

Board of Zoning Adjustment
Staff Report
March 18, 2019



Case No:	19VARIANCE1009
Project Name:	Hi-Float
Location:	13025 Middletown Industrial Blvd
Owner(s):	M & D Enterprises
Applicant:	M & D Enterprises
Jurisdiction:	Middletown
Council District:	19 – Anthony Piagentini
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Variance** of Land Development Code section 5.3.4.D.3.a (Middletown) to allow a proposed building addition to encroach into the 25 foot setback from an access easement by up to 14 feet.

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 5,012 SF addition onto an existing 11,990 warehouse facility located in the Middletown Industrial Park. There is an access easement that serves as the primary access to the subject site and one other property located to the rear of this site, and the applicant is requesting a variance to encroach into the required setback from that easement.

STAFF FINDING

The request is adequately justified and meets the standard of review.

TECHNICAL REVIEW

An associated Revised District Development Plan under docket 18DEVPLAN1213 was reviewed by the Development Review Committee on 2-20-19, and was recommended for approval by the City of Middletown.

INTERESTED PARTY COMMENTS

The owner of the other property served by the access easement contacted staff to express concern about existing drainage and truck traffic issues.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare as there will still be adequate setbacks to allow for safe vehicular circulation along the access easement.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The variance will not alter the essential character which contains a wide array of industrial uses with varying scales and setbacks.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as the associated development plan has been approved by transportation planning and MSD to ensure the safe use of the site.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the remainder of the site will be in compliance with the Land Development Code, and the area has a variety of industrial uses of different sizes.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances that do not generally apply to land in the general vicinity, as the location of the access easement cannot be at the property edge due to the presence of drainage facilities along the western property line.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation, as the easement was created several years before the adoption of setback standards relating to access easements, and the applicant is seeking to expand their facilities.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance**

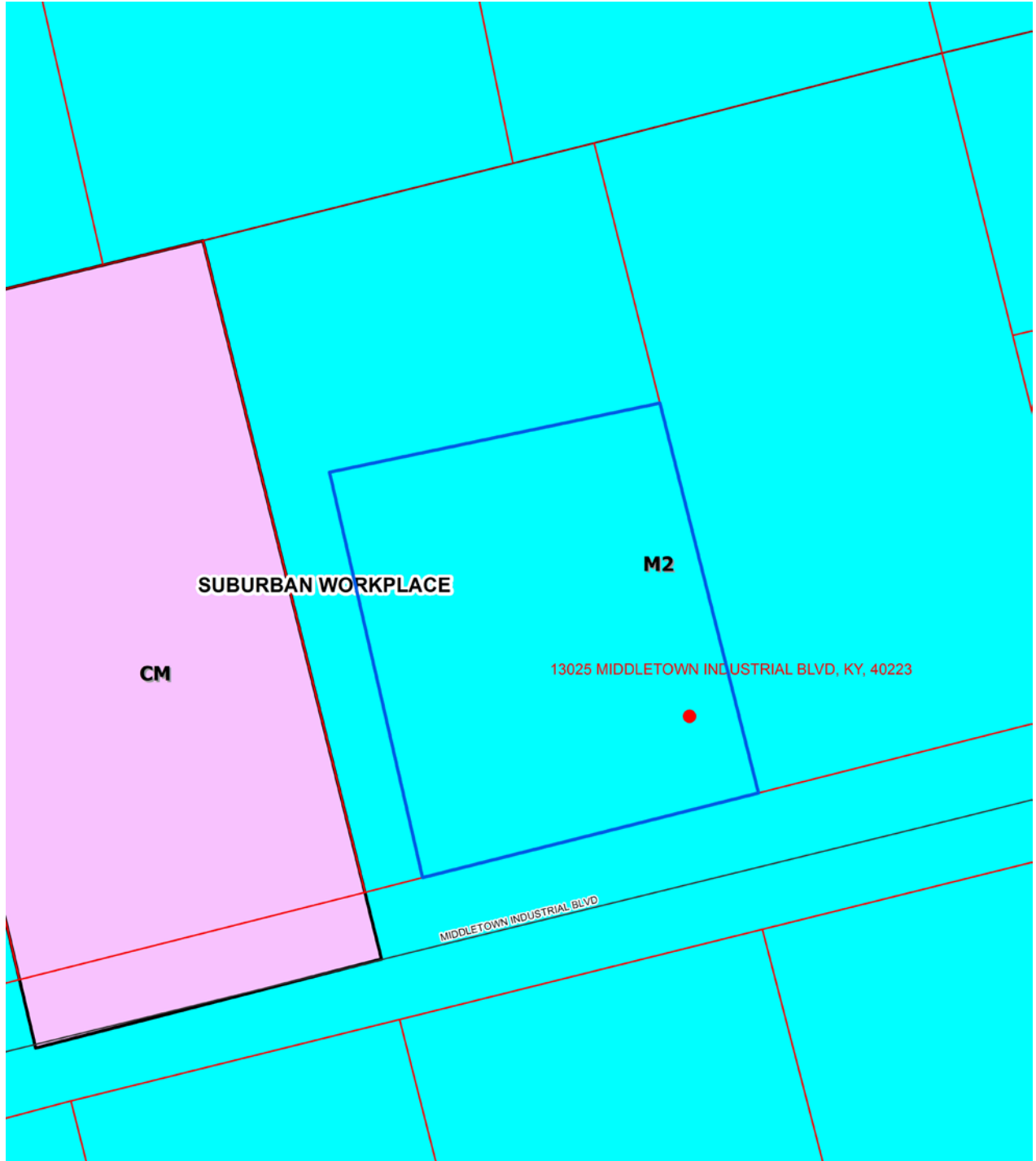
NOTIFICATION

Date	Purpose of Notice	Recipients
2-18-19	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 19

ATTACHMENTS

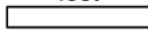
1. Zoning Map
2. Aerial Photograph

1. Zoning Map



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feet



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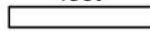
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2. Aerial Photograph



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feet



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