



## PLANNING REPORT

# Board of Zoning Appeals

Thursday, February 22, 2024

## FAITHFUL FRIENDS VETERINARY CLINIC 23-137V

<https://dublinohiousa.gov/bza/23-137>

### Case Summary

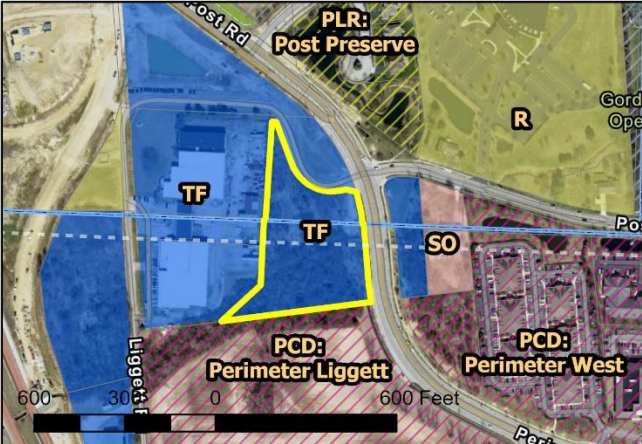
Address	6780 Liggett Road, Dublin, OH 43016
Proposal	Variance to Zoning Code Section 153.044(D)(2)(c) to permit a 0-foot side setback where 20 feet is required. The 3.42-acre site is zoned TF, Technology Flex District, and is located southwest of the intersection of Liggett Road and Perimeter Drive.
Request	Request for review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code Section 153.231(H).
Zoning	TF, Tech Flex District
Planning Recommendation	<u>Approval of the Non-Use (Area) Variances with no conditions.</u>
Next Steps	The Board of Zoning Appeals (BZA) is the final reviewing body for this application. If approved by the BZA, the site can continue the permitting process through the Building Standards Division.
Applicant	Megan Cyr, The Kleingers Group
Case Manager	Jay Henderson, Planning Technician (614) 410-4650 <a href="mailto:jhenderson@dublin.oh.us">jhenderson@dublin.oh.us</a>

Site Location Map

# 23-137V Faithful Friends Veterinary Clinic



- ### Site Features
- 1 Indian Run South Fork
  - 2 Shared Property Line
  - 3 Dense Vegetation



# 1. Background

## Background

The site consists of 2 parcels totaling 3.55 acres. The northern parcel consists of 1.09 acres and is located in Union County. The southern parcel consists of 2.46 acres and is located in Franklin County. The site is zoned TF, Technology Flex District, and is located southwest of the intersection of Liggett Road and Perimeter Drive. The site has vehicular access from Liggett Road. The site is currently undeveloped.

Both parcels in question are located in two different taxing districts. A typical occurrence where two properties under single ownership are limited to setback requirements, when possible, staff would recommend and encourage a lot combination. However, in this case, the jurisdictional line cannot be altered to remediate the certain setback requirements at this site.

## Site Information

### Natural Features

The site contains mature vegetation throughout both parcels. The south parcel has a Floodplain going southwest to northeast, which stems from the Indian Run South Fork. Both sites also contain significant grade changes sloping toward the creek.

## Zoning Information

The site is zoned TF, Technology Flex District. This district has requirements for setbacks related to the proposed building height for principal and accessory structures. The proposed building height for the veterinary clinic is 22 feet. The required side and rear yard setbacks would be 20 feet from the property lines. The front building setback is established from the center line of the right-of-way a distance equal to the width of the existing right-of-way or width of the proposed right-of-way which in this case is the existing right-of-way of Liggett Road at 30 feet.

# 2. Proposal

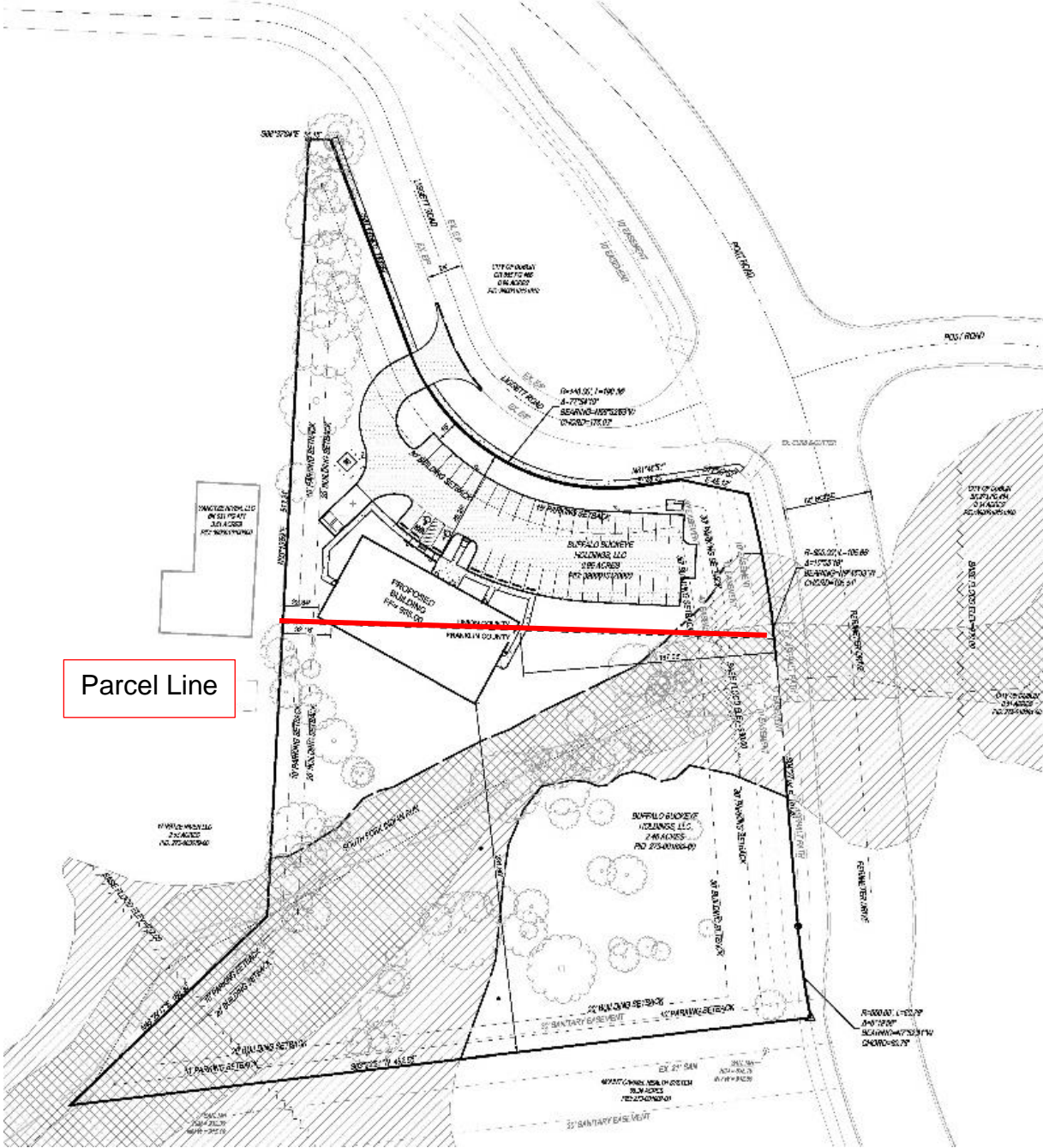
The applicant is requesting 2 Non-Use (Area) Variances for the following code sections:

Variance #	Code Section	Requirement	Request
#1	153.044(D)(2)(c) – Setback Requirements	For buildings with a height between 15-29 feet, the required side and rear yard setback is 20 feet.	To allow a 0-foot side yard setback for principal and accessory structures where 20 feet is the required rear and side yard setbacks on the northern parcel.
#2	153.044(D)(2)(c) – Setback Requirements	For buildings with a height between 15-29 feet, the required side and rear yard setback is 20 feet.	To allow a 0-foot side yard setback for principal and accessory structures where 20 feet is the required rear and side yard setbacks on the southern parcel.



The applicant is requesting two setback Variances to construct a veterinary office and associated site improvements. The separate Variance requests are required due to two different taxing districts owned by the applicant. The applicant is unable to combine the lots due to the parcels being in different counties. Without a Variance, the property owner/developer would be required to develop entirely on either the northern or southern parcel, with vehicular access from Liggett Road to the north. The 0-foot setback would permit the applicant to build on the property line while meeting all additional requirements of the Technology Flex district.

### 3. Site Plan



### 4. Plan Review

Zoning Code Section 153.231(H)(2) allows the Board of Zoning Appeals to approve requests for non-use (area) variances only in cases where the Board finds there is evidence of a practical difficulty present on the property, and that the findings required in Zoning Code Section 153.231(H) have been satisfied.

**Criteria A | Non-Use (Area) Variance Analysis - Section 153.231(H)(2)(a)**

All three criteria are required to be met:

Criteria	Review
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.	<b>#1, 2: Criteria Met.</b> The site is split by two separate parcels that are unable to be combined by either county. This creates a narrow northern parcel with limited ability to develop. Additionally, the location of the stream that runs southwest to the northeast of the property limits the developable area. Finally, the site is heavily wooded, which creates challenges in locating the development elsewhere on the site.
2. That the variance is not necessitated because of any action or inaction of the applicant.	<b>#1, 2: Criteria Met.</b> The Variance requests are prompted by the existing conditions of the site, including the separate parcels and natural features, which were existing prior to the Variance application.
3. Granting the variance will not cause a substantial adverse effect to the property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied.	<b>#1, 2: Criteria Met.</b> The setback requests are for both properties under single ownership. The Variance requests allow the owner equal opportunity to develop his/her property.

**Criteria B | Non-Use (Area) Variance Analysis - Section 153.231(H)(2)(b)**

At least two of the following criteria are required to be met:

Criteria	Review
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	<b>#1, 2: Criteria Met.</b> The natural features present on the parcels in question create challenges to developing the parcels. Granting variances will not provide special privileges to the property owner.

Criteria	Review
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.	<b>#1, 2: Criteria Met.</b> It is uncommon for sites to be developed with the building being located on the property lines. This site is unique in character, and a variance request would not be recurrent in nature due to the multiple taxing districts and natural features.
3. The variance would not adversely affect the delivery of governmental services.	<b>#1, 2: Criteria Met.</b> The request will not impact the delivery of governmental services.
4. The practical difficulty could not be eliminated by some other method, even if the solution is less convenient or most costly to achieve.	<b>#1, 2: Criteria Met.</b> The proposed building location is the only location feasible for this site, as the southwest corner of the southern parcel has significant vegetation and limited street access.

**5. Recommendation**

**Planning Recommendation: #1 (Side Yard Setback – Northern Parcel)**

Planning Staff recommends **Approval** of the Non-Use (Area) Variance to Zoning Code Section 153.044(D)(2)(c) to allow a 0-foot side yard setback for principal and accessory structures where 20 feet is required for building heights between 15-29 feet.

**Planning Recommendation: #2 (Side Yard Setback – Southern Parcel)**

Planning Staff recommends **Approval** of the Non-Use (Area) Variance to Zoning Code Section 153.044(D)(2)(c) to allow a 0-foot side yard setback for principal and accessory structures where 20 feet is required for building heights between 15-29 feet.