

STAFF REPORT

CASE: BZA09-2014

APPLICANT: Patrick Gilligan

LOCATION: 6490 Wilmington Pike
L32000100030026900
1.051 acres
Lot 5A-Sec 2 Replat-Sugarcreek Commercial Center

ZONED: B-2 (Business) District

REQUEST: Variance from Article 8, Subsection 8.10.D.5. of the Sugarcreek Township Zoning Resolution to for the construction of a roughly 42 SF single-sided menu board

DATE: August 28, 2014

DESCRIPTION OF REQUEST

Property Location: The subject parcel is 6490 Wilmington Pike, located on the east side of Wilmington Pike part of the Sugarcreek Commercial Center. The subject parcel is currently undeveloped. Plans have been approved for the construction of a Dunkin Donuts.

Zoning of Adjacent Parcels: The parcels to the north (Kroger), south (NTB), east (a detention pond serving the Sugarcreek Commercial Center) and west (Walgreens and a three tenant building containing Batteries Plus, Papa Johns and Rays Drive Thru) are located in the B-2 (Neighborhood Business) District.

1. Area/Dimensional Variances

- a. ***The following factors shall be considered and weighed by the BZA to determine if a practical difficulty exists that would justify an area/dimensional variance:***
 - 1) ***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 nonconforming and inharmonious uses, structures or conditions;***
 - 2) ***Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;***
 - 3) ***Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;***
 - 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;***
 - 5) ***Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;***
 - 6) ***Whether special conditions or circumstances exist as a result of actions of the owner;***
 - 7) ***Whether the property owner's predicament can feasibly be obviated through some method other than a variance;***
 - 8) ***Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and***
 - 9) ***Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.***
- The applicant has submitted statements relative to the foregoing standards.
 - b. ***Decisions should take into consideration all applicable factors, however, not all factors may necessarily apply to a particular case. No single factor shall control.***

Staff Comments:

The proposed menu board includes two sets of extenders. The menu board itself meets the township's requirements with respect to size; the use of the extenders puts the menu board over the permitted size allowed. The proposed menu board would be located to the rear of the proposed structure and it would not be visible from any public right-of-way. It will be skirted to the ground with like materials as the principal structure and include foundation landscape plantings, as is required. The BZA will need to consider the applicable factors outlined above to determine whether a practical difficulty exists that would justify granting the requested area/dimensional variance.

Cara Tilford, AICP
Township Planner/Zoning Official