



TROY
OHIO

CITY OF TROY, OHIO

Board of Zoning Appeals

•

Tuesday, January 31, 2023

3:30 pm

AGENDA

- Call to Order
- Roll Call:

- Kent Frauenberger
- Larry Wolke
- Martha Baker
- Matthew Post
- Will Harrelson
- Anthony Smith
 - Election of Officers
 - Acceptance of minutes of July 25, 2022
- A variance request at 30 – 50 Troy Town Drive for the following:
 - A 16' feet variance from the required 25' feet rear yard setback.
- Other Business
- Adjourn

100 South Market Street, Troy, OH 45373-7616

Make it yours.



The Board of Zoning Appeals met in regular session and was called to order by Chairman Kent Frauenberger on Tuesday, July 26, 2022. All board members were in attendance: Richard Burns, Martha Baker, Larry Wolke, Anthony Smith, Kent Frauenberger, Will Harrelson, and Matthew Post. Staff in attendance included Development Director Tim Davis, Zoning Inspector Taylor Bruner, Management Analyst Stephanie Dunlap, and Secretary Sheri Green.

ELECTIONS:

The first order of business was the election of officers for 2022.

Larry Wolke made a motion to nominate Kent Frauenberger as Chairman and Martha Baker seconded the nomination. Mr. Frauenberger wanted to make a few remarks about things that are happening with the Troy Historic Preservation Alliance, the Tavern building on West Main Street, City staff, and the Board of Zoning Appeals. Note for the record, Mr. Harrelson appreciated Mr. Frauenberger for voicing his opinion and thanked Mr. Frauenberger for his years of service. The nomination remained, and was unanimously approved and Kent Frauenberger was elected Chairman of the Board of Zoning Appeals for the remainder of 2022.

Larry Wolke nominated Will Harrelson as Vice Chairman, Martha Baker seconded the nomination. The nomination was unanimously approved and Will Harrelson was elected Vice-Chairman of the Board of Zoning Appeals for the remainder of 2022.

MINUTES:

Minutes of the November 18, 2021 meeting were approved on a motion by Martha Baker, with a second by Anthony Smith.

Approved 7-0

The city has received a variance request for a 8.25' variance from the required 40' rear yard setback at 2645 Meadowpoint Drive.

Mr. Frauenberger swore in Taylor Bruner, Tim Davis, Jaclyn Griffith, neighbor to 2645 Meadowpoint Drive; and Dustin Ike, contractor for the resident of 2645 Meadowpoint Drive.

Taylor began the proceedings with his staff report.

Nature of Request:

The City has received a variance request to complete a covered patio addition to the existing structure at 2645 Meadowpoint Drive. In order to complete this new addition, the following variance has been requested:

- Variance of 8.25 feet from the required 40 feet rear yard setback.

Discussion:

2645 Meadowpoint Drive is located on the north side of Meadowpoint Drive and is located between Baywood Court and Sedgwick Way. This property is zoned R-3 Single-Family Residential. The surrounding zoning districts include: R-4 Single-Family Residential to the

South and East with County Zoning A-2, General Agriculture to the North and West. Attached to this report is a map showing the surrounding zoning districts.

On May 5th, 2022 City Staff received a Zoning-Residential Addition permit for the property referenced above. During the review process staff notified the applicant to make revisions as the structure would not meet the required 40' rear yard setback & a denial letter was sent out. It was then brought to our attention that the project was started without approval. The concrete patio portion of the project has not been completed yet but the covered patio addition is near completion. Picture of the construction is attached to this report.

The covered patio addition was constructed off the rear of the building. The current building setback is 47'7" from the rear lot line. The addition comes out 16' in length, encroaching into the required rear yard setback by 8' 3". Staff tried to work with the applicant to give them options to avoid a variance. Those options included:

- Detach the structure to create an accessory to the principal building.
- Construct the covered patio addition to the east meeting all bulk regulations for the R-3 Zoning District.
- Reduce the structure to 7' in length to meet the 40' rear yard setback.

Staff Analysis:

Zoning Code 1143.05(f) Bulk Regulations states the following "All construction on any zoning lot in the R-3 Single-Family Residential District shall provide for:

- (1) Maximum building lot coverage of forty (40) percent.
- (2) Maximum structure height of forty (40) feet.
- (3) Minimum front yard of forty (40) feet.
- (4) Minimum side yard of ten (10) feet.
- (5) Minimum rear yard of forty (40) feet."

The submitted application identifies that the covered patio addition is 31'7" from the rear lot line of which does not meet the required 40' rear yard setback as per Zoning Code 1143.05(f)(5).

Further, only open, uncovered patios not over 8" above the average level of adjoining ground may encroach up to fifteen (15) feet into the required rear yard as per Zoning Code 1149.08 (a)(1) & (2).

"1149.08 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

Architectural features may project into required yards as follows:

(a) In All Yards: Into any required yards;

- (1) Open, uncovered patios not over eight (8) inches above the average level of the adjoining ground.
- (2) Uncovered terraces and decks not over four (4) feet above the average level of the adjoining ground except that such terraces, porches and patios may not encroach more than ten (10) feet into the required front yard, fifteen (15) feet into the required rear yard, or within three (3) feet of the side property line."

1137.08 (f) Standards for Variances:

(1) The Appeals Board shall not grant a variance as authorized in Section 1137.08(e) of this Zoning Code unless it evaluates the proposed variance in view of the following criteria, and makes written findings of fact as to these criteria and any other matters that the Board may find relevant. Variances shall be granted only upon a determination that practical difficulties exist with respect to the property in question that would render strict application of the Zoning Code inequitable. In determining whether practical difficulties exist sufficient to warrant a variance, the Appeals Board shall consider and weigh the following factors:

- A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance; *The property could still yield a reasonable return without the variance as the property is currently being used for single family residential and alterations could be made to comply with the Zoning Code.*
- B. Whether the variance is substantial; *The variance request is substantial encroaching 8 feet 3 inches from the required 40 feet rear yard setback.*
- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance; *Staff feels that the proposed request would negatively affect adjacent properties who were not permitted to conduct an addition in the required setback as they were required to meet the Zoning Code.*
- D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage); *There will be no adverse effect on the delivery of governmental services.*
- E. Whether the property owner purchased the property with knowledge of the zoning restriction; *The property owner was aware there would be zoning requirements to be met for any improvements however the project was begun without staff's approval.*
- F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; *The applicant could construct a smaller covered patio to meet the 40' rear yard setback. The applicant could also detach the structure a minimum of 5 feet to make it an accessory to the principal building.*
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance; *The spirit of the Zoning Code would not be observed and substantial justice done by granting the variance. The R-3 District Bulk Regulations are necessary to protect density, open space, general welfare, as well as neighboring property owners.*
- H. Practical difficulty asserted by the applicant is not similarly existing on nearby properties or commonly occurring within the City; *The practical difficulty asserted by the applicant is not existing on nearby properties.*
- I. The practical difficulty was not created by the acts or omission of any current legal or equitable owner, or by the unlawful acts or omissions of any current legal or equitable owner, or by the unlawful acts of any prior owner; *The practical difficulty has not been created due to the reasons listed above.*

- J. Approval of the requested variance will not materially damage the public health, safety, morals, convenience, comfort, prosperity, or general welfare, and adjoining properties will not suffer substantial detriment if the variance is granted; Approval of the requested variance will cause a material advantage that is inconsistent with required residential setbacks in the neighborhood.
- K. The requested variance would not create any material advantage which practical difficulties do not enjoy; The requested variance will create a material advantage.
- L. The variance requested is the minimum necessary to alleviate any practical difficulty created by the literal language of this Zoning Code. There is no practical difficulty in this variance request due to the literal language of the Zoning Code.

Conditions and Restrictions:

In granting a variance, the Appeals Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to comply with the standards set out in Section 1137.08(f) of this Zoning code so as to reduce or minimize any potential injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Zoning Code.

Staff Opinion:

It is staff's opinion that a practical difficulty does not exist on the property and the covered patio addition would provide a material advantage. Staff recommends denial of the proposed variance request as the request does not meet the standards for a variance as set forth in section **1137.08 (f)**. The property owner's predicament can feasibly be obviated through some method other than a variance as described in this report.

The board had some questions for staff. Some of those questions pertained to the city's permit process as well as how Miami County handles permits.

Jaclyn Griffith, neighbor which lives to the right, on the corner lot. She supports this structure as it adds to the Johnson's property.

Dustin Ike, contractor for Chris and Jillian Johnson stepped up to the podium. Mr. Ike discussed the position he was in as to logistics of the property, the market as it is right now, the mis-communications with himself and the project manager, and the City's zoning department and he did not know that the City had sent a denial letter to his company which is a different address. He had a date opening, so he told his guys they could start the job even though he had not received all appropriate communications from the City. The secretary verified that letters were sent out to nine adjoining property owners regarding this meeting, and the Board did not receive any response/comments from any of them pertaining to this.

The Board adjourned into Executive Session.

Meeting was called back to order. Mrs. Baker moved that the applicants request for a 8.25' foot variance from the required 40' rear yard setback at 2645 Meadowpoint Drive be approved. Mr. Smith seconded the motion. A vote was taken and the motion for the variance was approved that the applicant requested.

Approved 4-3

As there was no further business, a motion was made by Mr. Burns, and seconded by Mr. Harrelson to adjourn.

Approved 7-0

Kent Frauenberger, Vice Chairperson

Sheri Green, Secretary

Date

MEMORANDUM

TO: City of Troy Board of Zoning Appeals Members
FROM: Austin Eidemiller, Planning & Zoning Manager
DATE: July 31, 2023
SUBJECT: Variance Request – 30-50 Troy Town Drive, Part Inlot 6889 & Inlot 6888

Applicant: Aldi Inc.
C/O Patrick Valerius
4400 S. Charleston Pike
Columbus, Ohio 45502

Owner(s): Deep Viral Inc / CK Developments LLC
30 Troy Town Drive / 7216 South Hampton LN
Troy, Ohio 45373 / West Chester, Ohio 45069

Zoning District: B-2 General Business District

Nature of Request:

The City has received a variance request to construct a new commercial building at 30-50 Troy Town Drive. In order to construct the new commercial building, the following variance is being requested:

- A 16' variance from the required 25' rear yard setback.

Discussion:

The subject property is located on Troy Town Drive south of W. Main Street. The property to the north is zoned B-2 General Business District. The property to the east is zoned B-4 Highway Business District. The properties to the west are zoned B-2 General Business District. Please see attached Exhibit A.

The property is pending a replat that will combine a 1.792-acre tract and a 1.285-acre tract for a total of 3.077 acres. This is from a lot spit of the existing 30 – 50 Troy Town Drive. The preliminary replat can be found attached to this report as exhibit D. It is important to note that the replat is preliminary pending zoning approval.

The property located at 30 Troy Town Drive currently has three (3) non-conforming buildings that encroach the rear yard setback at about seven (7) feet. The three (3) buildings will remain with the proposed lot split/replat. The existing buildings total about 29,800 square feet that encroach into the required rear yard setback. The proposed variance would permit a minimal 737 square feet portion of the building that encroaches the rear yard setback. Additionally, the property directly to the west encroaches about 20' in

the rear yard setback and this nonconformity will remain. The proposed variance request would encroach 16' into the rear yard setback for a small portion of the development. Please see attached Exhibit C.

Several additional properties in the immediate vicinity encroach into the rear yard setback. These properties include: 30 Troy Town Drive, 45 S. Stanfield Road, 81 S. Stanfield Road, and 1810 W. Main Street. These properties can be seen on Exhibit B. The properties identified in yellow currently encroach the rear yard setback as required in the B-2 Zoning District. The star identifies the subject property.

Due to the unique shape of the lot, the depth of the south lot line is greater than the north lot line. The north lot line depth is about 206' while the south lot line depth is about 392'. If the required rear yard setback is applied, the building would be required to be shifted to the east and the development would not conform to the additional parking and drive aisle requirements of the Zoning Code while the existing nonconformities on adjacent lots remain.

Zoning Code 1143.14 (f) Bulk Regulations states the following "All construction on any zoning lot in the "B-2" General Business District shall:

- 1) Maximum building lot coverage of eighty (80) percent.
- 2) Maximum structure height of sixty-five (65) feet.
- 3) Minimum front yard of twenty-five (25) feet.
- 4) Minimum side yard of ten (10) feet, or half the building height, whichever is greater.
- 5) Minimum rear yard of twenty-five (25) feet."

The submitted application identifies that the proposed structure is 9.32 feet from the rear lot line of which does not meet the required 25 feet rear yard setback as per Zoning Code 1143.14 (f)(5).

1137.08 (f) Standards for Variances:

(1) The Appeals Board shall not grant a variance as authorized in Section 1137.08(e) of this Zoning Code unless it evaluates the proposed variance in view of the following criteria, and makes written findings of fact as to these criteria and any other matters that the Board may find relevant. Variances shall be granted only upon a determination that practical difficulties exist with respect to the property in question that would render strict application of the Zoning Code inequitable. In determining whether practical difficulties exist sufficient to warrant a variance, the Appeals Board shall consider and weigh the following factors:

- A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance; *The property could not yield a reasonable return. The shape of the lot would continue to restrict new commercial buildings and would result in a need for future variance requests.*
- B. Whether the variance is substantial; *The variance request is not substantial due to the existing conditions of the site and proximity to other adjacent commercial uses. Currently, four (4) structures adjacent to this property encroach into the rear yard setback. These structures include a square footage of about 29,800. The request would permit a minimal 737 square feet portion of the building. Please see site map exhibit C.*

- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance; The proposed request would not negatively affect adjacent properties as the four structures currently encroach into the rear yard setback. The request would improve the character of the neighborhood with an increase in landscaping and a buffer fence being installed on the rear lot line. The request will also result in more efficient traffic flow. The surrounding uses include a hotel and office buildings.
- D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage); There will be no adverse effect on the delivery of governmental services.
- E. Whether the property owner purchased the property with knowledge of the zoning restriction; The property owner is aware of the zoning restriction.
- F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; The property owner's predicament can be obviated through some method other than a variance. The property owner's predicament can-not be obviated through some method other than a variance due to the unique shape of the lot and safe pedestrian and traffic maneuverability.
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance; The spirit of the Zoning Code would be observed with this request as the stated intent of the B-2 is "intended to provide for the development of major retail shopping areas and centers outside the downtown area. These districts include much of the strip commercial property existing along the major streets of the City." This request would meet this intent of the Zoning Code.
- H. Practical difficulty asserted by the applicant is not similarly existing on nearby properties or commonly occurring within the City; The practical difficulty asserted by the applicant is existing on adjacent properties. Please see below Existing Encroachments Map.
- I. The practical difficulty was not created by the acts or omission of any current legal or equitable owner, or by the unlawful acts or omissions of any current legal or equitable owner, or by the unlawful acts of any prior owner; The practical difficulty has not been created due to the reasons listed above.
- J. Approval of the requested variance will not materially damage the public health, safety, morals, convenience, comfort, prosperity, or general welfare, and adjoining properties will not suffer substantial
- K. detriment if the variance is granted; Approval of the requested variance will not cause a material advantage that others do not enjoy as neighboring uses have structures that encroach into the rear yard setback allowed per the B-2 Zoning District. The following properties in the immediate vicinity encroach into the rear yard setback:
- a. 30 Troy Town Drive
 - b. 45 S. Stanfield Road
 - c. 81 S. Stanfield Road
 - d. 1810 W. Main Street

Please see Exhibit B identifying the encroachments in the immediate vicinity of the subject property: The properties identified in yellow currently encroach the rear yard setback as required in the B-2 Zoning District. The star identifies the subject property.

- L. The requested variance would not create any material advantage which practical difficulties do not enjoy; The requested variance will not create a material advantage as outlined above.

M. The variance requested is the minimum necessary to alleviate any practical difficulty created by the literal language of this Zoning Code. *The variance request is the minimum necessary to alleviate practical difficulty by the literal language of the Zoning Code.*

Conditions and Restrictions:

In granting a variance, the Appeals Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to comply with the standards set out in Section 1137.08(f) of this Zoning code so as to reduce or minimize any potential injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Zoning Code.

Staff Recommendation:

Staff recommends approval with the condition that Part Inlot 6889 & Inlot 6888 (30-50 Troy Town Drive) is completed and recorded. The approval meets the standards for a variance as set forth in section **1137.08 (f) (1) A-L**.

Exhibit A – Zoning Map

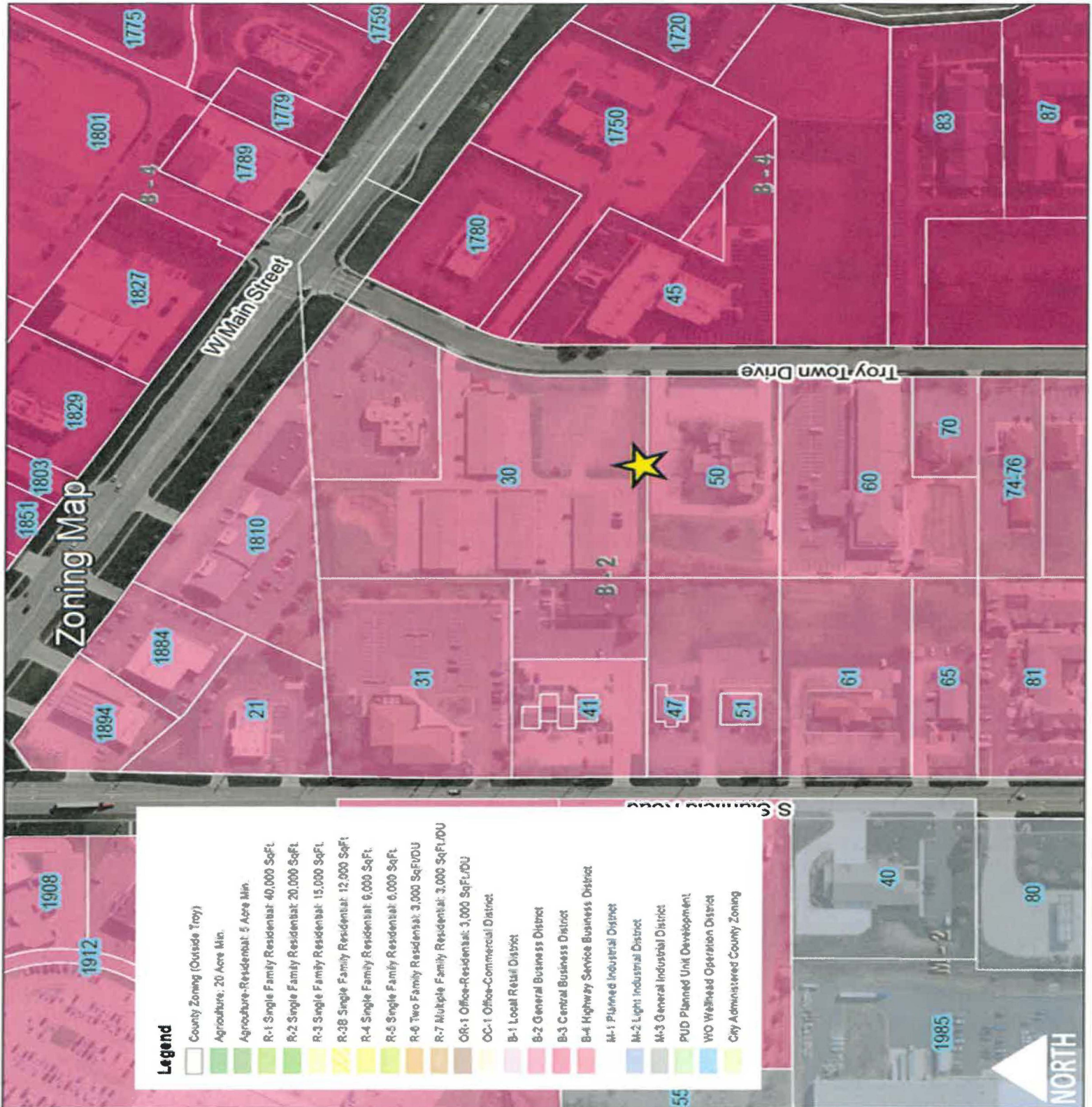


Exhibit B – Existing Encroachments
Map

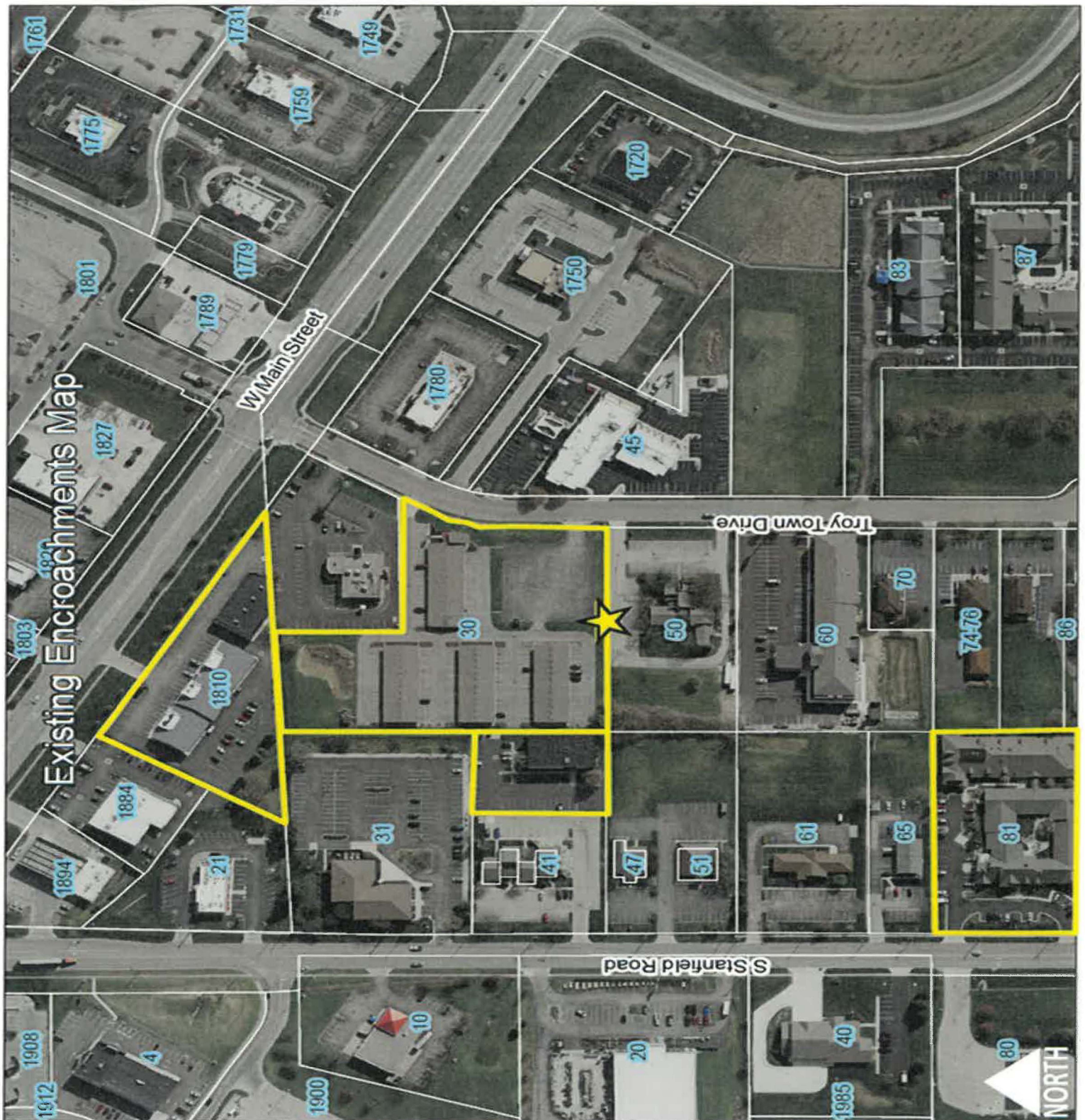
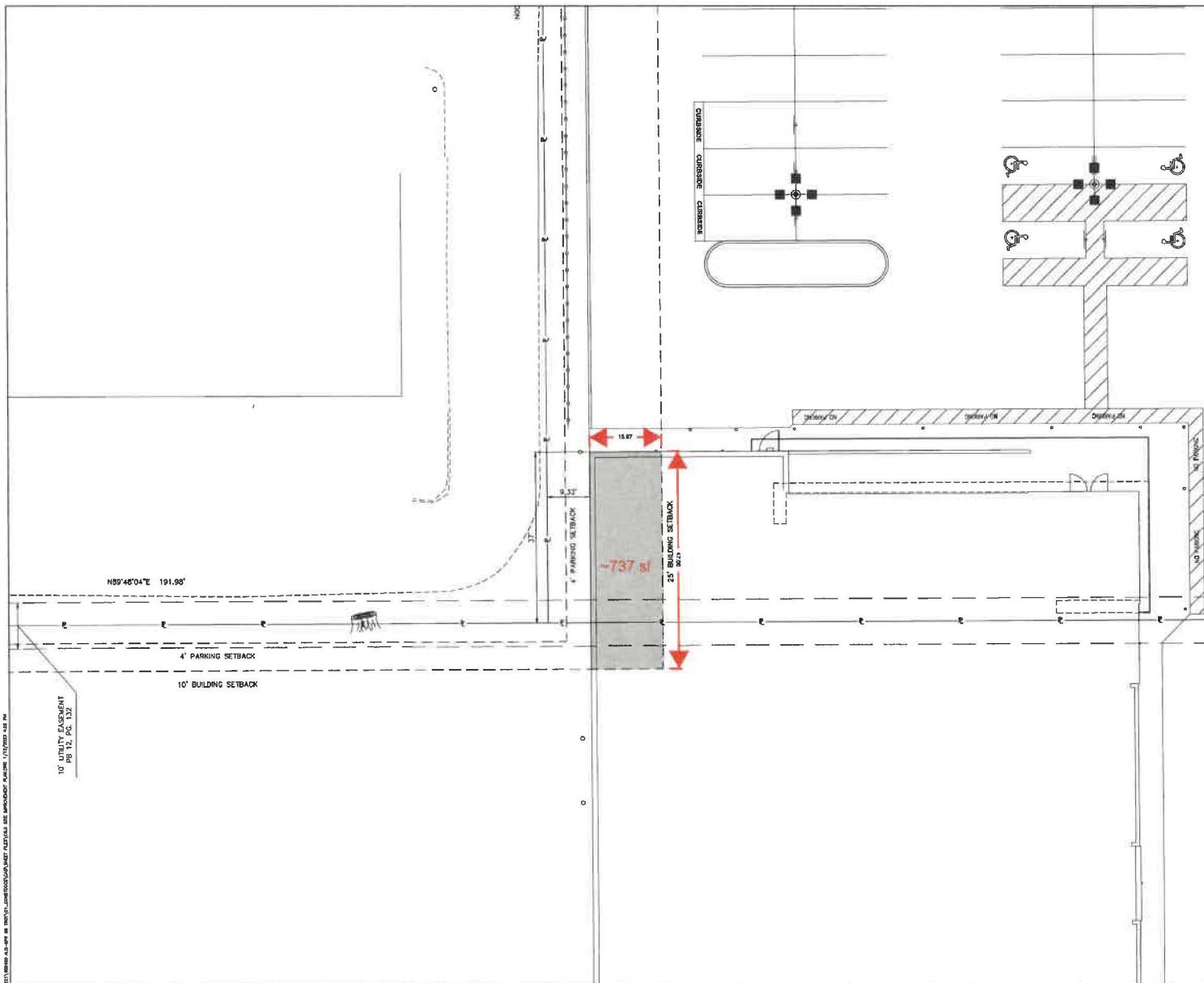


Exhibit C Variance Location



ZONING INFORMATION:
ADDRESS: TROY TOWN DR
PARCEL AREA: 134,032 SF (3.077 AC)
EX ZONING DISTRICT: B2 - GENERAL BUSINESS DISTRICT
BUILDING SETBACK: 25' FROM TROY TOWN RD R/W
 25' FROM WEST P/L
 10' FROM SOUTH P/L
 10' & 14.5' FROM NORTH P/L
PARKING SETBACK: 10' FROM TROY TOWN RD R/W
 4' FROM WEST P/L
 4' FROM SOUTH P/L
 4' FROM NORTH P/L

ADJACENT ZONING DISTRICT:
NORTH: B2 - GENERAL BUSINESS DISTRICT
SOUTH: B2 - GENERAL BUSINESS DISTRICT
EAST: B4 - HIGHWAY SERVICE BUSINESS DISTRICT
WEST: B2 - GENERAL BUSINESS DISTRICT

ADJACENT USE:
NORTH: RESTAURANT
SOUTH: HOTEL
EAST: HOTEL
WEST: HOTEL

PARKING:
REQUIRED: 1 SPACE PER 250 SF OF GROSS FLOOR AREA
 20,664 SF REQUIRES 83 SPACES
PROVIDED: (4) ADA ACCESSIBLE SPACES + (42) 10'x18' SPACES + (48) 10'x20' SPACES = 94 SPACES PROVIDED

BUILDING:
PROPOSED USE: GROCERY STORE
OF FLOORS: 1
TOTAL FLOOR AREA: 20,664 SF
HEIGHT: 28'-10"



No.	BY	DATE	REVISIONS	DESIGNED BY	DATE
1	DLZ	01/12/23	Initial	DES.	
2	DLZ	01/12/23	Revised	DWN.	
3	DLZ	01/12/23	Final	CHKD.	



ALDI Inc.
 4400 S. Chelton Pike
 Springfield, OH 45502
 615.222.2222

ALDI STORE #68
 50 TROY TOWN DR
 TROY, OH 45373
 MIAMI COUNTY



VARIANCE EXHIBIT

ISSUED STATUS: PERMIT

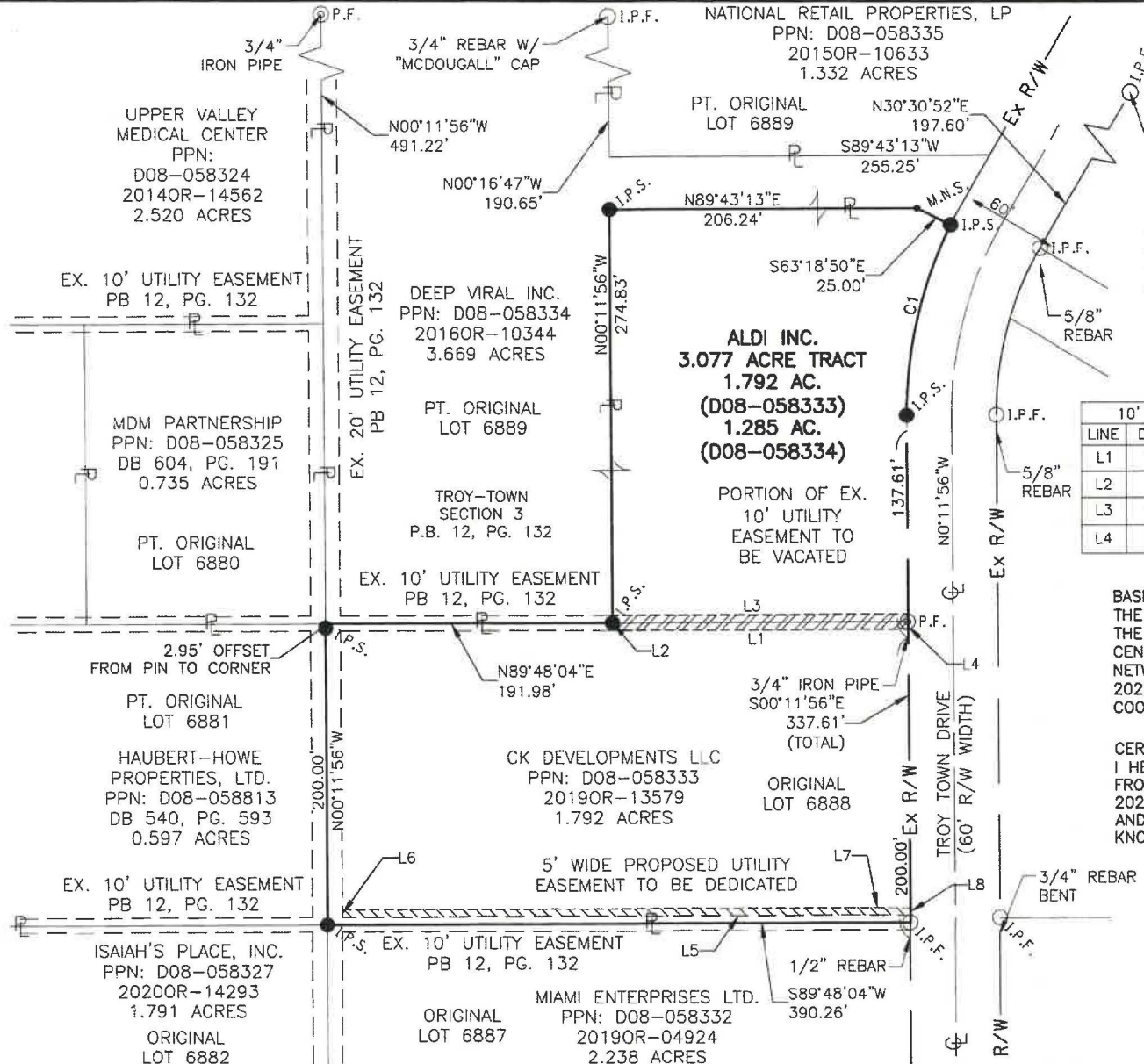
SHEET
 DATE ISSUED: 01/12/2023
 Modified By:



6121 Huntley Road - Columbus, Ohio 43229-1003
Ph.: (614) 888-0040 Fax: (614) 848-6712

PROPOSED BOUNDARY AND EASEMENT EXHIBIT

CITY OF TROY, MIAMI COUNTY, STATE OF OHIO,
BEING PART OF ORIGINAL LOTS 6888 & 6889
IN TROY-TOWN SECTION 3
PLAT BOOK 12, PAGE 132



C1 CURVE INFORMATION
RADIUS = 280.00'
DELTA ANGLE = 26° 48' 02"
CURVE LENGTH = 130.97'
CHORD BEARING = S 13° 17' 09" W
CHORD DISTANCE = 129.78'

LEGEND

- CENTERLINE
- PROPERTY LINE
- Ex R/W — EX. RIGHT OF WAY
- - - EASEMENT LINE
- M.N.S. MAG NAIL SET
- I.P.S. IRON PIN SET W/CAP "DLZ OHIO, INC"
- I.P.F. IRON PIN FOUND
- ⊙ P.F. IRON PIPE FOUND

10' VACATED EASEMENT		
LINE	DISTANCE	BEARING
L1	198.28'	S89°48'05"W
L2	10.00'	N00°11'56"W
L3	198.28'	N89°48'04"E
L4	10.00'	S00°11'28"E

5' PROPOSED EASEMENT		
LINE	DISTANCE	BEARING
L5	380.26'	S89°48'04"W
L6	5.00'	N00°11'56"W
L7	380.26'	N89°48'04"E
L8	5.00'	S00°11'28"E

BASIS FOR BEARINGS:

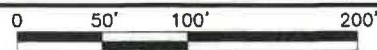
THE BEARINGS IN THE ABOVE DESCRIPTION ARE BASED ON THE GRID BEARING OF S 00°-11'-56" E FOR THE EXISTING CENTER LINE TROY TOWN ROAD AS DETERMINED BY A GPS NETWORK OF FIELD OBSERVATIONS PERFORMED IN OCTOBER, 2022 AND ARE BASED UPON THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 (2011).

CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED PLAT WAS PREPARED FROM AN ACTUAL GROUND SURVEY PERFORMED ON OCT. 6, 2022, MADE BY DLZ INC. UNDER MY DIRECT SUPERVISION AND THE INFORMATION IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Preliminary

01/12/2023 1:06:25 PM



SCALE: 1" = 50'

SAMUEL L. STILTNER, P.S. NO. 8364

DATE:

DRAWN BY:
DDC
REVIEWED BY:
SL3

Board of Zoning Appeals meetings are held every 2nd and 4th Tuesday of the month at 3:30 p.m. in the council chambers on the second floor.

COMPLETED APPLICATIONS ARE DUE TWO (2) WEEKS PRIOR TO MEETING. Applicant(s) will be notified if your application is scheduled on the agenda.

Office Use only

Date Filed _____
Accepted by _____
Filing Fee Pd. _____
Receipt # _____
Date of Meeting _____

APPLICATION FOR A VARIANCE

CITY OF TROY BOARD OF ZONING APPEALS

(MUST BE TYPED OR PRINTED LEGIBLY IN BLACK INK)

30 & 50 Troy Town Dr. (50 Troy Town Dr. assigned to ALDI after lot split and consolidation)

D08-058334 & D08-058333

(Street Address)

B-2

(Parcel Identification Number)

(Zoning District)

OWNER

APPLICANT

Name DEEP VIRAL INC / CK DEVELOPMENTS LLC

Name Aldi Inc. (Ohio) c/o Patrick Valerius

Address 30 Troy Town / 7216 Southhampton Ln

Address 4400 S. Charleston Pike

City Troy / West Chester

City Columbus

State OH / OH

State OH

Zip Code 45373 / 45069

Zip Code 45502

Phone No. 313-575-9030 / 513-808-1654

Phone No. 937-688-9051

Fax No. _____

Fax No. _____

Email harkoshpatel9030@gmail.com / grewal64@hotmail.com

Email patrick.valerius@aldi.us

The applicant is the Owner's Agent (Property Purchaser) of the property, which is subject to this application.
(State the interest of the applicant)

(OFFICE USE ONLY)

PLEASE PROVIDE THE FOLLOWING REQUIRED DOCUMENTS:

____ EXHIBIT A

____ EXHIBIT B

____ EXHIBIT C

____ EXHIBIT D

____ EXHIBIT E

____ Copies

____ Labels

____ Map(s)

____ Filing Fee

1. **Denied Zoning Permit Application:** Application submitted by the applicant for a Zoning Certificate which was denied by the Zoning Administrator. **Attach as EXHIBIT "A"**
2. **Letter of Denial by the Zoning Administrator.** **Attach as EXHIBIT "B"**
3. **Site Plan:** Actual dimensions of subject property according to recorded plat of such property. Also include the present zoning district, use, height, location and ground area of all existing and proposed buildings, off-street parking, vehicular entrances and exits, signs, landscaping, and any other uses appropriate for said variance. **Attach as EXHIBIT "C"**
4. **Property Owner List:** Identify the city lot number for each property, the property owner's name, property address, and the *property owner's address* (this may be different from property address – check with the County Auditor tax list) of all contiguous properties beginning with the subject property (**SEE EXAMPLE**). NOTE: THE PROPERTY OWNER'S LIST AND MAP CAN BE OBTAINED FROM THE COUNTY PROPERTY TAX RECORDS (TAX MAPS). **Attach as EXHIBIT "D"**
5. **Property Owner Map:** Identify on a map (using a scale of one (1) inch = 100 feet) the subject property and all contiguous properties including those across any street or alley. Using the "Property Owners List" identify the names of the property owners, addresses, lot numbers, and zoning districts beginning with the subject property (**SEE EXAMPLE**). **Attach as EXHIBIT "E"**
6. One (1) complete application set (Exhibits A-E) in a reproducible format no larger than 11"x17"
7. One (1) digital copy of complete application set emailed to shannon.brandon@troyohio.gov
8. One (1) set of mailing labels of the "property owners address"
9. One (1) copy of county tax map(s)
10. Check issued to City of Troy for \$200.00

PLEASE READ CAREFULLY AND ANSWER THE FOLLOWING ITEMS AS FULLY AS YOU CAN. USE SEPARATE SHEET(S) IF NEEDED. READ ATTACHED SECTION 1137 OF THE ZONING CODE BEFORE COMPLETING APPLICATION.

(A) The particular requirements of this Zoning Code which prevent the proposed use or construction.
(For example, Section 1142.08 (f) (5) Rear Yard Setback of 30')

Section 1143.14 (f) (5) Rear Yard Setback of 25'

(B) The characteristics of the subject property which prevent compliance with requirements of this Zoning Code.
Given the unique shape of the proposed subject property (reversed "L"), the depth of the northern portion of the property between Troy Town Drive (east) and the existing motel property (west) does not have sufficient space to accommodate the required building, drive aisle and parking. This results in the northwest corner of the building encroaching into the 25' rear yard setback.

(C) The reduction of the minimum requirements of this Zoning Code which would be necessary to permit the proposed use or construction (List all variances requested).

A reduction of the rear yard setback by 16 feet; reducing the required rear yard setback from 25 feet to 9 feet. This only needs applied to 37 feet of length where the building is within the rear yard setback.

(D) The particular hardship, which would result if, said particular requirements of this Zoning Code were applied to the subject property (Unique conditions or physical impairments).

If the required rear yard setback was applied, the building would need shift east towards Troy Town Drive. This would result in the loss of required drive aisle and/or parking spaces, causing further hardships in meeting zoning requirements related to those as well as practical vehicle maneuverability standards.

Shifting the building south is also not viable option as it would encroach on the side yard setback, the dedicated utility easements, and the southern property line.

Given the hardships, site constraints, and unique shape of the property we have tried fulfill as much of the zoning requirements as possible and look for leniency regarding the small portion of building that will encroaching in the rear yard setback as it will not negatively affect the existing properties, uses, or development standards of this area.

I HEREBY DEPOSE AND SAY THAT THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN ALL THE EXHIBITS PREPARED BY ME AND TRANSMITTED HERewith ARE TRUE.

Patrick Valerius

(Applicant Signature)

Subscribed and sworn to before me this 13 day of January, 2023

My Commission Expires

03/14/2023
(Month/Date/Year)



WILLIAM C HARRISON
Notary Public, State of Ohio
My Comm. Expires 03/14/2023
Recorded in Franklin County

Wm C Harrison

(Notary Public)

(Office Use Only - Do Not Write Below This Line)

DISPOSITION OF BOARD OF ZONING APPEALS:

Approved: ☐

Denied: ☐

PUBLIC HEARING DATE

DATE OF DECISION

DECISION OF THE BOARD

AMENDED / CONDITIONS ATTACHED

Revised 10/25/11

December 16, 2022

Aldi Inc.
C/O Patrick Valerius
4400 S. Charleston Pike
Springfield, Ohio 45502

DLZ C/O Ken White
6121 Huntly Road
Columbus, OH 43229

Re: Aldi – New Construction Zoning Permit – 50 Troy Towne Drive

Dear Property Owner and/or applicant,

I have reviewed your application and plans for the above project. Based on the site plan and application provided, I am currently unable to approve the submitted application for this project.

Based on Zoning Code Section 1143.14 (f) 5) the rear yard setback is 25'. The site plan provided identifies a rear yard setback of 9.32 feet.

1143.14 (f) Bulk Regulations. All construction on any zoning lot in the “B-2” General Business District shall:

- 1) Maximum building lot coverage of eighty (80) percent.
- 2) Maximum structure height of sixty-five (65) feet.
- 3) Minimum front yard of twenty-five (25) feet.
- 4) Minimum side yard of ten (10) feet, or half the building height, whichever is greater.
- 5) Minimum rear yard of twenty-five (25) feet

1137.07 Appeals

(b) Appeals to the Appeals Board shall be filed within thirty (30) days from the decision of the Zoning Administrator by filing a written notice of appeal with the Secretary of the Appeals Board. The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the Secretary of the Appeals Board shall forthwith transmit to the Appeals Board all of the papers constituting the record upon which the decisions being appealed were based.

Should you have any questions, please contact this office at 937-339-9481.

Sincerely,

Austin Eidemiller

Austin Eidemiller
Planning & Zoning Manager

