

BOARD OF ZONING APPEALS
MOTION SUMMARY
March 13, 2019

ITEM 1. Roll Call

Chairman Dick called the meeting to order at 6:30 p.m.

Members Present: Beth Fisher, Adam Vaughn, Todd Daughenbaugh, Robert Whitmore, Councilman George Hellinger, Vice-Chairman Paul Junk, and Chairman Matt Dick.

Staff Present: Lance Schultz, Zoning Administrator, Jordan Selmek, Zoning Officer.

ITEM 2. Approval of the Motion Summary of the Board of Zoning Appeals meeting held on November 14, 2018, as recorded and transcribed.

Motion: Vice Chairman Junk moved to approve the Motion Summary for the Board of Zoning Appeals held on November 14, 2018 meeting, seconded by Mr. Daughenbaugh. Motion approved by a 7-0.

Chairman Dick swore in the following participants from the public: Wendy Schiefer; Mickey Thompson; Rebecca Wood-Meek; Paul Rockwell; Rodger Glenn; Randy Broome; Andrew Gardner; Larry Betts; Rebecca Cahill.

ITEM 3. REGULAR BUSINESS

- A. 2019-0252: A request by Kroger Great Lakes Distribution Center for approval of a building height variance for a proposed addition at 2000 Nutter Farms Lane on approximately 162.29 acres and zoned M-2 (General Manufacturing District) with text limitations.

Mr. Schultz discussed the proposed building, shared super-imposed pictures of the building and view from every direction. Kroger is proposing a 129,568 square foot addition, and only 67,071 square feet, or 7.5% would be over 50 feet in height. This addition will just be used for storage. Staff recommends approval. There will be no increase in traffic due to the addition. Kroger is one of the largest employers in Delaware. Kroger is proposing a 7.5% height difference and needs this addition to stay competitive in the market. This case is set to go before the Planning Commission in April.

PUBLIC COMMENTS:

Rodger Glenn
533 Glenn Rd.

Delaware, OH 43015

Mr. Glenn stated that he is the closest neighbor to the Kroger Distribution Center. Kroger has been a great neighbor. They have done everything they have promised to do since they moved in some 17 years ago. He is in agreement with the expansion.

Randy Broome
Georgia

Mr. Broome is with the design build firm. He held a meeting with the neighbors, which went very well. There was no negative comments or disagreement with the expansion. He has submitted to the FAA and has received approval.

Motion: Ms. Fisher moved to approve 2019-0252, along with all staff conditions, finding beyond a reasonable doubt that the decision factor necessary for approval of a variance according to Chapter 1128 of the Planning and Zoning Commission are met, with the staff conditions as noted. Seconded by Vice Chairman Junk. Motion approved by a 7-0 vote.

- B. 2019-0253: A request by Angel's Hands LLC for approval of a Conditional Use Request for a major home occupation at 152 Wilder Street on approximately 3.86 acres on property zoned R-3 (One Family Residential District).

Mr. Selmek discussed the proposal, an animal training business, located on Wilder St., which is a residential neighborhood. This is the largest property in the neighborhood. The property is fenced in and has a shed, which will be used for training during inclement weather. There will be no exterior changes to the land or building. The residential character of the neighborhood will be maintained. There will be no more than three dogs being trained at a time. Mr. Selmek stated that residents of Delaware are allowed to own three dogs, and that they used that as a guideline/recommendation for Ms. Schiefer to follow when booking appointments. Staff recommends approval with 10 conditions.

PUBLIC COMMENTS:

Larry Betts
10 Smith St.
Delaware, OH 43015

Mr. Betts stated that this area is zoned for houses and not small businesses. He is okay with dogs as long as they are fenced in and there is no incessant barking. Mr. Betts confirmed with the Board that this area will stay zoned as residential.

Staff explained that this is a Conditional Use Request and if Ms. Schiefer moved, the permit will be void.

Wendy Schiefer
152 Wilder St.
Delaware, OH 43015

Ms. Schiefer is the applicant. She answered the questions of the board. She stated the property is completely fenced in. The fence will stay as it is. There will be no dogs running free and the business will be run by appointment only. There will be no groups larger than three dogs and three humans. Ms. Schiefer does own three dogs of her own. She performs positive reinforcement training. Up until this time, she has performed her training at the owner's homes. Ms. Schiefer stated that if a dog was anxious or noisy, she would move her class into the building in an effort to keep the noise down.

Rebecca Cahill
137 Chamberlain St.
Delaware, OH 43015

Ms. Cahill owns five properties and one of her properties abuts this proposed property. She has no concerns with this proposal at all.

Motion: Mr. Vaughn moved to approve 2019-0253, along with all staff conditions, finding beyond a reasonable doubt that the decision factor necessary for approval of a variance according to Chapter 1128 of the Planning and Zoning Commission are met, with the staff conditions as noted. Seconded by Ms. Fisher. Motion approved by a 7-0 vote.

- C. 2019-0256: A request by The Rockwell Company for approval of variance to Chapter 1149.01 Temporary Uses to allow multiple mobile food vendors for more than 45 calendar days per year at the Food Truck Depot at 59 Potter Street on approximately 1.066 acres and zoned R-4 (General Business District).

Mr. Schultz provided a staff report that included the property location and plan. This property is zoned B-4, but there is not any zoning on the north, west, or south side because those areas are owned by the railroad. The building is currently vacant and will be renovated into a restaurant and bar by the owner. The owner is also requesting a food truck parking area. The owner would like multiple food trucks with many varieties of food throughout the year. At this time, a food vendor requires a permit every 45 days. With this request, the food vendors will not need to do this. The owner has allocated approximately 140 feet of area for food trucks and expects to be able to accommodate approximately six trucks at one time. Staff recommends approval with two conditions.

PUBLIC COMMENTS:

Paul Rockwell

Delaware, OH 43015

Mr. Rockwell shared his plans for the site and answered questions from the board. There is a kitchen inside of the building that is about the size of a food truck. The plan is to have food trucks there seven days per week for breakfast, lunch, and dinner and will be closed on holidays. The food trucks will be fully contained. He is planning to open on June 1, 2019. The building can seat 90 inside and will sell beer, wine and liquor. Mr. Rockwell will keep a file on each food truck that parks in his lot to make sure they are up to date with all requirements. The existing chain link fence will be removed. Mr. Rockwell will be planting trees to make it a family-friendly park-like setting. He is planning live music and entertainment.

Motion: Mr. Daughenbaugh moved to approve 2019-0256, along with all staff conditions, finding beyond a reasonable doubt that the decision factor necessary for approval of a variance according to Chapter 1128 of the Planning and Zoning Commission are met, with the staff conditions as noted. Seconded by Mr. Vaughn. Motion approved by a 7-0 vote.

ITEM 4. BOARD MEMBER COMMENTS AND DISCUSSION

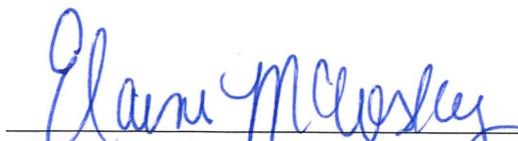
ITEM 5. NEXT REGULAR MEETING: April 10, 2019.

ITEM 6. ADJOURNMENT

Motion: Vice-Chairman moved to adjourn the Board of Zoning Appeals meeting, seconded by Chairman Dick. The Board of Zoning Appeals meeting adjourned at 7:32 p.m.



Matt Dick, Chairman



Elaine McCloskey, Clerk