

**CITY OF DELAWARE  
BOARD OF ZONING APPEALS  
AGENDA**

**CITY COUNCIL CHAMBERS  
1 S. SANDUSKY ST.  
6:30 P.M.**

REGULAR MEETING

April 10, 2019

1. ROLL CALL
2. APPROVAL of the Motion Summary of the Board of Zoning Appeals meeting held on March 13, 2019, as recorded and transcribed.
3. REGULAR BUSINESS
  - A. 2019-0411: A request by Manos Properties for approval of a parking setback variance for The Wesleyan Inn at 235 West William Street on approximately 0.72 acres and zoned PO/I (Planned Office/Institutional).
4. BOARD MEMBER COMMENTS AND DISCUSSION
5. NEXT REGULAR MEETING: May 8, 2019
6. ADJOURNMENT

**BOARD OF ZONING APPEALS  
MOTION SUMMARY  
March 13, 2019**

ITEM 1. Roll Call

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

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Matt Dick, Chairman

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Elaine McCloskey, Clerk

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**APPLICANT/OWNER**

Manos Properties  
235 West William Street  
Delaware, Ohio 43015

**REQUEST**

2019-0411: A request by Manos Properties for approval of a parking setback variance for The Wesleyan Inn at 235 West William Street on approximately 0.72 acres and zoned PO/I (Planned Office/Institutional).

**PROPERTY LOCATION & DESCRIPTION**

The subject 0.72 acre property is located at 235 West William Street which is on the south side of the street. The property at 235 West William Street is zoned PO/I (Planned Office/Institutional District). The properties to the north are zoned R-3 (One-Family Residential District), the property to the south is zoned PO/I, the property to the east is zoned PO/I and the property to the west is zoned R-3 and the property to the west is zoned R-3 and it is owned by the applicant.

**BACKGROUND**

The owner purchased the former Ohio Wesleyan dormitory house in 2017 and is proposing to renovate and expand the former dormitory into a three-story 43 room Inn (7 suites) which encompasses approximately 14,407 total square feet on a building footprint of only 5,223 square feet. Two access points from West Central Street would access and encircle the proposed Inn with 43 parking spaces. The developer owns the single family house at 239 West William Street and the house would be demolished and converted into a park like setting that would be heavily landscaped with a 6 foot high wood fence located on the western property line serving as an additional buffer to the adjacent residential homes to the west and south.

In November 2018, City Council approved a Conditional Use Permit and Preliminary Development Plan for the Wesleyan Inn. The Final Development Plan was approved by Planning Commission on April 3, 2019 and would be in front of City Council for likely approval in April 2019.

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**STAFF ANALYSIS**

- **PARKING SETBACK VARIANCE:** The PO/I zoning district requires a 10 foot parking setback when adjoining a residential district and 5 foot parking setback when adjoining a non-residential district while the owner is proposing a less than 1 foot parking setback along the western property line (approximately 151 linear feet) adjacent to a residential district and a less than 1 foot parking setback along the eastern property line (approximately 41 linear feet) adjacent to a non-residential zoning district.
- **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 Office (O) and Planned Office/Institutional (PO/I) Districts 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 the development of office and institutional complexes while maintaining an office environment by considering the arrangement of buildings, parking areas and landscaping.
- (b) To provide a compatible and effective transition between commercial/industrial and residential areas.
- (c) To provide Planned Office/Institutional Districts (PO/I) for the orderly development of office and institutional complexes with careful consideration of their unique needs and demands for mixed-use arrangements, parking and accessibility.

- (d) To provide Office Districts (O) for the development of offices and to permit a limited number of conditional uses to maintain an office environment and enhance the marketability of office projects.

*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 developer owns the residential property to the west and is proposing to raze the existing house and convert it into a park like setting that would be heavily landscaped with a 6 foot high wood fence located on the western property line serving as an additional buffer to the adjacent residential homes to the west and south. The property to the east is Ohio Wesleyan Campus and only approximately 41 linear feet of the parking lot/access drive is located within the 5 foot parking setback. This area of campus has a vacant building and the proposed parking lot intrusion would have minimal if any impact to the campus in this area.*

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.

*There are no special conditions and circumstances existing with the subject property in general except for the developer owns the property to the west.*

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 original building at 235 West William Street was constructed in 1880 by Ohio Wesleyan University professor Hiram Perkins. This building has been vacant for year suffered significant neglect and would be prohibitively expensive to return to a residential use.*

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 parking setback requirements in the PO/I zoning district, the character of the neighborhood would not likely be "substantially altered" because the subject use is permitted per code and the site design and architecture of the Inn is compatible to the adjacent uses. In addition, the owner is proposing to install a park like setting on the property to the west and to the east is the Ohio Wesleyan Campus.*

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.

*The owner met with staff prior to purchasing the dormitory and made revisions to their plans to minimize the extent of their additions to limit the variance request.*

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 could consolidate the property to west with the subject property and a variance would not be required along the western property line.*

9. Whether there is evidence of Variances granted under similar circumstances.

*Staff cannot recall approving a parking setback variance for such use in a similar location.*

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 for PO/I use(s) and will continue to be used as such with or without approval of this Variance. As a result, a Variance is not likely 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 an impact on any of the aforementioned issues.*

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

Staff would recommend approval of the subject variance for the following reasons: 1.) The developer owns the residential property to the west and is proposing to raze the existing house and convert it into a park like setting that would be heavily landscaped with a 6 foot high wood fence located on the western property line serving as an additional buffer to the adjacent residential homes to the west and south; 2.) The property to the east is Ohio Wesleyan Campus and only approximately 41 linear feet of the parking lot/access drive is located within the 5 foot parking setback of the vast campus area; 3.) The parking setback variances would have minimal if any impact on the adjacent lots because they are owned by the developer and Ohio Wesleyan respectively.

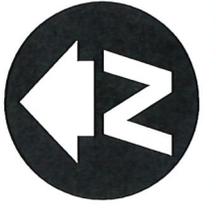
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### STAFF RECOMMENDATION – VARIANCE (2019-0411)

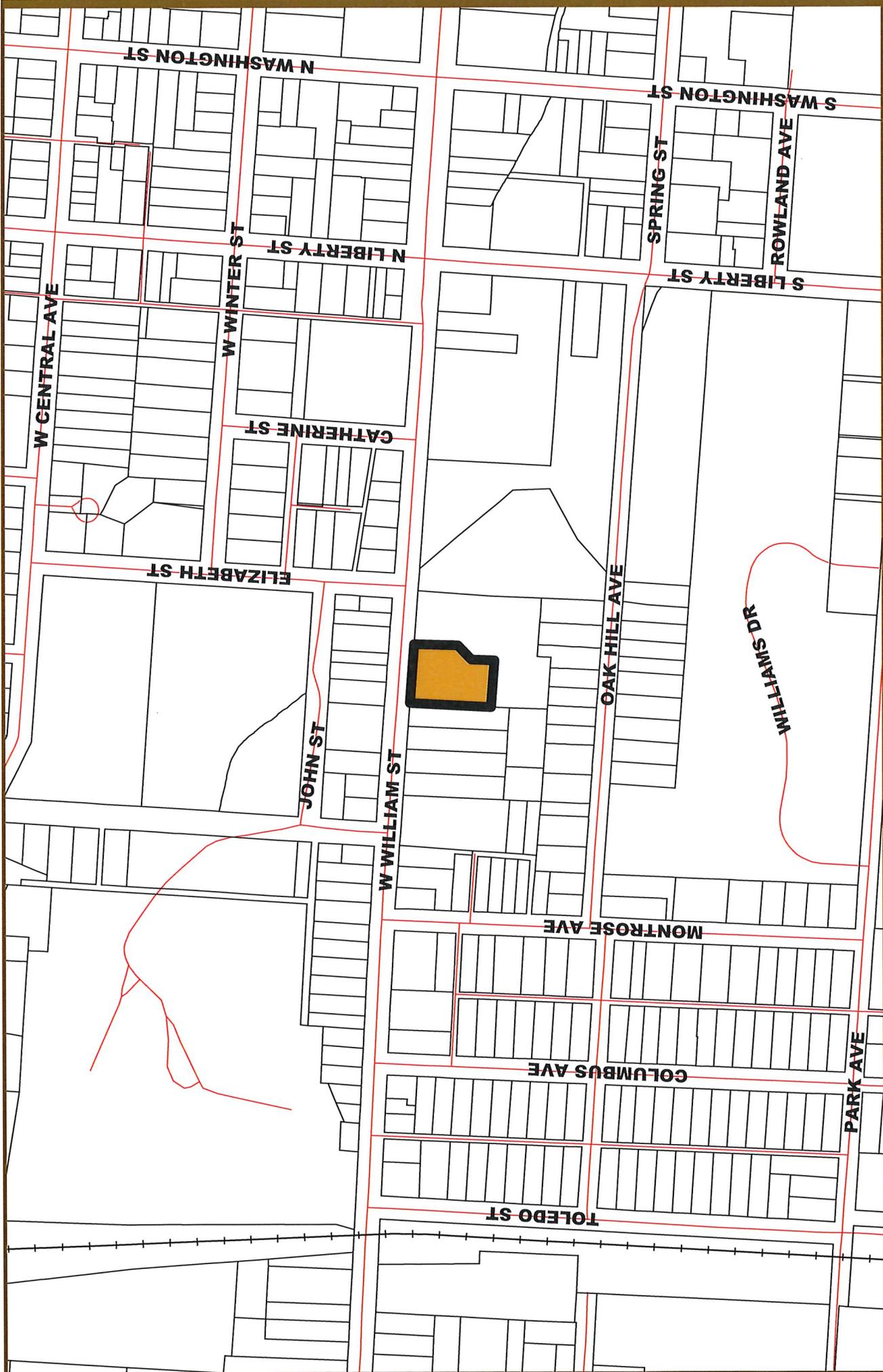
Staff recommends approval of a request by Manos Properties for a parking setback variance for The Wesleyan Inn at 235 West William Street on approximately 0.72 acres and zoned PO/I (Planned Office/Institutional) with the following condition that:

1. The proposed eastern and western parking setbacks are for the areas only identified on the submitted plan.





2019-0411  
Setback Variance  
Wesleyan Inn - 235 West William Street  
Location Map





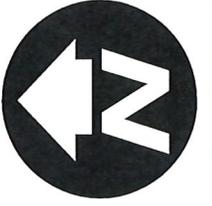
2019-0408  
Setback Variance  
Wesleyan Inn - 235 West William Street  
Zoning Map





ELIZABETH ST

W WILLIAM ST



2019-0408  
Setback Variance  
Wesleyan Inn - 235 West William Street  
Aerial (2016) Map





1128.09. - Variances.

The Board of Zoning Appeals may authorize in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulty.

(a) Application. An application for a variance shall be filed with the Director of Planning and Community Development for review by the Board of Zoning Appeals upon the forms provided, and shall be accompanied by the following requirements necessary to convey the reason for the requested variance:

- (1) Name, address and phone number of applicants(s);
- (2) Proof of ownership, legal interest or written authority;
- (3) Legal description of property;
- (4) Description or nature of variance requested;

[The PO\I zoning district requires a 5' parking setback when adjoining non-residential districts and 10' parking setback when adjoining residential districts. The setbacks for the PO\I zoned portion of this site is 5' along the eastern and southern property lines and 10' from the western property line. The variance requested consists of three small encroachments of the 5' parking setback on the eastern side of the property and two encroachments on the western side of the property.]

- (5) Narrative statements establishing and substantiating the justification for the variance pursuant to subsection (c) below;
  - (6) Development plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance; and
  - (7) The application fee, as set forth in the schedule of fees adopted by Council.
- (b) Review for Completeness. Upon receipt of a written request for a variance, the Director of Planning and Community Development shall make a preliminary determination whether such application provides the information necessary for review and evaluation. If it is determined that such application does not provide the information necessary for such review and evaluation, the Director of Planning and Community Development shall within ten (10) days so advise the applicant of the deficiencies and shall not further process the application until the deficiencies are corrected.
- (c) Review by the Board. According to the procedures established for appeals in Sections 1128.03 and 1128.04, the Board shall hold a public hearing and give notice of the same. The Board shall review each application for a variance to determine if it complies with the purpose and intent of this Ordinance and evidence demonstrates that the literal enforcement of this Ordinance will result in practical difficulty. The existence of nonconforming uses, lands, structures or buildings in other districts shall not be grounds for issuance of a variance.
- (1) Area Variance. The following factors shall be considered and weighed by the Board to determine practical difficulty:
    - A. 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 the intent of the Planned Office\Institutional (PO\I) District as outlined in Section 1141.01 states:

Office (O) and Planned Office/Institutional (PO/I) Districts 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 the development of office and institutional complexes while maintaining an office environment by considering the arrangement of buildings, parking areas and landscaping.
- (b) To provide a compatible and effective transition between commercial/industrial and residential areas.
- (c) To provide Planned Office/Institutional Districts (PO/I) for the orderly development of office and institutional complexes with careful consideration of their unique needs and demands for mixed-use arrangements, parking and accessibility.
- (d) To provide Office Districts (O) for the development of offices and to permit a limited number of conditional uses to maintain an office environment and enhance the marketability of office projects.

Approval of the Variance is not in accordance with the purpose and intent of the Ordinance but would not be considered detrimental to the public welfare. The property directly east of this property is the Ohio Wesleyan Campus (specifically the Student Observatory building) and will not be adversely affected by the parking setback encroachments along the eastern property line. The existing grading of the OWU property relative to this site and the existing pavement on the OWU campus adjacent to this site diminish the impact of these encroachments.

The property directly west of this property is 239 West William Street (which is owned by the developer). The existing house on 239 West William is to be removed and the entire property is proposed to be fully landscaped to provide adequate screening and will act as a 61' wide buffer between the parking lot and the neighboring residential property. The actual impact of the parking lot setbacks would likely not be detrimental to the public welfare of the neighborhood due to the mitigation methods that this project is using to address any issues.

- B. 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.

This site has special conditions which are not typical in similarly zoned properties. The intent of the project is to preserve the Hiram Perkins House which is located on the 235 West William Street property. The existing house foundation is located 39.83' from the western property line of the site. In addition, the house sits approximately 11' higher than the adjacent roadway of West William Street. The City has requested full fire and safety access to the building which requires an 18' wide aisle. The preservation of the existing building constrains the ability to meet the requested safety requirements. To meet the City's parking lot design standards the minimum distance required for parking spaces, 18' aisle and curbs is 38'. In order to provide a buffer between the existing building foundation and the drive aisle we have designed the site within the property of 235 West William Street with the minimum parking setbacks as shown on our exhibit.

- C. 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 original building on 235 West William was constructed in 1880 by Ohio Wesleyan University professor Hiram Perkins. This building has suffered from years of neglect and would be prohibitively expensive to return to residential use.

- D. 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.

This property acts as a transition between the Ohio Wesleyan University property and the adjacent residential properties. This development will provide for a park-like buffer that will provide a subtler transition of use than what currently exists. The variance requested will not be detrimental to the overall character of the neighborhood due to the large buffer and landscaped areas that will be constructed on 239 West William Street.

- E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup.

The delivery of governmental services, particularly emergency services will not be impacted with the approval of this variance. Emergency services will be improved due to the ability for services to access the site from West William Street and the Ohio Wesleyan campus. Currently access is only available through the campus.

- F. 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.

The property owner purchased the property with the knowledge of the zoning restrictions. The owner has attempted to address all applicable zoning requirements. This design meets all applicable City of Delaware Zoning and Engineering requirements except for the requested variance. The owner has tried to address this variance by providing design elements that will provide significantly better screening of the parking lot than simply reducing the encroachment would provide.

- G. Whether special conditions or circumstances exist as a result of actions of the owner.

It is unlikely any special conditions or circumstances occurred due to actions of the owner.

- H. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

The owner had attempted to rezone the properties at 235 and 239 West William to allow for more flexibility to the design, but it was turned down. The owner has also considered a design that provided parking under the new portion of the building but that would have increased the height of the addition such that it would have affected the visual appearance of the development.

In order to accommodate the project on the 235 West William Street property while maintaining the existing Perkins House the owner has prepared a design that meets all the applicable City code requirements except for what is being requested. The encroachments could be reduced (or potentially eliminated), if the site reduced the aisle widths and parking space lengths. City of Delaware Development Department and Engineering Department staff have stated that they are not in favor of reducing these widths because they provide emergency services sufficient access to all points on the property.

- I. Whether there is evidence of variances granted under similar circumstances.
  
- J. 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 site is currently zoned PO/I (235 West William Street) and R-3 (239 West William Street). Since the site has been split off the Ohio Wesleyan University property it needs to provide for access from the public street (West William Street) as opposed to the current access from University property. Therefore, any development of the 235 West William site will require the construction of access drives and off-street parking. The current design meets all other requirements for number of parking spaces, size of parking spaces, aisle widths, emergency services access, etc.. and the proposed variance represents the minimum variance required to accommodate the project.

- K. 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 property at 235 West William Street has been part of the Ohio Wesleyan campus for a significant time and the removal of the house at 239 West William Street and the creation of a park-like buffer in it's place represents an improvement over the current conditions.

- L. 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.

- (2) Use Variance. In order to grant a use variance, the Board of Zoning Appeals shall determine that strict compliance with the terms of this Ordinance will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:
  - A. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located.
  - B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found elsewhere in the same zone or district.
  - C. The hardship condition is not created by actions of the applicant.
  - D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents.
  - E. The granting of the variance will not adversely affect the public health, safety or general welfare.
  - F. The variance will be consistent with the general spirit and intent of the Ordinance.
  - G. The variance sought is the minimum that will afford relief to the applicant.

- (d) Requests for Additional Information. The Board of Zoning Appeals may request that the applicant supply additional information that the Board deems necessary to review and evaluate the request for a variance.
- (e) Supplemental Conditions and Safeguards. The Board may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation of this Ordinance.
- (f) Action by the Board. The Board shall either approve, approve with supplementary conditions as specified in subsection (e) above, or disapprove the request for a variance according to the procedures established for appeals in Sections 1128.05 through 1128.07.
- (g) Term and Extension of Variance. Variances shall be nonassignable and shall expire one (1) year from the date of their enactment, unless prior thereto, the applicant commences actual construction in accordance with the granted variance or an extension of time has been granted by the Board of Zoning Appeals. There shall be no modification of variances except by further consideration of the Board. Once the time limit pursuant to this Section has expired, a request for a variance shall be considered to be a new application for a variance and shall meet all requirements for application and review pursuant to this Section.

(Ord. 01-79. Passed 8-13-01)



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

EST 1808  
CITY OF  
**DELAWARE**  
OHIO

Project # \_\_\_\_\_

Case # 2019-0411 - BZA  
VARIANCE  
\$300

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                        | <b>Board of Zoning Appeals</b>  |
| <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 checked="" type="checkbox"/> Final Development Plan             | <input type="checkbox"/> Subdivision Variance             |   |

Subdivision/Project Name Wesleyan Inn Address 235 W William St Delaware OH 43015

Acreage 0.724 Square Footage 31527 Number of Lots 1 Number of Units 1

Zoning District/Land Use POI Proposed Zoning/Land Use POI Parcel # 519-433-04-039-002

Applicant Name Jim Manos Contact Person \_\_\_\_\_

Applicant Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail jmanos@att.net

Owner Name Manos Properties Contact Person Jim Manos

Owner Address 235 W William St Delaware OH 43015

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail jmanos6@att.net

Engineer/Architect/Attorney Christopher Tebbe Contact Person \_\_\_\_\_

Address \_\_\_\_\_

Phone 614-704-10457 Fax \_\_\_\_\_ E-mail Chris@tebbecivil.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.

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Owner Printed Name

\_\_\_\_\_  
Agent Signature

\_\_\_\_\_  
Agent Printed Name

Sworn to before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Stamp

\_\_\_\_\_  
Notary Public

