

Board of Zoning Adjustment

Staff Report

February 6, 2023



Case No:	22-VARIANCE-0116
Project Name:	Speckman Retail Addition
Location:	719 & 721 Speckman Road
Owner(s):	Speckman Commercial LLC
Applicant:	Speckman Commercial LLC
Jurisdiction:	City of Middletown
Council District:	19- Anthony Piagentini
Case Manager:	Julia Williams, AICP, Planning Manager

REQUEST(S)

- Variances:
 1. Variance from Chapter 5.3.1.C.5 to reduce the minimum 10' setback to 3' in front of 2 parking spaces (7' variance)
 2. Variance from Chapter 5.3.1.C.5 to eliminate the 30' non-residential to residential setback along the east property line

CASE SUMMARY/BACKGROUND

The proposal is for a 7,834 SF commercial building with access to the site from both Speckman Road and the private Rose Garden Road. A bank currently exists on the lot and will remain. The lot will be subdivided so that the bank and commercial buildings will be on separate lots. Parking between the commercial building and the adjacent commercial to the north will be shared. Cross access with the bank property will need to be provided.

The site was rezoned under docket #9-70-00.
17086- Revised Plan for the bank site
14DEVPLAN1145- DDP for the commercial center to the north
DRC approved the development plan (22-DDP-0032) at the January 4, 2023 meeting.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code.

TECHNICAL REVIEW

Land Development Code (2006) Middletown

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the parking along Speckman will still be screened. The elimination of the 30' setback is mainly an existing condition but the current proposal will allow for further parking encroachment.

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

STAFF: The requested variance will not alter the essential character of the general vicinity because the parking along Speckman will still be screened. The elimination of the 30' setback is mainly an existing condition but the current proposal will allow for further parking encroachment.

- (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 because the parking along Speckman will still be screened. The elimination of the 30' setback is mainly an existing condition but the current proposal will allow for further parking encroachment.

- (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 because the parking along Speckman will still be screened. The elimination of the 30' setback is mainly an existing condition but the current proposal will allow for further parking encroachment.

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 the dual roadways present along the frontage (Speckman and Blankenbaker Parkway) and the existing condition along the rear of the property where an access road is in between the subject site and the adjacent multi-family.

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 create an unnecessary hardship on the applicant because of the dual roadways and existing access roads not being created by the applicant.

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 from which relief is sought. The applicant is not responsible for the dual roadways or the existing access easement for the development of the subject lot.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variances**

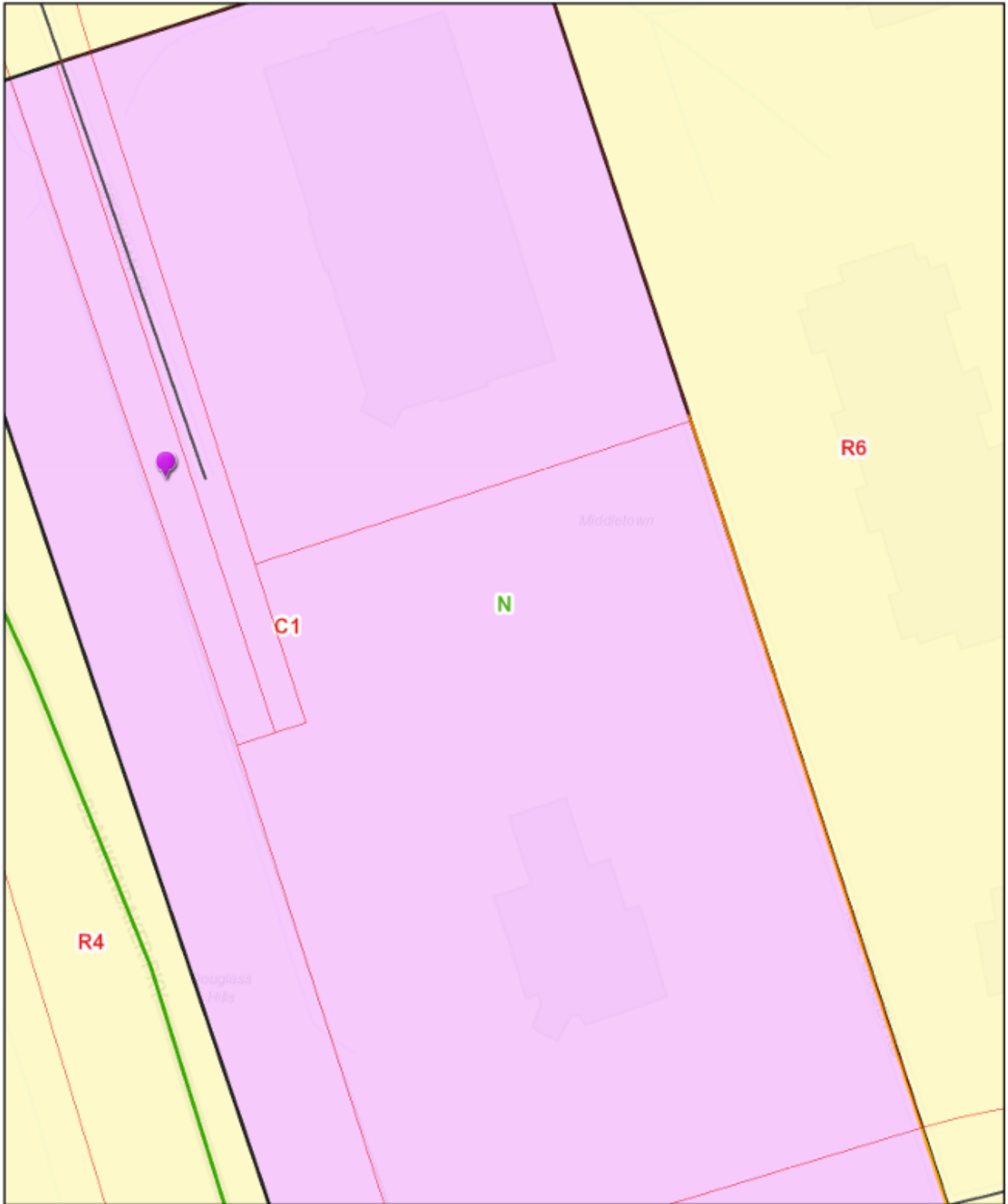
NOTIFICATION

Date	Purpose of Notice	Recipients
1/19/23	Hearing before BOZA on 2/6/23	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 19

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

