

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

REGULAR MEETING

FEBRUARY 11, 2015

1. ROLL CALL
2. APPROVAL of the Motion Summary of the Board of Zoning Appeals meeting held on November 12, 2014, as recorded and transcribed.
3. REGULAR BUSINESS
  - A. 2015-0113: A request by Delaware City Schools for approval of a variance to Schedule 1148.04 Lot Requirements for Conditional Uses in All Districts for minimum building setbacks for Delaware Hayes High School on approximately 29.4 acres zoned R-3 (One-Family Residential District) and located at 289 Euclid Avenue.
4. BOARD MEMBER COMMENTS AND DISCUSSION
5. NEXT REGULAR MEETING: March 11, 2015
6. ADJOURNMENT

**BOARD OF ZONING APPEALS**  
**November 12, 2014**  
**MOTION SUMMARY**

ITEM 1. Roll Call

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

Members Present: Robert Badger, Adam Vaughn, Holly Quaine, Councilman Joe DiGenova, Vice-Chairman Paul Junk and Chairman Matt Dick.  
Quaine

Staff Present: Lance Schultz, Zoning Administrator

ITEM 2. Approval of the Motion Summary of the Board of Zoning Appeals meeting held on August 13, 2014, as recorded and transcribed.

**Motion:** Mr. Badger moved to approve the Motion Summary for the August 13, 2014 meeting, seconded by Vice-Chairman Vaughn. Motion approved by a 5-0-1 (Quaine) vote.

ITEM 3. REGULAR BUSINESS

(A) 2014-2254: A request by Ohio Wesleyan University for approval of a variance to Chapter 1165.06 Signs in Non-Residential Districts to allow projecting banner signs for the Ross Art Museum at 60 South Sandusky Street.

Chairman Dick swore in the following individuals for public comment:

Justin Kronewetter, 238 W. Lincoln Avenue, Delaware Ohio, Director of the Ross Art Museum

Mr. Schultz provided information on the request by the applicant regarding the proposed signage. Mr. Schultz reviewed the three conditions recommended for approval.

**APPLICANT:**

Justin Kronewetter, 238 W. Lincoln Avenue, Delaware Ohio, Director of the Ross Art Museum

Mr. Kronewetter provided a history of the building and their request for signage to become more visible and become a resource for the local community. Mr. Kronewetter informed the Board that the university has a contract with Columbus Sign Company.

Mr. DiGenova reviewed the three conditions with Mr. Kronewetter, who voiced his agreement with the conditions and recommendations.

**Motion:** Councilman DiGenova moved to approve 2014-2254, finding beyond a reasonable doubt that the decision factors necessary for approval of a Variance according to Chapter 1128 of the Planning and Zoning Code are met, including all staff recommendations, seconded by Mr. Badger. Motion approved by a 6-0 vote.

ITEM 4. BOARD MEMBER COMMENTS AND DISCUSSION

ITEM 5. NEXT REGULAR MEETING: December 10, 2014

ITEM 6. ADJOURNMENT

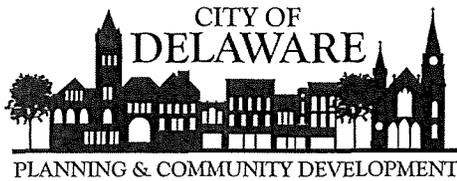
**Motion:** Vice-Chairman Junk moved to adjourn the Board of Zoning Appeals meeting, seconded by Ms. Quaine. Meeting was adjourned at 7:13 p.m.

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Matt Dick, Chairman

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Elaine McCloskey, Clerk



## BOARD OF ZONING APPEALS / STAFF REPORT

CASE NUMBERS: 2015-0113

REQUEST: Variance

PROJECT: Delaware Hayes High School

MEETING DATE: February 11, 2015

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### APPLICANT/OWNER

Fanning Howey  
4930 Bradenton Avenue  
Dublin, Ohio 43017

Delaware City Schools  
621 Pennsylvania Avenue  
Delaware, Ohio 43015

### REQUEST

2015-0113: A request by Delaware City Schools for approval of a variance to Schedule 1148.04 Lot Requirements for Conditional Uses in All Districts for minimum building setbacks for Delaware Hayes High School on approximately 29.4 acres zoned R-3 (One-Family Residential District) and located at 289 Euclid Avenue.

### PROPERTY LOCATION & DESCRIPTION

The 29.4 acre Delaware Hayes High School campus encompasses two parcels with a northern boundary of Hayes Drive and Pennsylvania Avenue, a southern boundary of a residential subdivision, an eastern boundary of Euclid Avenue and a western boundary of the railroad tracks. The campus properties are zoned R-3 (One-Family Residential District) while the properties to the north are zoned R-3 and R-6 (Multi-Family Residential District), the properties to the east and south are zoned R-3 and the properties to the west area zoned R-3, R-6 and B-3 (Community Business District).

### BACKGROUND

In June 2014, City Council approved a Conditional Use Permit (Ordinance 14-52) and a Combined Preliminary and Final Development Plan (Ordinance 14-53) for athletic fields and parking lot site improvements in Phase 1 of 2 of their overall construction plans to Delaware Hayes High School. Now in Phase 2, the School is proposing building expansions and converting the tennis court into a parking lot. In this phase there would be two separate expansions built concurrently. A two story academic wing would be added to the northeast corner of the main building while a single story performing arts section would be added to the north of the main building. The existing eight tennis courts would be converted to a 160 space parking lot.

On February 4, 2015, the Planning Commission approved a Combined Preliminary and Final Development Plan for the building expansion and new parking lot and City Council will review the case on February 9 and 23, 2015 respectively.

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### STAFF ANALYSIS

#### • PROPOSED VARIANCES:

- **BUILDING EXPANSION – FRONT AND SIDE YARD SETBACKS:** Chapter 1148.04 Lot Requirements for Conditional Uses in All Districts indicates a 40 foot front, rear and side yard building setback is required for the building expansion.
  - The portion of the Academic Wing Expansion that fronts Hayes Drive would protrude 20 feet into the required 40 foot building setback.
- **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 R-3 Ordinance is outlined in Section 1143.01 states:*

- a) To encourage the design and development of non-residential uses in a manner which enhances the City's image through the application of urban design and architectural principles, high-quality construction techniques and the provision of aesthetic amenities.

- b) To give the City the ability to permit a broad range of non-residential uses in a manner that ensures that such uses are compatible with the surrounding environment, specifically residential uses.
- c) To prevent the broad application of rezoning from either Residential Districts to Office and/or Business Districts, or Office Districts to Business Districts which may result in unacceptable impacts to surrounding uses.
- d) To ensure that the review of non-residential development exceeds the level of review required for Office or Business Districts by requiring comprehensive and overall development plan review and approval according to the conditional use and development plan review procedures of Chapter 1129.

*The variance request would achieve compliance with the purpose and intent of the zoning code with Conditional Use Permit and Combined Preliminary and Final Development Plan approval and could be considered minimal and would not likely be detrimental to the public welfare for the following reasons: 1. The owner is being sensitive to the existing environment by preserving the several existing dedicated trees and a detention basin along the Euclid Avenue and Hayes Drive intersection which made the building configuration protrude 20 feet into the front yard setback along Hayes Drive; 2. The building façade facing Hayes Drive is 670 feet long with only the 104 foot new addition (16%) protruding into the 40 foot setback while the majority of the façade is setback more than 75 feet; 3). The band practice area will be moved from the current corner area of Hayes Drive and Euclid Avenue where the new addition is planned to the stadium area after the new synthetic turf is installed on or before June 15, 2015. Neighbors have complained about the band practice noise in this area in the past so allowing the expansion in this area would alleviate one disruptive issue and better buffer the neighbors from this particular school activity.*

- 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 or circumstances that are unique to this property except for the School is preserving existing dedicated trees and a detention basin where the school expansion could be built on without obtaining a variance. In addition, it is the only public high school in the City and with the anticipated future growth of the student population the site must accommodate more students at this location.*

- 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 school was constructed in 1962 per the County Auditor with renovations in 1993 and will continue to be used as such with or without approval of this Variance. The school has been a good neighbor and the expansion would solidify their investment and commitment to the neighborhood.*

- 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 building expansion is not compliant with the front yard setback requirements, the character of the neighborhood would not likely be "substantially altered" nor would the "adjoining properties likely suffer substantial detriment" as a result of the Variance because the building has been at this location since 1962 with renovations in 1993. The Western Hills Number 1 subdivision, located across Hayes Drive from the expansion, was approved in 1960 with the three houses immediately across the street from the expansion built in 1962. Actually with the band practice area being moved from the current corner area of Hayes Drive and Euclid Avenue where the new addition is planned to the stadium area after the new synthetic turf is installed on or before June 15, 2015 would likely alter the neighborhood in a positive manner by alleviating one disruptive issue and better buffer the neighbors from this particular school activity.*

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 knew of the setback requirements when the expansion was discussed with staff during the review and submittal process of the subject property.*
7. Whether special conditions or circumstances exist as a result of actions of the owner.  
*The owner has owned the property for several years and it is not likely that 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 would not likely be able to construct a smaller addition because the site is limited to accommodate the 2023 projected school enrollment.*
9. Whether there is evidence of Variances granted under similar circumstances.  
*The BZA approved setback variances for a church and nursing home facility to accommodate expansion in the last 5 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 for a school with conditional use permit approval and 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 a school since 1962.*
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 supports the proposed variance request for the following reasons: 1. The owner is being sensitive to the existing environment by preserving the several existing dedicated trees and a detention basin along the Euclid Avenue and Hayes Drive intersection which made the building configuration protrude 20 feet into the front yard setback along Hayes Drive; 2. The building façade facing Hayes Drive is 670 feet long with the 104 foot new addition (16%) protruding into the 40 foot setback while the majority of the façade is setback more than 75 feet; 3). The band practice area will be moved from the current corner area of Hayes Drive and Euclid Avenue where the new addition is planned to the stadium area after the new synthetic turf is installed on or before June 15, 2015. Neighbors have complained about the band practice noise in this area in the past so allowing the expansion in this area would alleviate one disruptive issue and better buffer the neighbors from this particular school activity; 4. The Western Hills subdivision, located across the Hayes Drive from the expansion, was approved in 1960 with the three houses immediately across the street from the expansion built in 1962 while the school was constructed in 1962 indicating the subdivision and school co-existed since the beginning.

**STAFF RECOMMENDATION – VARIANCE (2015-0113)**

Staff recommends approval of a request by Delaware City Schools for approval of a variance to Schedule 1148.04 Lot Requirements for Conditional Uses in All Districts for minimum building setbacks for Delaware Hayes High School on approximately 29.4 acres zoned R-3 (One-Family Residential District) and located at 289 Euclid Avenue.



**REVISED:**

DELAWARE CITY SCHOOLS  
February 11, 2015 Meeting of BZA

**Variance Request for a Set Back (See Drawing Attached)**

A variance is being requested to reduce the building setback for a portion of the New Academic Addition at Hayes High School facing Hayes Drive on the North. The request is unique to the size and configuration of the buildings and property at the northeast corner of the site, as well as the presence of several existing trees in this area which have been planted in dedication of members of the community.

The request is to reduce the building setback from 40 feet to 20 feet for approximately 104 feet of the proposed Academic Addition. The balance of the Academic Addition would comply with the setback requirements. To comply with City of Delaware storm water management requirements relative the new impervious roof area of the addition, a retention area is being developed near the intersection of Euclid Avenue and Hayes Drive. In order to not disturb the root systems and preserve several existing dedicated trees in the area, the Academic Addition is set back 75 feet off Euclid Avenue. For this reason a portion of the addition is set only 20 feet off Hayes Drive. It is believed that using this opportunity to comply with Engineering requirements in a way which creates a signature space, by maintaining these dedicated trees, important features of the community can be preserved and enhanced.

This variance is not affected by the proposed Performing Arts Addition to the west. The existing Performing Arts area is set back approximately 95 feet from Hayes drive, the addition would be 75 feet from Hayes Drive, well within the setback requirement.

Please note that of the 670 feet of building façade facing Hayes Drive, the average setback is just less than 100 feet. This variance request is for only 104 feet, or 16%, of this façade.

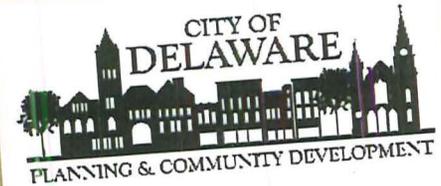
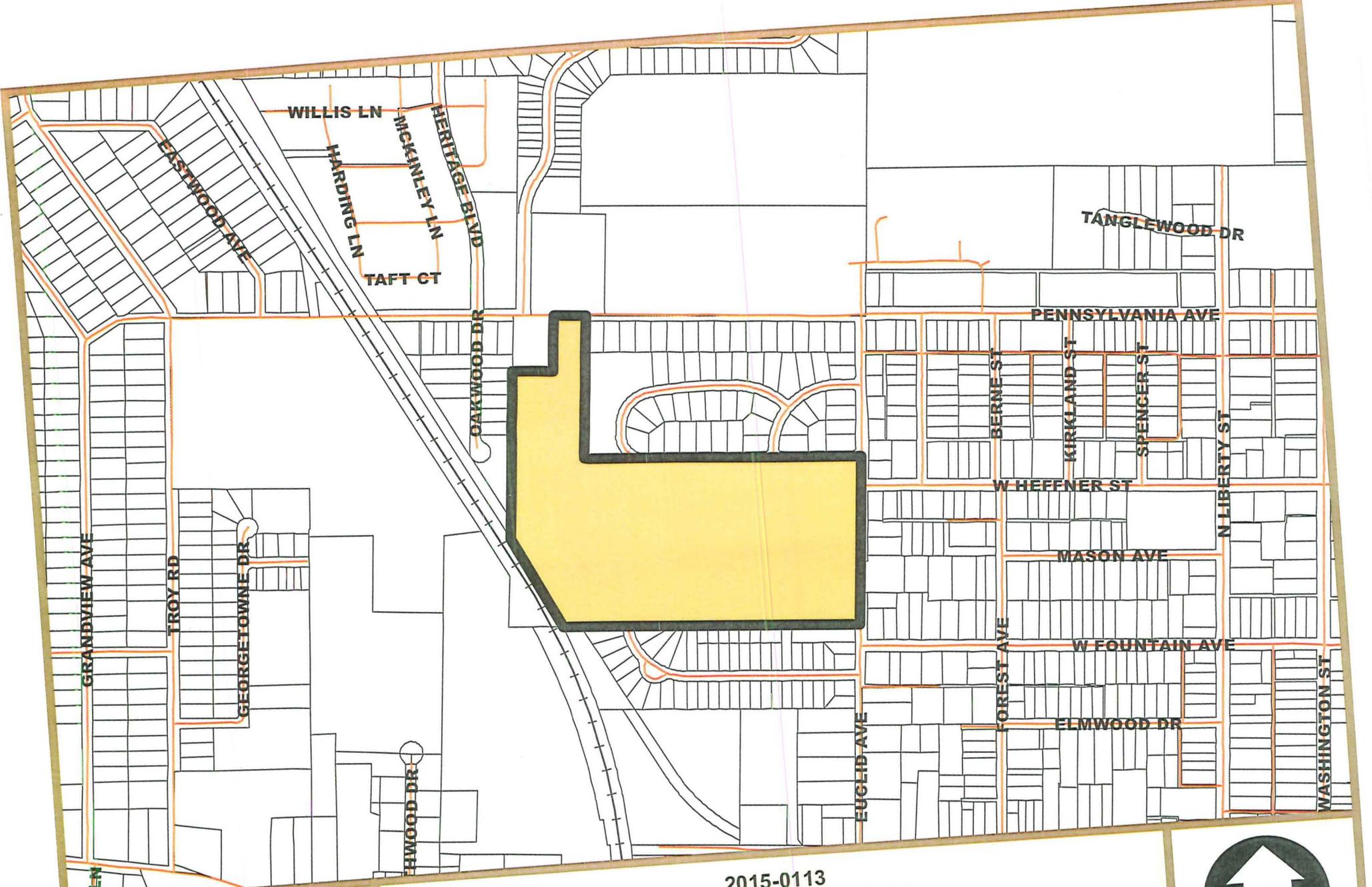
Please note that with this educational wing addition on the North side of Hayes HS as offered, along with the increased areas to be renovated within the current walls of Hayes HS, we are able to accommodate the planned student enrollment of 1932 forecasted by the year 2023. The renovations has reduced the need for a much larger Addition at this time.

As of January 1, 2015 we currently have 1505 students enrolled at Hayes HS in a building that currently has a Designed Student Enrollment Capacity of 1366 students.

The Band Practice Area will be moved from the current corner area of Euclid Ave & Hayes Drive, where the New Addition is now planned, to the stadium area after the "New Synthetic Turf" is installed on or before June 15, 2015. There will be limited band practice along West facing side of Hayes HS.

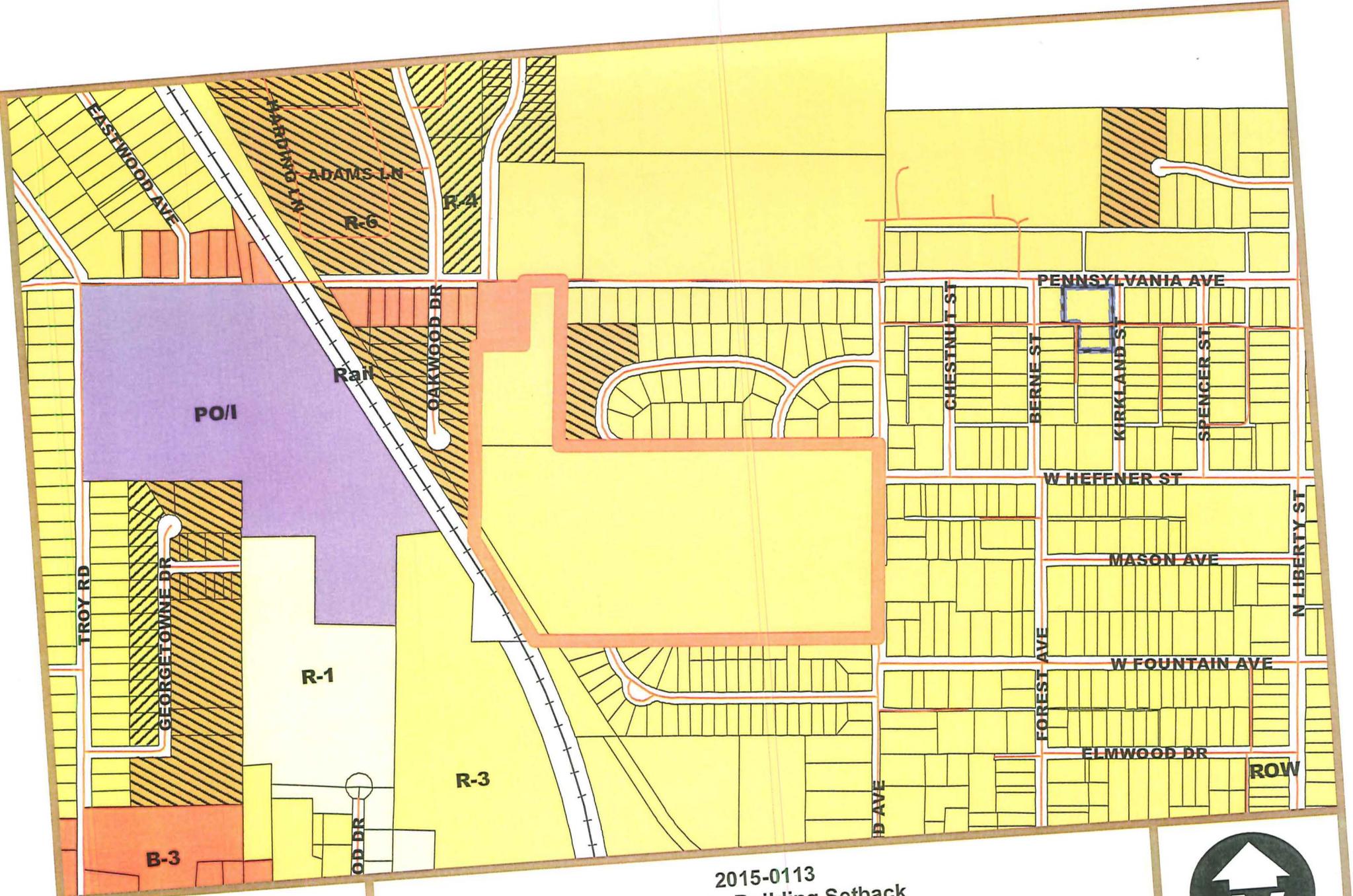
 1-27-2015

Larry J Davis,  
Delaware City Schools, Owner's Representative



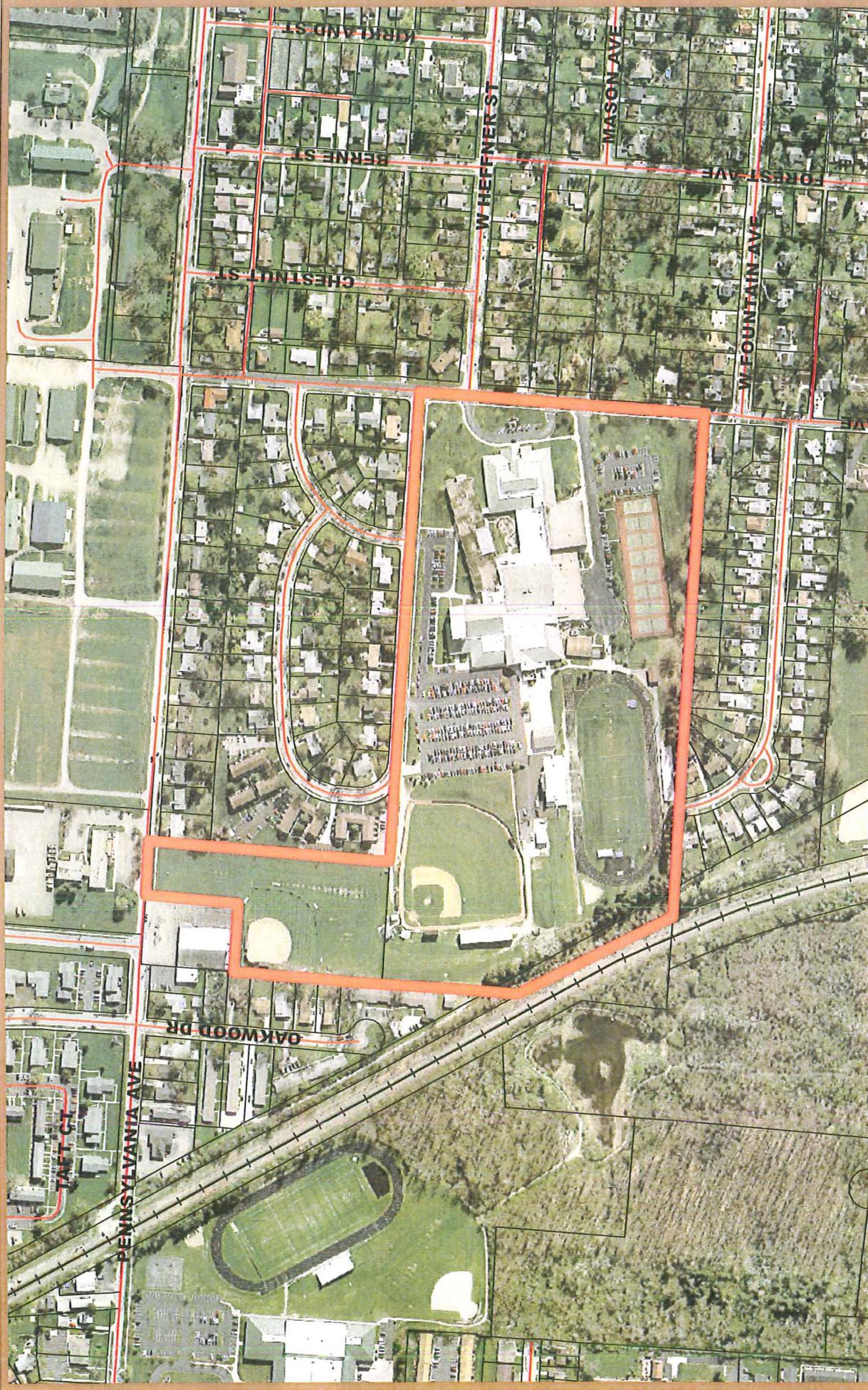
2015-0113  
Variance - Building Setback  
Delaware Hayes High School - 289 Euclid Avenue  
Location Map





2015-0113  
 Variance - Building Setback  
 Delaware Hayes High School - 289 Euclid Avenue  
 Zoning Map

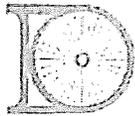




2015-0113  
Variance - Building Setback  
Delaware Hayes High School - 289 Euclid Avenue  
Aerial (2013)







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



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

**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 type="checkbox"/> Final Development Plan                        | <input type="checkbox"/> Subdivision Variance             |   |

Subdivision/Project Name Additions & Renovations - Hayes High School, Phase 2 Address 289 Euclid Avenue  
 Acreage 42.22 Square Footage N/A Number of Lots N/A Number of Units N/A  
 Zoning District/Land Use R-3 / Public School Proposed Zoning/Land Use R-3 / Public School Parcel # 51931413042000, 51931413018000, 51934102037300, 51934102039000

Applicant Name Delaware City Schools Contact Person Jason Sherman

Applicant Address 621 Pennsylvania Ave, Delaware, OH 43015

Phone 740-272-1429 Fax \_\_\_\_\_ E-mail Shermaja@DelawareCitySchools.net

Owner Name Delaware City Schools Contact Person Jason Sherman

Owner Address 621 Pennsylvania Ave, Delaware, OH 43015

Phone 740-272-1429 Fax \_\_\_\_\_ E-mail Shermaja@DelawareCitySchools.net

Engineer/Architect/Attorney Mannik & Smith Group, Inc. Contact Person Randy VanTilburg, PE

Address 815 Grandview Aven, Suite 650, Columbus, OH 43215

Phone 614-441-4222 Fax \_\_\_\_\_ E-mail RVanTilburg@MannikSmithGroup.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

Jason Sherman  
Owner Printed Name

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

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

Sworn to before me and subscribed in my presence this 27<sup>th</sup> day of January, 2015

Notary Stamp

Notary Public

