

Board of Zoning and Building Appeals

Meeting Dates and Application Deadlines

2023

January

Meeting Date: January 17, 2023
Deadline Date: December 27, 2022

February

Meeting Date: February 21, 2023
Deadline Date: January 31, 2023

March

Meeting Date: March 21, 2023
Deadline Date: February 28, 2023

April

Meeting Date: April 18, 2023
Deadline Date: March 28, 2023

May

Meeting Date: May 16, 2023
Deadline Date: April 25, 2023

June

Meeting Date: June 20, 2023
Deadline Date: May 30, 2023

July

Meeting Date: July 18, 2023
Deadline Date: June 27, 2023

August

Meeting Date: August 15, 2023
Deadline Date: July 25, 2023

September

Meeting Date: September 19, 2023
Deadline Date: August 29, 2023

October

Meeting Date: October 17, 2023
Deadline Date: September 26, 2023

November

Meeting Date: November 21, 2023
Deadline Date: October 31, 2023

December

Meeting Date: December 19, 2023
Deadline Date: November 28, 2023

The Board of Zoning and Building Appeals meets on the third Tuesday of each month at 7:00 p.m. in Council Chambers at City Hall, 555 Frost Rd., Streetsboro, Ohio 44241.

Prior to submitting a formal application, contact the Planning Department to ensure all application requirements are met.

A complete application must be submitted online no later than 3:00 p.m. on the deadline date.

City of Streetsboro
Board of Zoning and Building Appeals

**RULES AND REGULATIONS
2023**



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ARTICLE I PREAMBLE AND DEFINITIONS

The intent and purpose herein is to provide for a reasonable and orderly execution of hearings and meetings. In the event any provisions of the Board of Zoning and Building Appeals Rules and Regulations contradict any Codified Ordinance of the City of Streetsboro, The Codified Ordinance shall automatically prevail with recourse to "Suspension of Rules". The BZBA cannot suspend a rule of council.

Except as **otherwise** expressly provided in these Rules and Regulations of the City of Streetsboro Board of Zoning and Building Appeals, or as the context otherwise requires, the masculine term or pronoun includes the feminine, the singular term includes the plural and the plural term includes the singular term.

When the term:

"**Board**" is used it is to mean the City of Streetsboro Board of Zoning and Building Appeals.

"**Day(s)**" is used; it is to mean calendar days.

"**Majority**" is used, unless otherwise noted, it shall mean a majority of those members present.

"**Presiding Officer**" is used, it is to mean or make reference to the Chairperson or Vice-Chairperson.

"**Quorum**" is used, it is to mean the Board requires four (4) members to be present in order to conduct a Hearing, Special Meeting or Work Session. A meeting of any type may not be held unless there is a quorum.

ARTICLE II SEVERABILITY

A determination that any part of these Rules and Regulations is invalid shall not invalidate or impair the force or effect of any other part hereof, except to the extent that other parts are wholly dependent for their operation on the part declared invalid.

ARTICLE III OHIO REVISED CODE

Those parts of the Ohio Revised Code in harmony with these Rules and Regulations are incorporated by reference and made part of the Rules and Regulations as if written herein.

ARTICLE IV ROBERTS RULES OF ORDER

Roberts Rules of Order shall govern procedural matters not provided for by the rules, the City's Charter, applicable Codes of the City of Streetsboro or the Ohio Revised Code. It is the responsibility of the Presiding Officer to determine how and when to implement Roberts Rules of Order.

ARTICLE V MODIFICATIONS TO THESE RULES

These Rules and Regulations may be added to, modified or repealed. If the proposed Addition, Modification or action to repeal was on the agenda for the Organizational or Special Meeting when the

agenda for the meeting was established and approved, the Board may take action on the proposal during the current meeting.

Any Board Member can request a modification to the Rules and Regulations, during the Agenda section labeled "Board Member's Comment". The Request will come in the form of a formal motion for the Board to convene a Special Meeting. If the motion passes, the Clerk will then place this item on the agenda for the next Special Meeting.

ARTICLE VI SUSPENSION OF RULES

Upon a motion and a second of any Board Member(s), the board may vote (roll call) to suspend a rule. A rule will be suspended if the motion for rule suspension receives a majority vote.

ARTICLE VII ADVISORS

Advisors to the Board shall include, but are not limited to, all Department directors of the City of Streetsboro. The Advisors shall review and state their opinion, in writing, to the board. The Advisors shall attend all Hearings, Special Meetings and Work Sessions when requested by any board member to present their report. No Advisor will make any presentation, or act as an agent, on behalf of any applicant.

ARTICLE VIII HEARINGS

Hearings shall be held in a public meeting room on the third (3rd) Tuesday of each month. The Hearing shall commence at 7:00 PM and no later than 7:15 PM or as specified by the Chairperson. All Hearings of the Board shall be open to the public pursuant to all applicable sections of the City of Streetsboro Charter.

All Records of the Board shall be open and available to the public during normal working hours. Copies of audio tapes and paper documents are available for a nominal fee from the City of Streetsboro Planning Department.

The format of all variance requests and appeals are as follows:

1. The chair shall state for the record the issue before the BZA.
2. The applicant/appellant shall state their full name, address and be sworn in.
3. The applicant/appellant shall present their request or appeal (following Article XXII) and disclose their relationship to the applicant/appellant.
4. Input from Advisors (Article VII) may be sought.
5. Questions and comments by Board Members.
6. Comments by citizens.
7. Response by applicant/appellant.
8. Final comments/questions by Board members
9. Board Action.

Any change to this format will follow Article VI.
(Amended 01-15-08)

ARTICLE IX ORGANIZATIONAL MEETINGS

The Annual Organizational meeting shall commence at 7:00 PM on the third Tuesday of January of each year. This Meeting's sole purpose is to elect a Chairperson and Vice-Chairperson and is initially chaired by the Mayor. The Mayor relinquishes control of this meeting after a Chairperson is selected. Nominations for the Chairperson shall be made from the floor by any seated Board Member. No more than two (2) nominations shall be made for each office. After the nominations have been closed for the Chairperson, the Mayor shall call for a vote. A nominee must receive a simple majority. This process is repeated for the election of the Board's Vice-Chairperson and is conducted by the newly elected Chairperson.

ARTICLE X SPECIAL MEETINGS OR WORK SESSIONS

Special Meetings or Work Sessions may be called by the Chairperson or Vice-Chairperson. All persons affected by the scheduling of a Special Meeting or Work Session will be given at least 48 hours notice. All such meetings will be conducted in a public meeting room at the time specified in the notice and shall be open to the public. Only those matters appearing on the special meeting or Work Session's agenda may be discussed. No applications or COS 1105.08 matters will be included on the agenda for any Special Meeting or Work Session.

If the meeting is a Special Meeting, the Board may take formal action on any agenda item. If the meeting is a Work Session, the Board may discuss, debate, and deliberate on any included agenda item, but is prohibited from taking any formal action on that item.

ARTICLE XI CLERK OF THE BOARD OF ZONING AND BUILDING APPEALS

The Clerk of the Board of Zoning and Building Appeals shall perform the following:

1. Date all applications as they arrive.
2. Compile an agenda for each Hearing, Special Meeting or Work Session.
3. Submit the proposed agenda to the BZA Chairperson no less than ten working days prior to the BZA Hearing or Meeting for approval. In the event the Chairperson is unavailable, the Vice-Chairperson shall be provided the proposed agenda for approval.
4. Compile all applicable data for each Board member so that all data is available to each BZA member by the close of business on the Wednesday preceding the Hearing or Meeting.
5. Attend to all correspondence incidental to Board business.
6. Perform any duty assigned by a majority vote of a quorum of the Board or required by law.

ARTICLE XII AGENDA

The following is an example of an agenda for a Special Meeting or Work Session:

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Roll Call
- 4) Disposition of Minutes
- 5) Old Business
- 6) New Business
- 7) Reports, Communications and Correspondence
- 8) Citizen's Comments

- 9) Announcements
- 10) Adjournment

It is recognized that a BZBA Hearing is a quasi-judicial proceeding and therefore items 7, 8, and 9 may omitted. The BZBA Chairperson or in his or her absence, the Vice-Chairperson, reserves the right to modify the proposed Agenda, but cannot remove or delete any application or variance request.

ARTICLE XIII POSTING

A copy of the Streetsboro Board of Zoning and Building Appeals Rules and Regulations and a copy of the meeting agendas shall be posted for the convenience of persons attending a meeting.

ARTICLE XIV ACTION ON COMMUNICATION

Any communication requesting action by the Board, which cannot be acted upon during the current Hearing, Special Meeting or Work Session shall be placed on the agenda of the next Board Hearing.

ARTICLE XV PRESIDING OFFICER

The Chairperson shall preside over the Hearings, Special Meetings and Work Sessions of the Board. If the Chairperson is absent, the Vice-Chairperson shall call the Hearing, Special Meeting or Work Session to order and preside until the Chairperson appears.

The Chairperson shall call the Hearing, Special Meeting or Work Session to order at the appointed hour, and if a quorum is present, proceed with the approved agenda. If a quorum is not present, the Chairperson shall immediately adjourn the proceeding.

The Chairperson shall state, for the record, the issue before the Board before any testimony or evidence is presented (for example: use variance, area variance appeal, etc.)

ARTICLE XVI ORDER AND DECORUM

The Presiding Officer shall preserve order and decorum. All persons in attendance shall observe the following rules:

- 1) No use of offensive or inflammatory language is permitted
- 2) No personality attacks are permitted
- 3) No impugning another person's motive
- 4) All comments must be confined to the issue at hand
- 5) No person may speak without being recognized by the presiding officer
- 6) All persons must obey all procedural instructions as given by the presiding officer.

ARTICLE XVII CONDUCT OF BOARD MEMBERS

The presiding Officer shall use the following procedure to discipline any Board Member who violates and provision of these rules and regulations:

- 1) The Presiding Officer shall call a point of order indicating the Board Member is out of order.
- 2) The Presiding Officer will provide a reason why the Board Member is out of order.

- 3) The Presiding Officer will request the offending Board Member conform to the Presiding Officer's instruction(s).
- 4) If the offending Board Member continues to violate these rules and regulations, the Presiding officer shall immediately adjourn the Hearing, Special Meeting or Work Session.

Board Members must remain seated during all discussions, debates or when voting unless excused by the Presiding Officer.

ARTICLE XVIII DISCUSSION AND DEBATE BY BOARD MEMBERS

A Board Member wishing to speak shall request permission from the Presiding Officer. Once granted, the Board Member shall do so without interruption, from any source. The Board Member may read from books, papers, documents or any other source as long as the information is relevant to the topic in question.

No Board Member shall speak more than once on the same topic until every other Board Member has had an opportunity to do so.

When two or more Board Members address the Chairperson at the same time, the Presiding officer shall decide the order in which each Board Member will speak.

When the Chairperson calls for a motion, the Vice-Chairperson or a designated Board Member will read the motion. Any Board Member may call for a statement of the previous question.

When there is a Question of Order, these rules defer to the Robert's Rules of Order for a Board Member's appeal and debate.

ARTICLE XIX ABSENTEEISM

A Board Member must notify the Clerk, Chairperson or Vice-Chairperson of an anticipated absence from any Hearing, Special Meeting or Work Session. As much notice as possible is required. If the absence is for a just and reasonable cause, a motion to excuse the Board member shall be made and entered into the minutes of the proceeding.

If the Board Member is absent without notification to any of the above, a motion NOT to excuse the offending Board member shall be entered into the minutes of the proceeding.

If the Board Member's absence is determined to be of an unjust cause or reason, a motion NOT to excuse the offending Board Member shall be entered in the minutes of the proceeding.

The Chairperson shall, in writing notifying the Presiding Officer of City Council and the Mayor if any Board Member has had two (2) unexcused absences from any Hearing(s), Special Meeting(s), or Work Session(s) or has had five (5) absences within one calendar year and recommend to the Presiding Officer of City Council that the offending Board Member be removed from the City of Streetsboro Board of Zoning and Building Appeals pursuant to and in accordance with all applicable sections of the City of Streetsboro Charter.

ARTICLE XX REMOVAL OF A BOARD MEMBER

The Board may recommend removal of a Board Member for cause. The definition of "for cause" shall include, but is not limited to, excessive unexcused absences as listed in the Rules and Regulations. A Board Member may be removed for repeated violations to these Rules and Regulations, or a failure to disclose a conflict of interest.

The Board will make a recommendation to remove a Board member to City Council for Council's action pursuant to all applicable sections of the City Charter.

ARTICLE XXI VOTING

All agenda items requiring a vote must be formed as a motion. All motions must be voted upon using a roll call vote. The Clerk shall call the roll in the following order:

- 1) The author of the motion
- 2) The person who provided the motion's second
- 3) Other Board Members
- 4) The Presiding Officer

The Clerk shall record each vote in the journal for each Board member's vote.

All Board Members present are required to cast a vote unless excused by the Presiding Officer for reasons of conflict of interest. The Presiding Officer shall approve the Board Member's abstention and this action shall be noted in the minutes of the proceeding.

A tie vote shall be read and understood to be a denial of the motion.

ARTICLE XXII APPLICANT

The Applicant, or duly authorized representative, shall attend all Hearings for which the application is on the agenda. All applicants or other interested parties presenting evidence or testimony shall be sworn in by the Presiding Officer.

The Applicant shall then explain the nature of the request and the reasons supporting the request for relief. The Applicant is allowed approximately 15 minutes for their presentation. The Vice-Chairperson will keep track of the time.

The failure of the Applicant or his/her duly authorized representative to appear shall result in the application being continued to the next regularly scheduled hearing, and if the applicant or his/her duly authorized representative is not at that hearing, the Board will consider the application withdrawn by the applicant. Under no circumstances shall this process exceed 60 calendar days, unless otherwise extended by the Board. Application fees will not be returned to the applicant.

It is noted that all information presented must be entered into evidence and becomes the property of the City of Streetsboro. Copies of this material are subject to the City's existing policy.

It is imperative that all pertinent data be distributed prior to the meeting. Last minute data submission may be cause for a delay in a decision by the Board.

It is duly noted that it is the responsibility of the Applicant to prove and or justify the request for relief from existing Codes, Rules and Regulations and laws governing the City of Streetsboro.

ARTICLE XXIII NON-MEMBERS ADDRESSING THE BOARD

It shall be noted that the opportunity to speak at any Board Hearing, Special Meeting or Work Session is a privilege granted to the proposed speaker and not a right. It is noted that an applicant does have the right to address the Board. Order and Decorum shall be maintained. Any person may address the Board, but only upon recognition, by the Presiding Officer. Comments shall be pertinent to the current subject matter. All Non-Board members presenting evidence or testimony shall be sworn in by the Presiding Officer. This person shall state their full residential address and spell their last name for the record. If this person refuses to comply, he or she may not address the Board. Any person that willingly disobeys these Rules and Regulations will be asked to immediately comply or face removal from the proceeding.



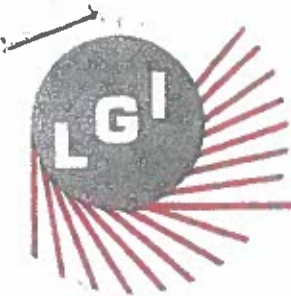
January 17, 2023

Application #VRA22-11

LANGE GRINDING

10165 Phillip Parkway
Zoning District: I-1 Industrial, Research, Office

Request for a variance from the applicable subsections of §1155.02 to allow for 65 parking spaces, as code requires 127 parking spaces. The variance is for 62 parking spaces.



Lange Grinding, Inc.

10165 Philipp Parkway • Streetsboro, Ohio 44241 • Phone 216-463-3500 • Fax 216-656-5002

December 17, 2022

Jimmy Hoppel, AICP, Assistant Planner
City of Streetsboro
9184 St. Rt. 43
Streetsboro, Ohio 44241

BUILDING AND PARKING VARIANCE REQUEST

Dear Jimmy,

I am writing in response to your email dated 12-16-22 regarding the proposed addition to Lange Grinding.

You are correct, the number of parking spaces on the site plan is 65. I have included a revised "Comparison of Parking Spaces" schedule that agrees with the site plan. This schedule also shows that we have 36 excess parking spaces.

I have included a site plan that shows the turning radius needed to move trucks on the property. This is the same one that was sent previously.

Lastly, I have also included a revised copy of the narrative stating why it makes sense for Lange Grinding & Machining, Inc. to add on rather than find a new location. This revision includes the comments you suggested in your last email.

Thank you for your help. Please let me know if you need additional information.

Sincerely,

James M. Fleming
VP --- Treasurer



Lange Grinding, Inc.

10165 Philipp Parkway • Streetsboro, Ohio 44241 • Phone 216-463-3500 • Fax 216-656-5002

NARRATIVE TO JUSTIFY PROPOSED ADDITION

December 17, 2022

Lange Grinding and Machining, Inc currently has 24 employees. 4 work in the office, 18 work in the shop on day shift and 2 work in the evening on second shift. With the proposed addition and if business conditions stay at their current level, we expect to add 5 additional people, 2 to the day shift and 3 to the second shift. That would be a total of 29 employees.

We are requesting a building/parking variance because of the exorbitant high cost of moving. There are basic costs to moving. The first is the cost of a new building, if we go that route, is \$80.00 to \$100.00 per square foot. If we were to build a new facility with 60,000 sq feet, at \$90. 00 per sq foot, it would cost approximately \$5,400,000.00. That does not include the overhead cranes. We currently have 3 class D cranes. The cost to put 4 class D overhead cranes in a new facility would be \$960,000, plus installation. I know that price is correct, because I know a company that just bought one for \$240,000.00.

Many of our pieces of equipment have substantial foundations. We have two large machining centers that must have their foundations isolated from the building foundation. Each of these foundations has 40 cubic yards of concrete and a special outside lining makes the isolation complete. These machines allow us to produce large metal parts that require extremely close tolerances. The manufacturer of these machines will not honor the warranty, or guarantee any accuracy, if this type of foundation is not in place. When we installed these machines, we put in the specified foundations. The total cost of installing each one of these foundations was \$50,000.00. To duplicate that project today, and to pay someone else to do it, the cost approximately \$120,000.00 for each machine.

Another high cost category of moving would be relocating all of our equipment. We have 27 pieces of equipment in house. Each of these pieces would require hiring a rigger to remove, transfer and reinstall at the new location. Depending on the size of each piece, that could cost approximately \$5,000.00 per piece to move. That is a one time cost of \$135,000.00.

The last cost of moving to a new location is a hidden one. That cost is the down time that is unavoidable when moving. During that time period, you are spending a lot on money, paying higher prices for things you can't do because of the limited time available, and at the same time you are losing revenue because you are not servicing your customers. Basically, your expenses are going up quickly just as your revenue is going down quickly. This is a formula for disaster. This period of time can be better planned and controlled if you are adding on rather than moving entirely.

We also have three large Blanchard Grinding machines. Each one of these has 10 foot deep pit that is 20 feet wide by 26 feet long that houses a coolant tank.

We also have a surface grinder that is 12 feet wide by 40 feet long that requires a substantial foundation under it. While this foundation is not isolated as explained above, it has a foundation of 125 cubic yards of concrete below it. Again, this is done to insure the stability of the machine and the accuracy of the parts we produce.

While not all our pieces of equipment need special foundations, there are pieces of equipment that require it. The total cubic yards of concrete that went into these machines at our current location is 428. At total current cost of \$175.00 per cubic yard, that is an additional \$74,900.00 that we will spend if we move to a different location. That is money we would not have to spend if we just add to our current location.

While we have looked at other locations, either building a facility or buying an existing building, it is no secret that land and building costs have increased substantially. The difference between building a new facility and adding onto the current one is \$4,669,900.00, which is substantial. That does not take into account the cost of the land we would have to purchase. There are some trade-offs with getting another facility in that we would use those proceeds from the sale of our current facility to offset the cost of the new facility. That is a moving target with a lot of uncertainty along the way. Needless to say, we would prefer not to go that route.

I have attached a short spreadsheet that outlines some of the costs we would incur if we built a new facility. If we bought an existing facility as opposed to building a new one the costs would be somewhere in between the numbers on the worksheet.

The cost figures in this commentary and on the attached spreadsheet were gathered from the records of Lange Grinding and Machining, Inc., looking at other properties, talking to building contractors, commercial real estate agents and

developers and other business people who have made similar purchases in the recent past.

Thank you for your help. Please let me know if you have any questions.

LANGE GRINDING & MACHINING, INC.
 COMPARISON OF COSTS TO BUILD VS ADD ON

2022

10/26/22

COSTS TO BUILD	
NEW 60,000 SQUARE FOOT BUILDING	5,400,000
CRANE COSTS --- FOUR 20 TON CRANES	960,000
COSTS TO RELOCATE EQUIPMENT	135,000
COSTS TO RELOCATE TWO FERMAT CNC MACHINES	110,000
MACHINE FOUNDATION COSTS:	
2 FERMAT CNC MACHINES	120,000
CEMENT FOR PITS AND OTHER FOUNDATIONS	74,900

COSTS TO ADD ON	
NEW 21,000 SQUARE FOOT ADDITION	1,890,000
ONE 20 TON CRANE	240,000

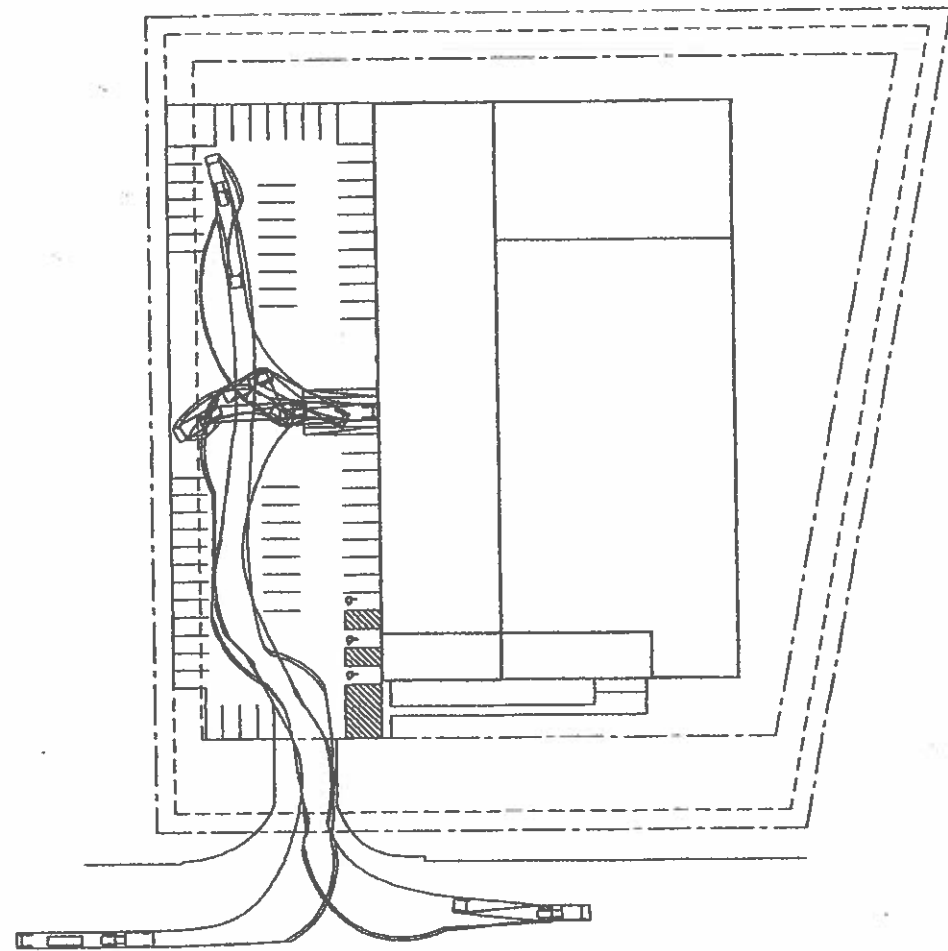
6,799,900


2,130,000

LANGE GRINDING & MACHINING, INC.
COMPARISON OF PARKING SPACES

12/17/22

REQUIREMENT AND PROVISION	
PARKING SPACES PROVIDED IN SITE PLAN	65
CURRENT NUMBER OF EMPLOYEES	24
ADDITIONAL EMPLOYEES	5
PARKING SPACES NEEDED.	<u>29</u>
EXCESS PARKING SPACES	36



<p>C100?</p> <p>Project No. 2023-345</p>	<p>SHEET_NAME</p>	<p>LANGE GRIDING XXXXXX PHILLIP PARKWAY</p> <p>Issue Date 11-07-2023</p>	<p>OWNER</p>	<p>CLIENT</p> <p>XXXXXXXXXXXXXXXXXXXX</p>	<p>Reg. No.: 51709</p> 	<p>2023-12-12</p>
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**CITY OF STREETSBORO
MEMORANDUM**

TO: Board of Zoning and Building and Appeals (BZBA)

FROM: Jimmy Hoppel, AICP;
Assistant Planner

DATE: January 11, 2023

RE: Comments re: Lange Grinding and Machining, Inc Parking Variance for
January 17, 2023 Meeting

I offer the following comments for consideration by the BZBA:

Site Address: 10165 Philipp Parkway
PPN#: 35-012-00-00-001-011
Applicant(s): Jim Fleming, Lange Grinding and Machining, Inc
Property Owner(s): SSR REALTY LLC

The variance being requested:

The applicant is requesting a variance from Section 1155.02 of the zoning code. Specifically, the applicant is requesting a 62-space variance from required minimum parking, where 127 parking spaces would be required, but 65 would be provided. The variance is in anticipation of and to accommodate a future building expansion.

Project Summary:

The applicant is requesting a 62-space parking variance, to permit 65 parking spaces be provided where 127 would be required by Code. The applicant is interested in expanding their building to increase productivity and capacity. In order to do so, the applicant would be required by Code to increase the number of parking spaces provided on-site. However, this expansion would also require the building to expand into the already existing parking lot. The subsequent parking lot that would be required would be redesigned to accommodate for 65 parking spaces, but with no room on the site to landbank the remaining 62 required but unneeded spaces. The applicant has provided information that suggests that even if the future expansion occurs, that the greatest number of parking spaces that they would need at one time for employees is 29, which is still 36 spaces less than what would be provided on-site. The applicant has worked with staff prior to application to explore other options, however, those options were determined not to be feasible, leading to the applicant's current request for a parking variance.

Variance Standards:

In *Duncan v. Middlefield* the Ohio Supreme Court utilized standards for determining if a practical difficulty exists that would justify the granting of an area variance. Find below the *Duncan v. Middlefield* standards as well as standards contained in the City's Zoning Ordinance, in **bold** followed by information provided by staff for the BZBA to consider in weighing the standards and rendering their decision.

1. The property in question (will/will not) yield a reasonable return and there (can/cannot) be a beneficial use of the property without the variance;

The property exists as a functioning business and it is expected that it could continue to do so without future expansion that is triggering the need for a parking variance.

2. The variance is (substantial/insubstantial);

The parking variance would reduce the parking requirement from 127 spaces to 65 spaces, or about 51% of the code required amount, which staff believes is substantial.

3. The essential character of the neighborhood (would/would not) be substantially altered (and/or) adjoining properties (would/would not) suffer a substantial detriment as a result of the variance;

The essential character of the industrial area would not be substantially altered and adjoining properties would not be expected to suffer a substantial detriment as a result of the variance.

4. The variance (would/would not) adversely affect the delivery of governmental services (e.g. water, sewer, garbage, etc.);

This variance would not adversely affect the delivery of governmental services.

5. The applicant purchased the property (with/without) (actual/constructive) knowledge of the applicable zoning restriction;

Section 1155.02 MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED, was adopted in 1980. The property was first purchased by the business in 1993, with the building being constructed in 1994. It is unknown if the applicant purchased the property with or without actual/constructive knowledge of the applicable zoning restriction at the time of purchase, however, multiple decades have passed since the section of the code was adopted and the business has been located on the site. Also, the parking requirements would have been applied as part of the site plan review when the original building and the later expansion (1998) were constructed.

6. The applicant's predicament feasibly (can/cannot) be resolved through some method other than a variance;

The applicant has pursued alternative strategies that include real estate transactions to add adjacent vacant land to their property and have explored moving. Both options were determined to be unfeasible due to cost (relocation) or following face to face coordination with neighboring land owners. In order to expand as desired, the last remaining option is to pursue a variance. The applicant has also provided an auto-turn diagram that shows the proposed parking lot, while safely navigating a semi-truck trailer on the property and meeting dimensional parking space and aisle width requirements.

7. The spirit and intent behind the Zoning Code (would/would not) be observed and substantial justice (done/not done) by granting the variance;

The spirit and intent behind the Zoning Code's minimum parking requirements is to attempt to ensure that adequate off-street vehicular parking is constructed based on the type of use. It is staff's opinion that in many cases, the minimum required parking far exceeds what is actually necessary or needed by the proposed use. This is evidenced by the fact that there is a provision to permit landbanked parking when the Planning Commission determines that the amount of parking required by Code isn't practically necessary. However, in this case there is not adequate space available on the subject property to landbank the code required (but unneeded) parking spaces.

Staff has determined that the applicant has shown sufficient evidence that the amount of parking requested by variance will not only be adequate for their parking needs, but will even exceed their anticipated parking needs once expansion is complete.

8. There (are/are not) conditions peculiar to the property which are not characteristic of other nearby properties in the same zoning district;

There are not conditions peculiar to the property which are not characteristic of other nearby properties in the same zoning district.

9. The peculiar conditions are not the result of actions of the applicant.

There are not peculiar conditions present.

10. The peculiar conditions would be encountered by any person who might own the property.

There is not a peculiar condition present.

11. The variance (has/has not) been requested solely to increase property value or provide some other financial benefit.

The variance is being requested in order to expand the business, while not having to incur the cost of constructing the additional parking that would be required by Code. Per the applicant, an expansion is more financially beneficial than moving and it is anticipated by staff that an expansion in the business would lead to a financial benefit and increase in property value. With that being said the parking variance is not being requested solely for financial benefit, to the contrary, to accommodate a substantial future investment in the company and indirectly the City.

12. The variance is the minimum one necessary to alleviate the difficulty;

Based on the proposed future building expansion and the associated calculations of total office and manufacturing space, the amount of parking required by code is 127 spaces. The applicant has provided that 65 parking spaces are able to reasonably be provided while meeting minimum parking space dimensions, aisle width dimensions, and safely navigating a semi-truck trailer on the site. The parking lot is proposed to align with the western edge of existing and proposed building, however, not extend to the parking setback line on the western side of the site. The proposed variance therefore is not the minimum necessary to accommodate proposed future expansion, however, the proposed layout provides what has been shown will be more than adequate off-street parking to accommodate employees and visitors.

The BZA should weigh the above standards to determine if a practical difficulty exists that would merit the requested variance.