chair Brett Page called the meeting to order at 6:32 p.m. Other Board members present were Rion Myers and Patrick Todoran. Brian Gunnoe and James Zitesman were absent. City representatives present were Tammy Noble-Flading, Logan Stang, and Laurie Wright.

Motion and Vote

Mr. Page moved, Patrick Todoran seconded, to accept the documents into the record. The vote was as follows: Mr. Myers, yes; Mr. Todoran, yes; and Mr. Page, yes. (Approved 3 – 0)

Motion and Vote

Mr. Myers moved, Patrick Todoran seconded, to approve the October 23, 2014 meeting minutes. The vote was as follows: Mr. Page, yes; Mr. Todoran, yes; and Mr. Myers, yes. (Approved 3 – 0)

Communications

Tammy Noble-Flading said they are making accommodations for the Planning and Zoning Commission to do both training and a special session for cases in March and the Board of Zoning Appeals meeting may have to be rescheduled or re-located. She said she will notify the Board by email and asked that they respond.

Administrative Business

Mr. Page swore in those who intended to address the Board in regards to the application on this Agenda.

NEW CASE:

- 1. Building and Parking Setback Variances
15-010V**

**6380 Wilcox Road
Non-Use (Area) Variance**

Logan Stang introduced himself as one of the Planning Assistants and thanked the Board for the opportunity to present this case. He said this is a request for a variance from Section 153.072 and is a City sponsored application due to right-of-way acquisition by the Ohio Department of Transportation for the re-development of the I-270/ SR161/US33 interchange.

Mr. Stang said the property is located on the east side of Wilcox Road, just north of Shier Rings Road and lies on the south side of SR161 and US Rt. 33 opposite of the MAG Campus. He said the property itself is unique based on the fact that it contains one building that has been constructed over three parcels. He said the property is one of 50 sites along SR161 and I270 and that is being impacted by the roadway project and is the only standard zoning district which requires a variance.

Mr. Stang said the property is zoned Tech Flex and Code states all properties along freeways or express ways to have a minimum building and pavement setback of 50 feet. He said the building and parking areas on the east side of the property meet the minimum setback required by Code. He said the drive isle on the west side of the property currently encroaches into the setback by 25 feet and was part of an approved site plan filed in 1991. Mr. Stang stated that there was no documentation to indicate why the plan was approved but he did conclude that the plan was approved. He said the drive isle was included in the application to bring all non-conformities into compliance.

Mr. Stang showed an elevation of the land that was acquired by ODOT, the Ohio Department of Transportation and is located on the northeast corner of the property. He said at the greatest depth of impact to the site is 10 feet and decreases west along the right-of-way boundary line. He said the acquisition shifts the boundary line south forcing the 50 foot setback to shift as well and the result in the northeast parking area encroaches into the setback by 10 feet and the majority of the building encroaches 8 feet into the setback.

Mr. Stang said the non-use variance review criteria requires that all listed criteria must be met in order to meet approval which in this application it does. He said the site is a fully developed site and has been operational for over two decades and the existing infrastructure of the site is necessary to operate the business from this location. He stated the only method of meeting the Code would be to renovate the building and remove parking which is an impractical action for the property owner. He said this was not an action or inaction of the property owner as it is a right-of-way acquisition of the Ohio Department of Transportation. He said there was no substantial adverse effect to the areas around it.

Mr. Stang said that the non-use variance review requires that two of the four criteria must be met and in this case all four are met. He said granting this variance will not provide any special privileges to the property owner, it will just bring them into compliance and is not uncommon for sites to become non-conforming based on right-of-way acquisitions and roadway improvements. He stated that there is part of the Zoning Code that allows nonconforming uses and structures to exist as "legal" uses and structure. He stated that in this instance the City of Dublin has elected to proceed with a city sponsored variance application to bring this property into conformance to prevent any financing or insurance issues. He said this will not impact the delivery of government services and will allow a public improvement project to proceed. He said the only method available to them to meet the current zoning regulations would be to renovate the existing building and eliminate parking which would not only result in a loss of square footage but would be a costly endeavor that stall the operations of the business and is impractical in nature.

Mr. Stang said based on the criteria and Planning's analysis they are recommending approval of the application with no conditions. He reiterated that the variance will allow the building to

encroach 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 50 foot building and pavement setback along US161/Rt. 33.

Mr. Page said there are financial implications in this instance and it is good due diligence on the City's part to work with a long standing partner of the community to ensure that they are able to continue.

Motion and Vote

Mr. Page made the motion, seconded by Mr. Myers, to approve this variance to allow the building to encroach 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 50 foot building and pavement setback along US161/Rt. 33, because it does not meet all the required variance standards and review criteria for a non-use area variance of Section 153.231. The vote was as follows: Mr. Todoran, yes; Mr. Myers, yes; and Mr. Page, yes. (Approved 3 – 0.)

Mr. Page said that he is approaching the end of his term and would be stepping down at the end of March from the Board of Zoning Appeals.

Ms. Noble-Flading thanked him for his services.

Mr. Page said he is said to be stepping down and it has been a pleasure servicing the City and being on this Board.

Mr. Page said the next meeting is scheduled for March 26, 2015, and adjourned the meeting at 6:46 p.m.

As approved by the Board of Zoning Appeals on March 25, 2015.