

CITY OF DELAWARE
BOARD OF ZONING APPEALS
AGENDA
CITY COUNCIL CHAMBERS
1 S. SANDUSKY ST.
7:00 P.M.

REGULAR MEETING

OCTOBER 12, 2016

1. ROLL CALL
2. APPROVAL of the Motion Summary of the Board of Zoning Appeals meeting held on June 8, 2016, as recorded and transcribed.
3. REGULAR BUSINESS
 - A. 2016-2978: A request by Trimble Insurance for approval of a front yard building setback variance from approximately 20 feet to approximately 4 feet to construct a building addition on 0.314 acres on property zoned B-3 (Community Business District) located at 39 South Liberty Street
4. BOARD MEMBER COMMENTS AND DISCUSSION
5. NEXT REGULAR MEETING: November 9, 2016
6. ADJOURNMENT

BOARD OF ZONING APPEALS
June 8, 2016
MOTION SUMMARY

ITEM 1. Roll Call

Chairman Dick called the meeting to order at 7:00 p.m.

Members Present: Beth Fisher, Adam Vaughn, Todd Daughenbauh, Crystal Brewer, Vice-Chairman Paul Junk, and Chairman Matt Dick.

Members Absent: Councilman George Hellinger

Staff Present: Lance Schultz, Zoning Administrator

Motion: Mr. Daughenbaugh moved to excuse Councilmember Hellinger, seconded by Vice-Chairman Junk. Motion approved by a 6-0 vote.

ITEM 2. Approval of the Motion Summary of the Board of Zoning Appeals meeting held on March 9, 2016, as recorded and transcribed.

Motion: Ms. Brewer moved to approve the Motion Summary for the Board of Zoning Appeals March 9, 2016 meeting, seconded by Mr. Vaughn. Motion approved by a 6-0 vote.

ITEM 3. REGULAR BUSINESS

(A) 2016-1528: A request by Neal Shine for approval of a side yard building setback variance from 8 feet per Schedule 1134.04 Yard Requirements to approximately 2 feet to construct a two car garage addition on 0.182 acres on property zoned R-3 (One-Family Residential District) located at 148 North Washington Street.

Chairman Dick swore in the following participants from the public:

Neal Shine
148 North Washington Street
Delaware, Ohio 43015

Steve Martin
36 Griswold Street
Delaware, Ohio 43015

Mr. Schultz provided a staff report that included site location and zoning map. Mr. Schultz provided pictures of the west elevation of the property on North Washington Street. Mr. Schultz reviewed staff recommendations and conditions for approval.

APPLICANT:

Neal Shine
148 North Washington Street
Delaware, Ohio 43015

Mr. Shine discussed efforts to inform surrounding neighbors of the request. Mr. Schultz informed the Board that staff received no feedback from neighbors.

PUBLIC PARTICIPATION:

Steve Martin
36 Griswold Street
Delaware, Ohio 43015

Mr. Martin informed the Board that he resides across from the applicant and had no concerns with the requested variance.

Motion: Ms. Brewer moved to approve application 2016-1528, finding beyond a reasonable doubt that the decision factors necessary for approval of a Variance according to Chapter 1128 of the Planning & Zoning Code are met with the following conditions recommended by staff; the proposed garage addition shall be set back a minimum 3-6 feet from the south property line; the new curb cut shall be a maximum 20 feet wide and shifted to the north as far as possible while still accommodating garage access; the new curb cut and any potential drainage issues shall achieve compliance with minimum engineering requirements; the existing curb on Griswold and subsequent driveway on subject property shall be eliminated per engineering requirements; the existing street trees shall be replaced if it is eliminated in construction of the new driveway; and the new garage addition shall achieve compliance with the minimal building requirements, seconded by Vice-Chairman Junk. Motion approved by a 6-0 vote.

ITEM 4. BOARD MEMBER COMMENTS AND DISCUSSION

ITEM 5. NEXT REGULAR MEETING: July 13, 2016

ITEM 6. ADJOURNMENT

Motion: Vice-Chairman Junk motioned to adjourn the Board of Zoning Appeals meeting, seconded by Mr. Vaughn. Motion was approved by a 6-0 vote. The Board of Zoning Appeals meeting adjourned at 7:20 p.m.

Matt Dick, Chairman

Elaine McCloskey, Clerk



BOARD OF ZONING APPEALS / STAFF REPORT

CASE NUMBERS: 2016-2978

REQUEST: Variance

PROJECT: 39 South Liberty Street

MEETING DATE: October 12, 2016

APPLICANT/OWNER

Trimble Insurance
39 South Liberty Street
Delaware, Ohio 43015

REQUEST

2016-2978: A request by Trimble Insurance for approval of a front yard building setback variance from approximately 20 feet to approximately 4 feet to construct a building addition on 0.314 acres on property zoned B-3 (Community Business District) located at 39 South Liberty Street

PROPERTY LOCATION & DESCRIPTION

The property is located on the east side of South Liberty Street two parcels north of Spring Street. The zoning of the property is B-3 (Community Business District) as is the property to the north. The property to the east and south are zoned R-6 (Multi-Family Residential District) while the property to west is zoned PO/I (Planned Office/Institutional District).

BACKGROUND

The owner of the subject building since 1977 is proposing to construct an approximate 392 (14' x 28') square foot addition to the front of the existing 1,824 square foot office building. The proposed addition is required because the owner is hiring more staff which requires more office space. The existing building is setback approximately 20 feet from the property line while the proposed addition would be approximately 4 feet from the property line along South Liberty Road. The owner reviewed the options of expanding to the north, south and west but the construction of the existing building and needed parking only allows him to practically expand to the west towards South Liberty Street. There would not be any other revisions to the building or the site.

STAFF ANALYSIS

- **FRONT YARD VARIANCE:** The B-3 zoning district requires a 50 foot front yard setback (Chapter 1143.04 Building Setback Requirements) while the owner is proposing a variance to be approximately 4 feet from the front property line along South Liberty Street.
 - The existing office building which was converted from a house and constructed in 1901 per the Delaware County Auditor is currently is setback approximately 20 feet from the property line along South Liberty Street.
- **VARIANCE REVIEW:** In considering whether or not a Variance shall be granted, the Board of Zoning Appeals is required to consider certain factors to determine if a practical difficulty exists. As listed below, Section 1128.09(c)(1) of the Planning & Zoning Code sets forth these factors. Following each factor in italics is a brief Staff analysis.
 1. Whether the granting of the Variance would be in accord with the general purpose and intent of the regulations imposed by this Ordinance and the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.

The purpose and intent of the B-3 Ordinance is outlined in Section 1143.01 states:

Business Districts (B-1, B-2, B-3, B-4, B-5, and B-6) and their regulations are established in order to achieve, among others, the following purposes:

- (a) *To provide in appropriate and convenient locations, sufficient areas for business activities, and the exchange of goods and services.*
- (b) *To protect residential neighborhoods adjacent to business uses by restricting the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences.*
- (c) *To protect and stabilize both residential and nonresidential developments from congestion by requiring off-street parking facilities.*
- (d) *To carry out the following specific purposes:*

- (1) *To provide Limited Business Districts (B-1) that accommodate a variety of retail and service establishments in a shopping center environment, and where only limited outdoor sales and automotive uses are permitted.*
- (2) *To provide a Central Business District (B-2) that maintains and encourages the preservation of the core as a pedestrian-oriented business and commercial center by permitting buildings close to the street and to one another.*
- (3) *To provide Community Business Districts (B-3) that accommodate a wide range of commercial uses including automotive uses and outdoor activities as conditional uses in a manner that does not intrude upon residential areas.*
- (4) *To provide General Business Districts (B-4) that accommodate uses in addition to those specified for the B-3 District, and to thereby provide service and sales in support of primary business activities in advantageous locations at specified points on major thoroughfares and at outlying locations in the community.*
- (5) *To provide Commercial Recreation Districts (B-5) that accommodates both indoor and outdoor recreational facilities while limiting standard commercial development in order to minimize adverse impact on local streets and residential neighborhoods.*
- (6) *To provide Motorist Services Districts (B-6) that accommodate a limited range of uses (i.e., motels, restaurants, gas stations and car dealers) which are traditionally attracted to highway interchanges or other major intersections.*

Approval of the Variance is not in accordance with purpose and intent of the Ordinance and would be considered significant but would not likely be detrimental to the public welfare. The house directly to the south is setback approximately 4 feet from the property line abutting South Sandusky Street and the gas canopy of the UDF two lots north is approximately 4 feet from the property line. To the north and west are commercial and institutional uses respectively and they would not be impacted by the proposed addition. Also, the proposed addition appears to be located outside 20 foot x 20 foot site triangle of the adjacent Post Office access drive required by Chapter 1149.06. But the City Engineer wanted to convey there could be some interference problems between motorists and pedestrians because of the proximity to Ohio Wesleyan. Therefore, the actual impact of the proposed addition would likely not be detrimental to the public welfare of the neighborhood except for some potential motorist and pedestrian conflict because of the reduced site distance.

2. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to non-conforming and inharmonious uses, structures or conditions.

No special conditions except for the subject house front yard setback is approximately 20 feet and is considered a legal non-conforming use in the B-3 zoning district.

3. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the Variance. Mere loss in value or financial disadvantage to the property owner does not constitute conclusive proof of practical difficulty; there shall be deprivation of beneficial use of land.

The building was constructed in 1901 per the Delaware County Auditor and will continue to be used as an office building with or without approval of this Variance.

4. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the Variance.

Although the request is not compliant with the front yard setback requirements in the B-3 zoning district, the character of the neighborhood would not likely be "substantially altered" if the architecture of the new addition is compatible to the existing building which it appears to be. The current office was a house when originally constructed and maintains the appearance of a house. Also as mentioned above, the existing house to the south is setback approximately 4 feet from the property line fronting South Liberty Street. The uses to the north and west are non-residential.

5. Whether the Variance would adversely affect the delivery of governmental services such as water, sewer, or trash pickup.
The delivery of governmental services, particularly emergency services, would not be impacted with approval of this Variance.
6. Whether the property owner purchased the property with knowledge of the zoning restrictions. Purchase without knowledge of restrictions in itself is not sufficient proof of practical difficulty.
Since the owner has owned the property since 1977 per the Delaware County Auditor, it would be very difficult for staff to determine if the owner of the house purchased the property with knowledge of the zoning restrictions.
7. Whether special conditions or circumstances exist as a result of actions of the owner.
It is not likely any special conditions or circumstances occurred because of the actions of the owner.
8. Whether the property owner's predicament feasibly can be obviated through some method other than a Variance.
The owner indicated they considered expansion options to the north, south and east but the existing house construction, topography and needed parking makes expansion in those directions not feasible or cost effective.
9. Whether there is evidence of Variances granted under similar circumstances.
Staff cannot recall approving a front yard setback variance for a building addition in this part of the City for several years.
10. Whether the granting of the Variance is necessary for the reasonable use of the land or building, and the Variance as granted is the minimum Variance that will accomplish that purpose.
The property is currently zoned B-3 and the existing office use will continue to be used as such with or without approval of this Variance. As a result, a Variance is not necessary for the reasonable use of the land.
11. Whether the proposed Variance would impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values of the adjacent area.
The variance would not likely have a negative impact on any of the above items since the site has been an office since 1977 and house prior to that constructed in 1901.
12. Whether the granting of the Variance requested would confer on the applicant any special privilege that is denied by this regulation to other lands, structures or buildings in the same district.
If the Board finds that the standards for approval of a Variance are met then no special privilege is granted.

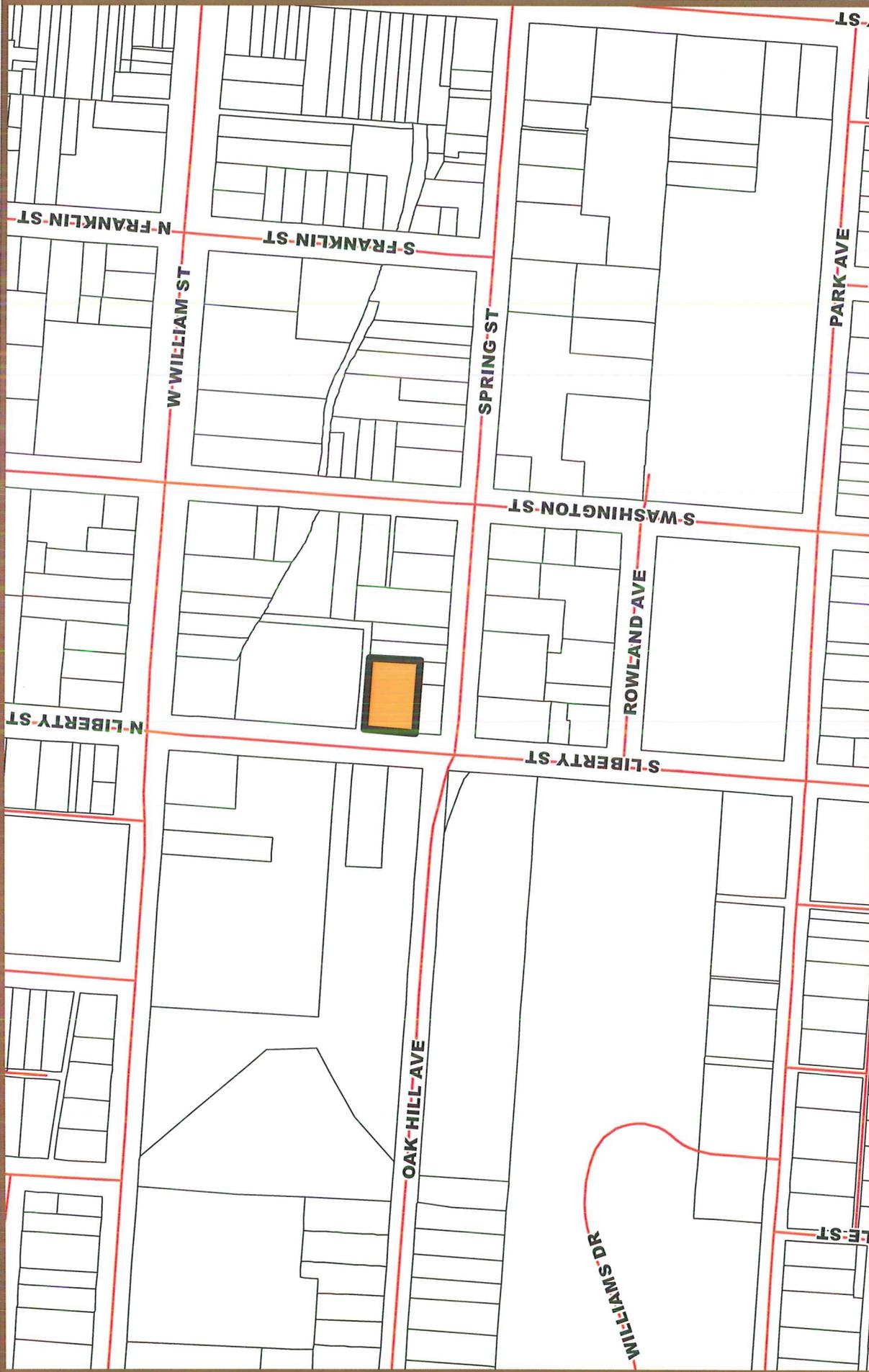
CONCLUSION

The proposed variance does not appear to constitute a hardship or comply with the majority of the practical difficulties to justify a variance request. However staff can support the proposed variance request from a practical perspective if the adjacent neighbors do not have a significant opposition to the proposal for the following reasons: 1.) The owner apparently exhausted all his options to expand to the north, south and east and the only viable option is to expand west adjacent to South Liberty Street; 2.) The approximately 4 foot setback of the proposed addition would be consistent with the house directly to the south that is setback approximately 4 feet from the property line and the gas canopy of the UDF two lots north that is approximately 4 feet from the property line both along South Liberty Street; 3.) The owner has operated a viable and successful business since 1977 at this location without any known issues from the adjacent neighbors.

STAFF RECOMMENDATION – VARIANCE (2016-2978)

Staff recommends a request by Trimble Insurance for approval of a front yard building setback variance from approximately 20 feet to approximately 4 feet to construct a building addition on 0.314 acres on property zoned B-3 (Community Business District) located at 39 South Liberty Street, with the following conditions that:

1. The building addition shall be setback a minimum 4 feet from the west property line (South Liberty Street).
2. The building addition shall not be located in the 20 foot by 20 foot site triangle along the northern property line per Chapter 1149.06.
3. The new addition shall match the existing building in design, materials and colors.

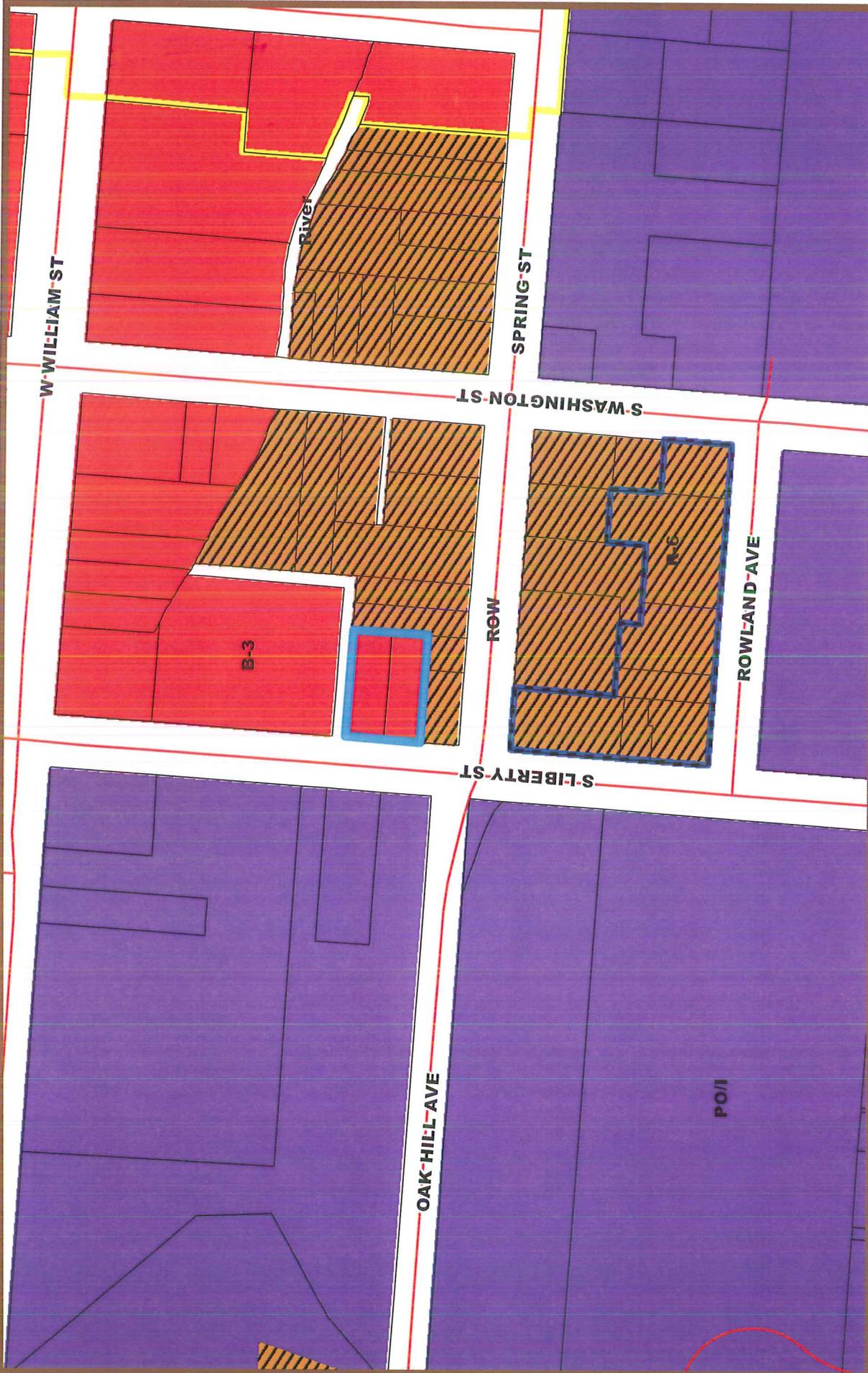


2016-2978
 Building Setback Variance
 Trimble Insurance
 39 South Liberty Street
 Location Map





2016-2978
Building Setback Variance
Trimble Insurance
39 South Liberty Street
Zoning Map





2016-2978
Building Setback Variance
Trimble Insurance
39 South Liberty Street
Aerial (2013)





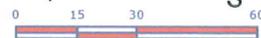
LIBERTY ST

SPRING ST

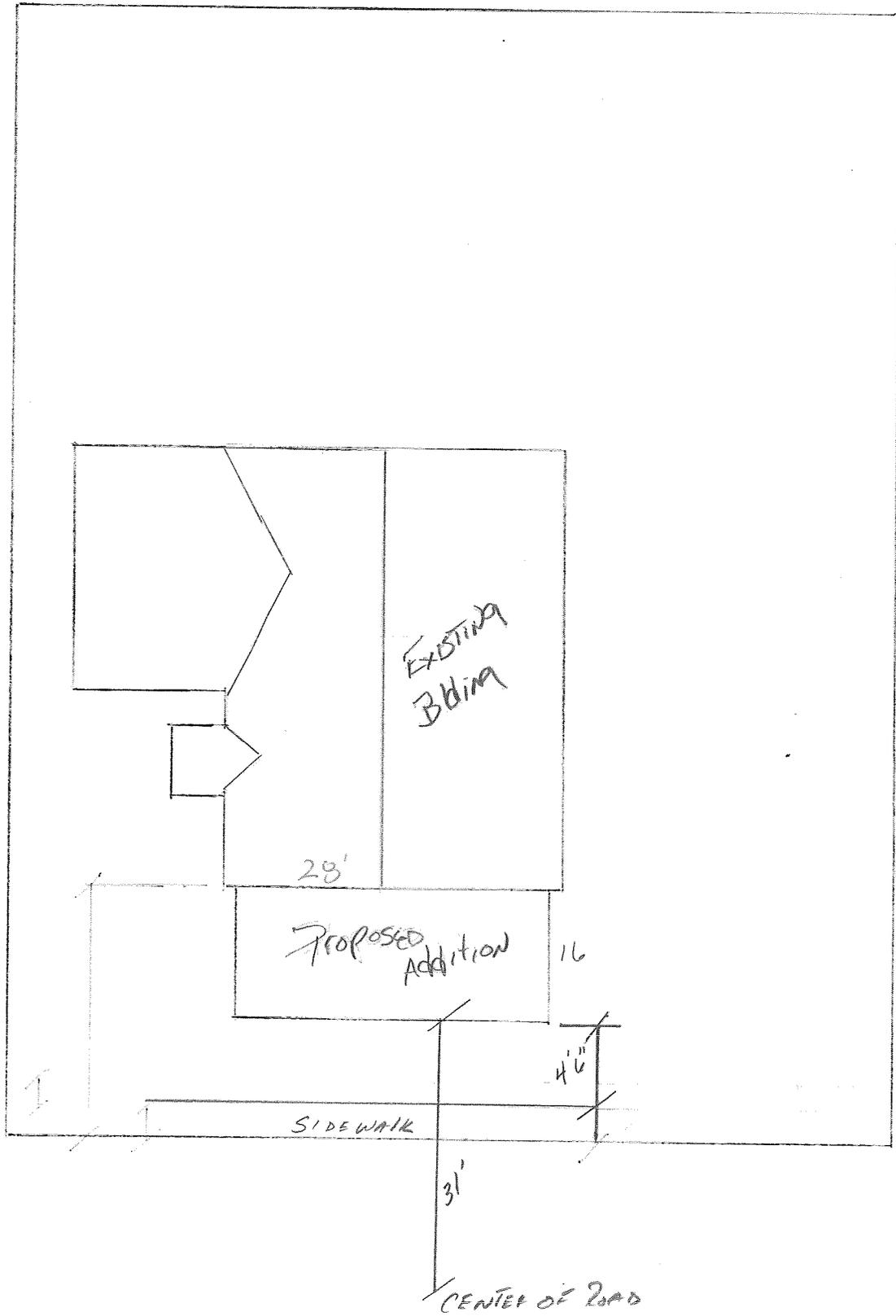


Delaware County Auditor
George Kaltsa

Information contained within this map may be used to generally locate, identify and inventory land parcels within Delaware County.
Delaware County cannot warrant or guarantee the information contained herein, including, but not limited to its accuracy or completeness. The map parcel lines shown are approximate and this information cannot be constructed or used as a "legal description" of a parcel.
Flood Plain information is obtained from FEMA and is administered by the Delaware County Building Department (740-833-2201).
Please report any errors or omissions to the Delaware County Auditor's office at delcogis@co.delaware.oh.us.
Prepared by: Delaware County Auditor's GIS Office

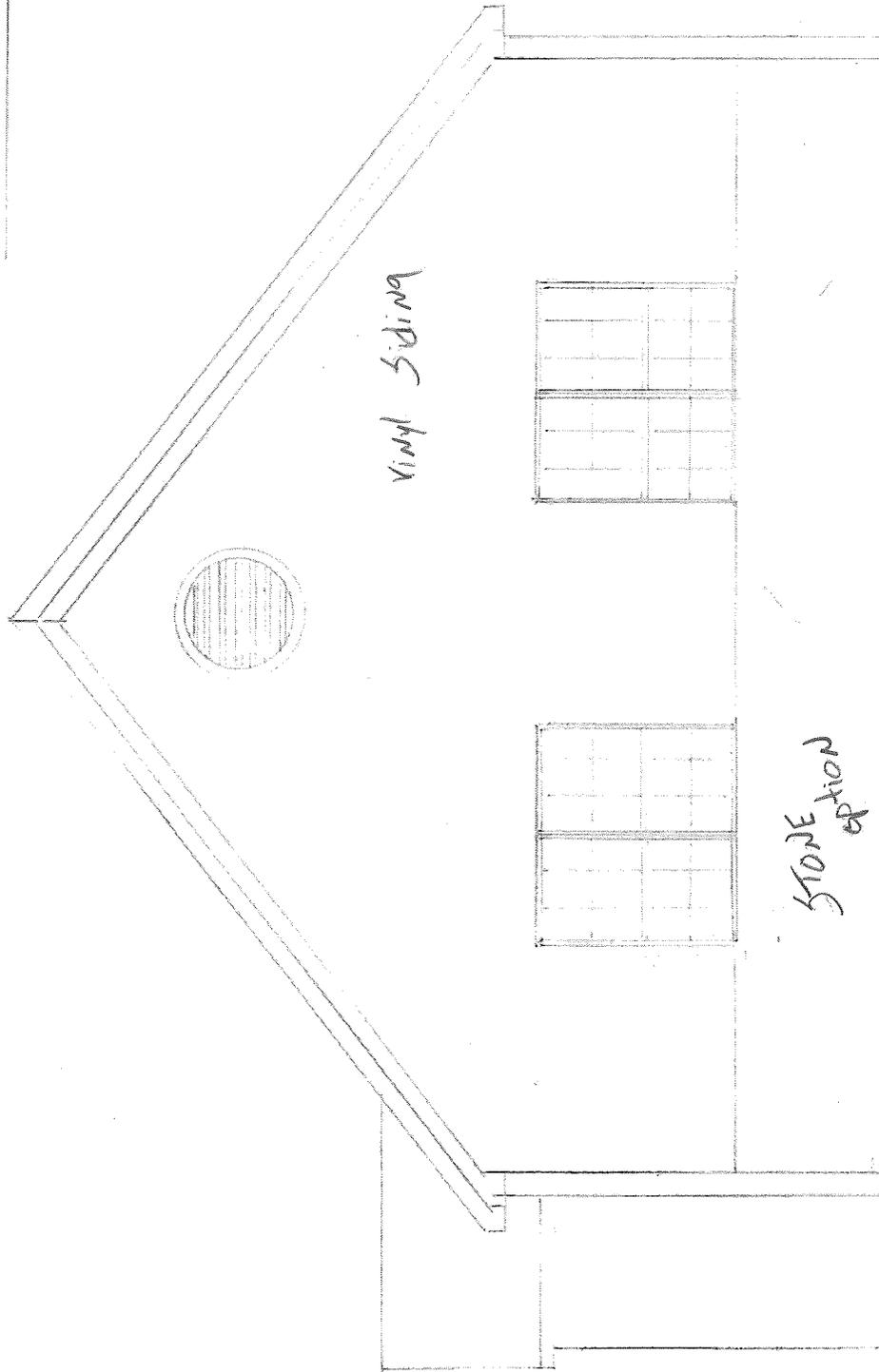


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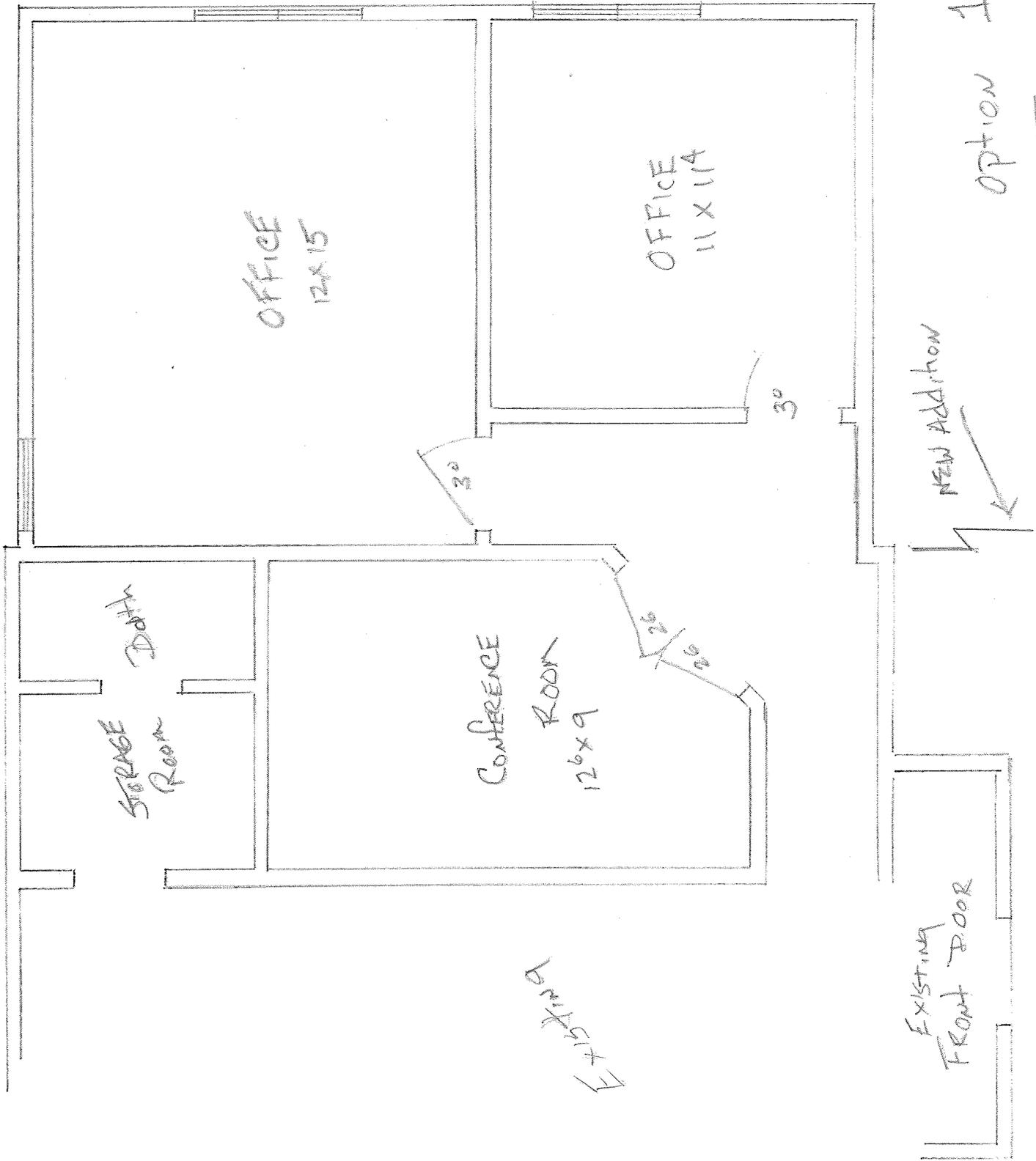
NTS

FRONT ELEVATION



vinyl siding

STONE option



TRIMBLE
INSURANCE AGENCY INC.

39



TRIMBLE
INSURANCE AGENCY INC.

39







PRIMBLE
INSURANCE AGENCY INC.

39







**CITY OF DELAWARE, OHIO
PLANNING & COMMUNITY DEVELOPMENT
MASTER APPLICATION FORM**



Project # _____

Case # 2016-2928

Planning Commission

- | | | |
|--|---|---|
| <input type="checkbox"/> Amended Final Development Plan | <input type="checkbox"/> Final Development Plan Extension | <input type="checkbox"/> Substitution of a Non- Conforming Use |
| <input type="checkbox"/> Amended Final Subdivision Plat | <input type="checkbox"/> Final Subdivision Plat | <input type="checkbox"/> Vacation-Alley |
| <input type="checkbox"/> Amended Preliminary Development Plan | <input type="checkbox"/> Final Subdivision Plat Extension | <input type="checkbox"/> Vacation-Easement |
| <input type="checkbox"/> Amended Preliminary Subdivision Plat | <input type="checkbox"/> Floodplain Permit | <input type="checkbox"/> Vacation-Street |
| <input type="checkbox"/> Annexation Review | <input type="checkbox"/> Lot Split | <u>Board of Zoning Appeals</u> |
| <input type="checkbox"/> Combined Preliminary & Final Development Plan | <input type="checkbox"/> Pre-annexation Agreement | <input type="checkbox"/> Appeal Administrative Decision or Interpretation |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Preliminary Development Plan | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Concept Plan | <input type="checkbox"/> Preliminary Dev Plan Extension | <input type="checkbox"/> Substitution of Equal or Less Non-Conforming Use |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Sub Plat | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Determination of Similar Use | <input type="checkbox"/> Preliminary Sub Plat Extension | |
| <input type="checkbox"/> Development Plan Exemption | <input type="checkbox"/> Rezoning | |
| <input type="checkbox"/> Final Development Plan | <input type="checkbox"/> Subdivision Variance | |

Subdivision/Project Name TRIMBLE Addition Address 39 S. Liberty ST

Acreage 0.314 Square Footage _____ Number of Lots _____ Number of Units _____

Zoning District/Land Use B-3 Proposed Zoning/Land Use _____ Parcel # _____

Applicant Name TRIMBLE INSURANCE Contact Person Greg TRIMBLE 614 cell

Applicant Address 39 S LIBERTY ST DELAWARE OH 43015 206

Phone 740.369.6711 Fax 740.369.1981 E-mail gtrimble@trimbleins.com 41633

Owner Name TWILA TRIMBLE Contact Person Greg TRIMBLE

Owner Address 279 SYLVAN DR DELAWARE OH 43015

Phone 740.369.6711 Fax _____ E-mail gtrimble@trimbleins.com

Engineer/Architect/Attorney ED KREADY Contact Person ED KREADY

Address 2550 MANARD'S LANDING POWELL OH 43065

Phone 614.309.1977 Fax _____ E-mail KREADY.BUILDERS@Gmail.com

The undersigned, do hereby verify the truth and correctness of all facts and information presented with this application and authorize field inspections by City Staff.

Twila Trimble
Owner Signature

Twila Trimble
Owner Printed Name

[Signature]
Agent Signature

Greg TRIMBLE
Agent Printed Name

Sworn to before me and subscribed in my presence this 29th day of September, 2016



DEBRA L. HARRIS
Notary Public, State of Ohio
Notary Stamp
My Comm. Expires Oct. 23, 2020

Debra L Harris
Notary Public