

**PLANNING COMMISSION MEETING
STAFF REPORT
WEDNESDAY, FEBRUARY 21, 2024**

CASE NO: PC 24-0001
PROJECT NAME: BRANDT ACCESSORY STRUCTURE WAIVER
PROJECT ADDRESS: 2801 BRANDT PIKE, RIVERSIDE, OH 45404
PARCEL ID: I39 00520 0002
APPLICANT/PROPERTY INFO: ODIR DIAZ, 2801 BRANDT PIKE, RIVERSIDE, OH 45404
OWNER/PROPERTY INFO: SAME AS APPLICANT
ZONING DISTRICT: R-1 LOW DENSITY SINGLE-FAMILY RESIDENTIAL
CURRENT USE: SINGLE-FAMILY RESIDENCE

REQUEST:

A waiver to allow the combined accessory structures' footprint to exceed that of the principal structure. (UDO Section 1115.01.C.2).

CASE BACKGROUND:

The subject site is located on the southwest corner of Brandt Pike and Schwinn Drive. The entire parcel is comprised of 21.7 acres. There is an existing 1,514 sf single-family residence on the property. The applicant is proposing to construct a 3,000 sf. accessory structure – storage building – on the northwest side of the property. The Riverside Codified Ordinances require the footprint of accessory structures to be smaller than the principal structure. This ensures that the accessory structure is incidental to the principal structure and creates a more consistent neighborhood character.

INTERESTED PARTY COMMENTS:

Staff has not received any comments from adjacent property owners.

STAFF REVIEW/FINDINGS:

Staff finds that the *waiver request* is adequately justified and does meet the standards for approval. Staff recommends **approval** of the design waiver, because:

- The proposed waiver will not have adverse effects on adjacent property owners.
- The proposed waiver request will assist the applicant is complying with other UDO standards.
- The applicant is proposing to set the structure back 10 feet back farther from Schwinn than the minimum standard and screen by vegetation.

The question(s) before the Planning Commission is:

- **Does the proposal meet the standards for granting a waiver request established in Section 1105.13(E)?**

In order to answer this question, the Planning Commission should consider:

- information in the staff report (standards for approval, attachments, land use plan, etc.), and
- whether the waiver aligns with the goals and objectives of the Comprehensive Land Use Plan & zoning code.

ATTACHMENTS:

1. Zoning Map
2. Aerial Map
3. Site Plan & Elevation
4. Site Photos
5. Justification Statement

STANDARDS FOR APPROVAL AND STAFF ANALYSIS FROM SECTIONS 1115.13 (E):

THE FOLLOWING CRITERIA SHALL BE FOLLOWED IN APPROVING A WAIVER REQUEST.

1. Whether the waiver will have an adverse effect on adjacent property owners.

The requested waiver would not have an adverse effect on adjacent property. The applicant will construct the storage building to allow stormwater to drain into the yard and not cause flooding of other properties. Additionally, this building will be far enough from the road to not obstruct the sight of traveling vehicles and screen by vegetation.

2. Whether the proposed development is in conformance with the principles of the City's Comprehensive Land Use Plan.

Yes, the Comprehensive Land Use Plan recommends a housing pattern in this area that transitions from rural lots to more urbanized neighborhoods. This waiver is indicative of this land use character type. The subject site is a large, open lot which abuts more traditionally platted developments to the south and east.

3. Whether the applicant can show that the regulation will cause a practical difficulty or strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land.

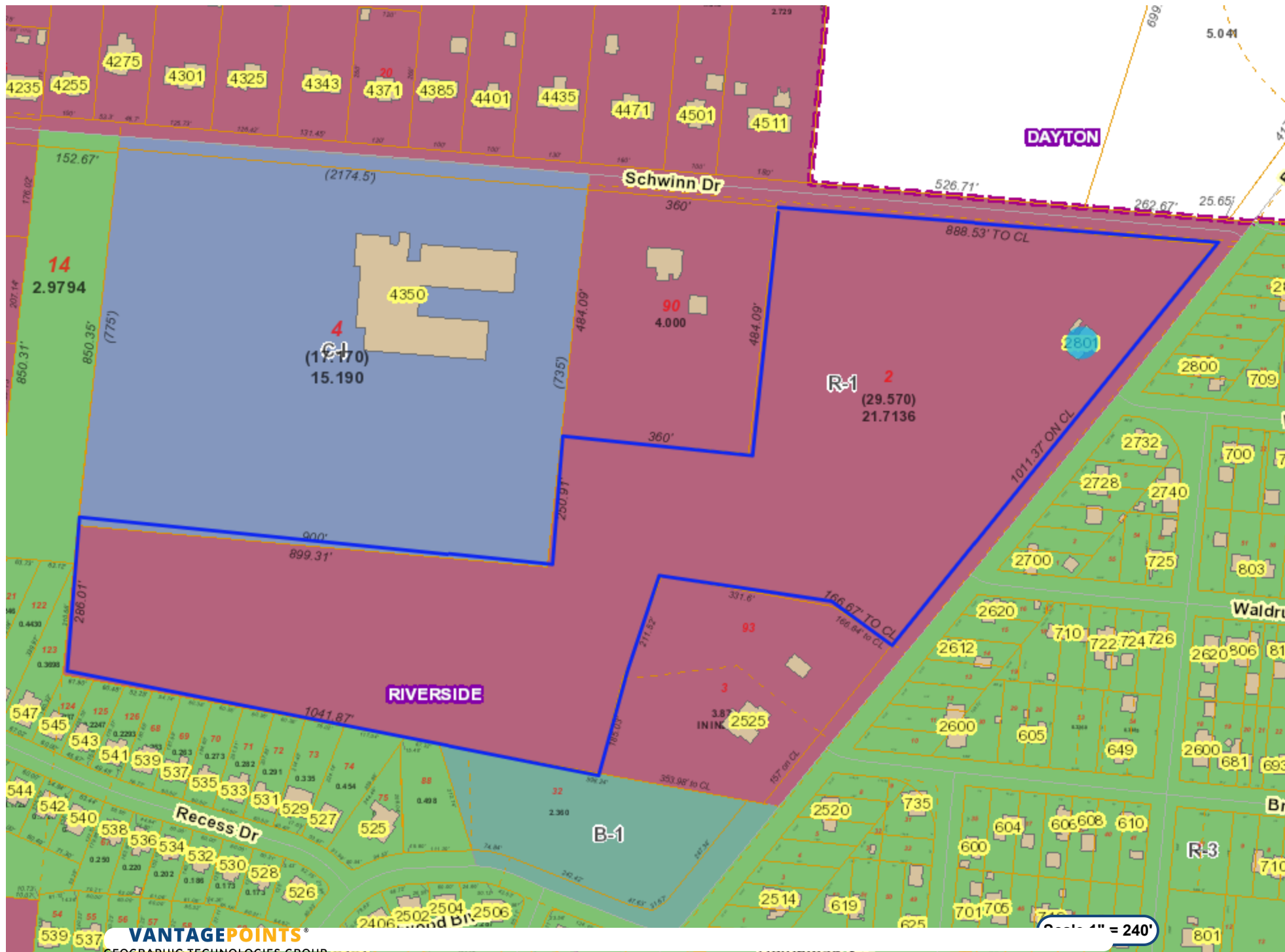
Yes, the strict application of the regulation will cause practical difficulty. The waiver request is not substantial given the size of the property (over 20 acres). Additionally, the applicant plans to store the vehicles and equipment they use to maintenance their property. Section 1113.11 Parking and Loading Standards limit the number of vehicles which can be stored outside. It should also be noted that the outdoor storage of this equipment is prohibited by Property Maintenance. The proposed accessory structure will ensure all the vehicles and equipment are stored in compliance with the aforementioned UDO regulations.

4. Whether the proposed development design, site arrangement, and/or anticipated benefits of the proposed development justify any deviation from the design standards found herein.

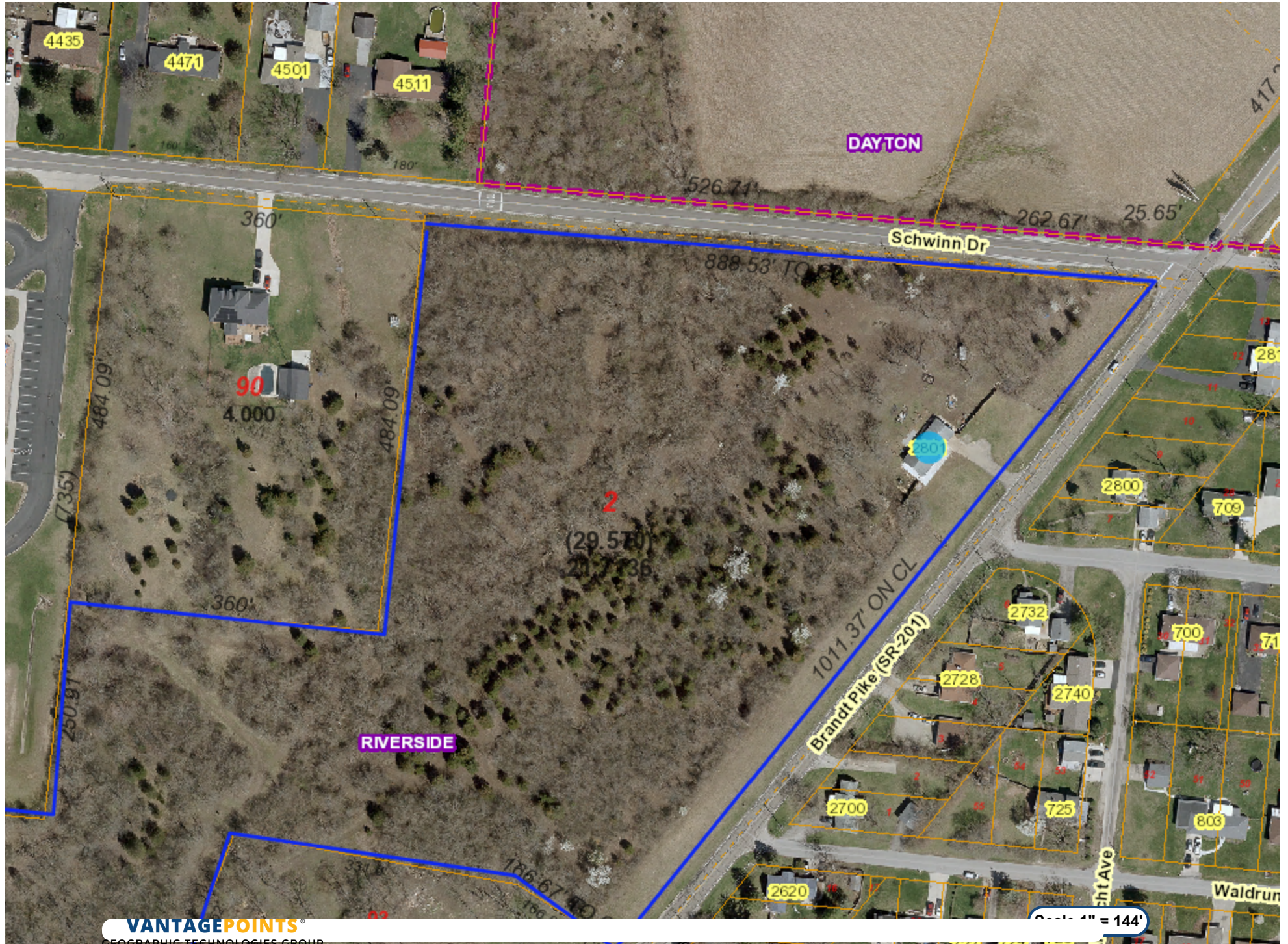
No, the applicant has not offered an alternative. The vehicles and equipment will need to be stored offsite in a rental space if the waiver is not granted.

5. Whether the applicant has incorporated other design measures that exceed the minimums of the requirement and compensate for non-compliance with the requirements to be waived (net beneficial effect).

Yes, the applicant is proposing to construct the accessory structure further from the than the two streets minimum setback of 35 feet. The proposed structure will be 45 feet from Schwinn Drive and 105 feet from Brandt Pike. It will be situated behind the existing single-family dwelling.

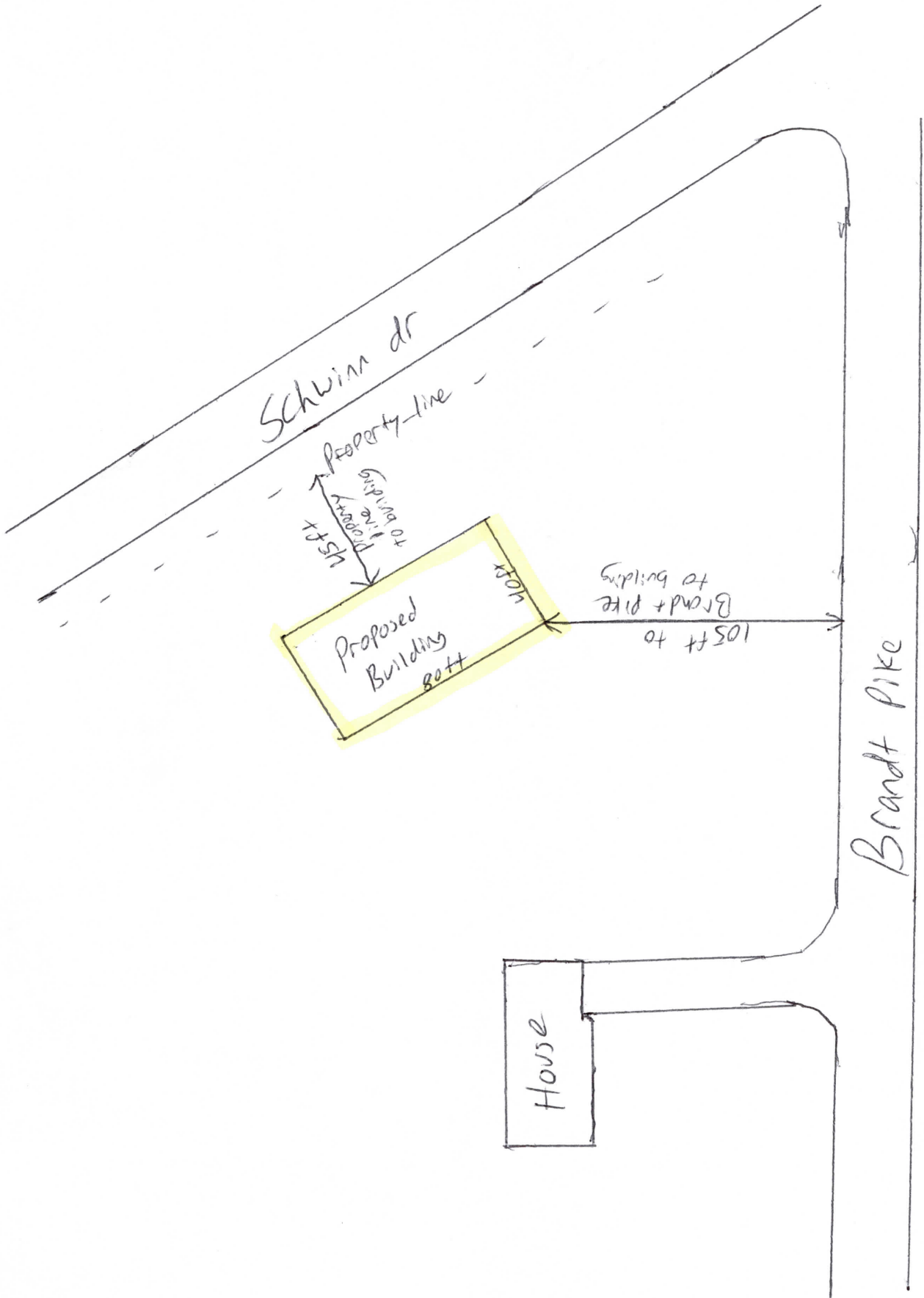






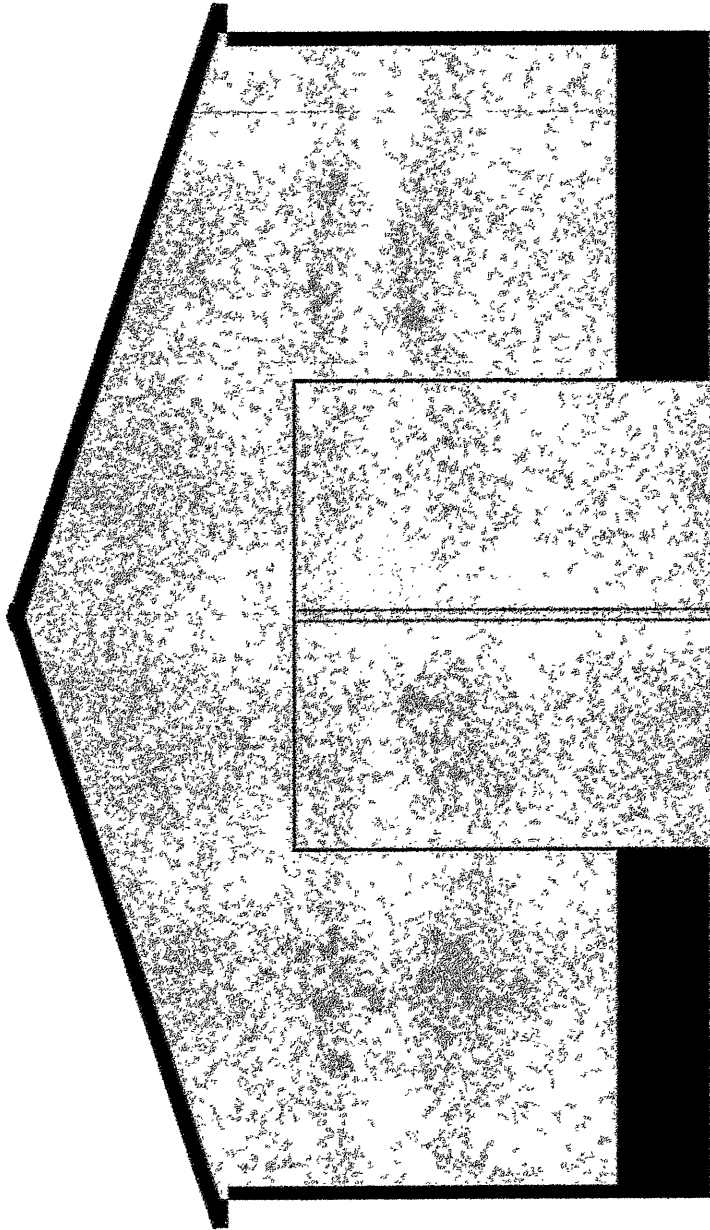
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Scale 1" = 144'



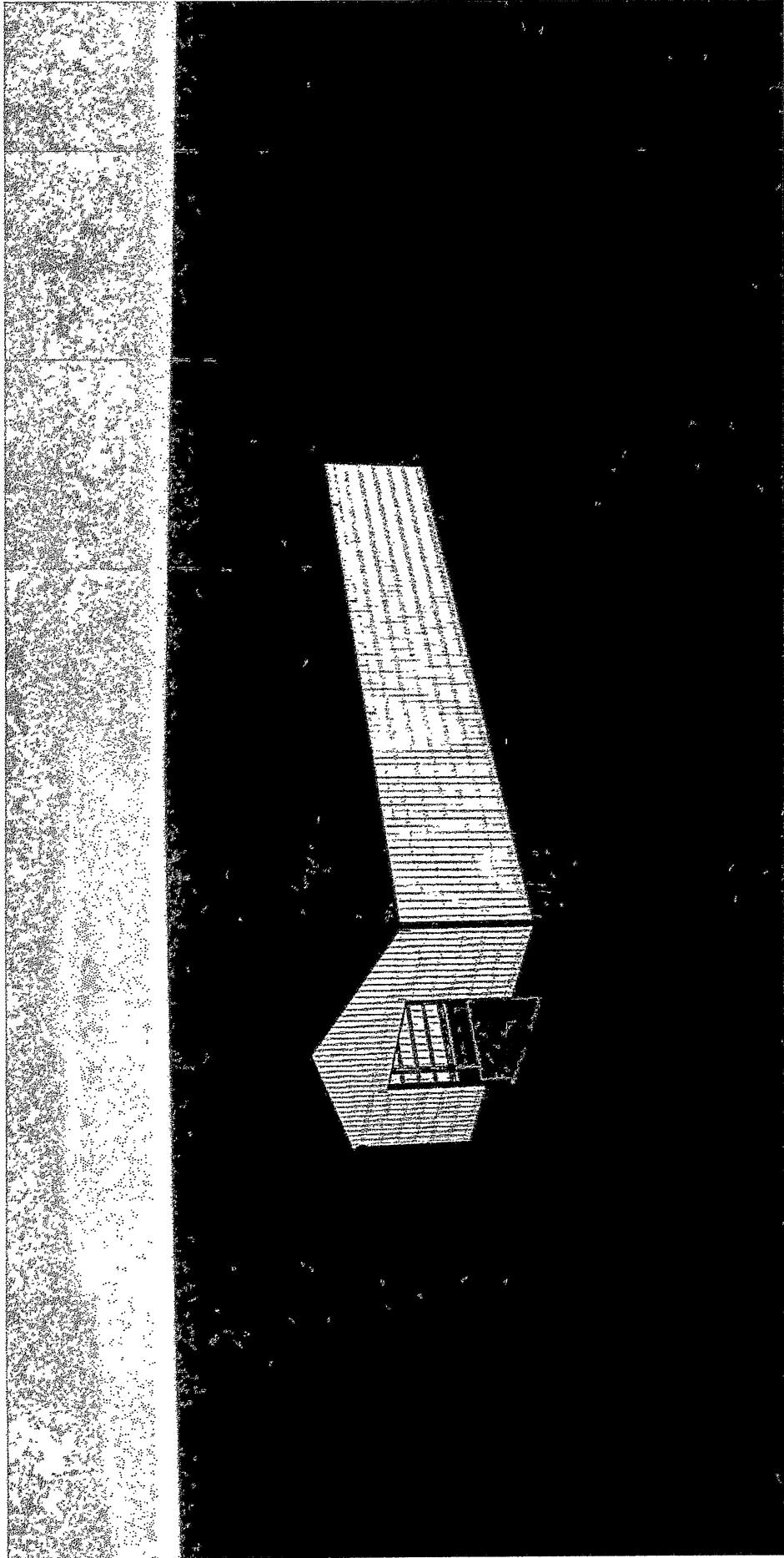
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Front Elevation



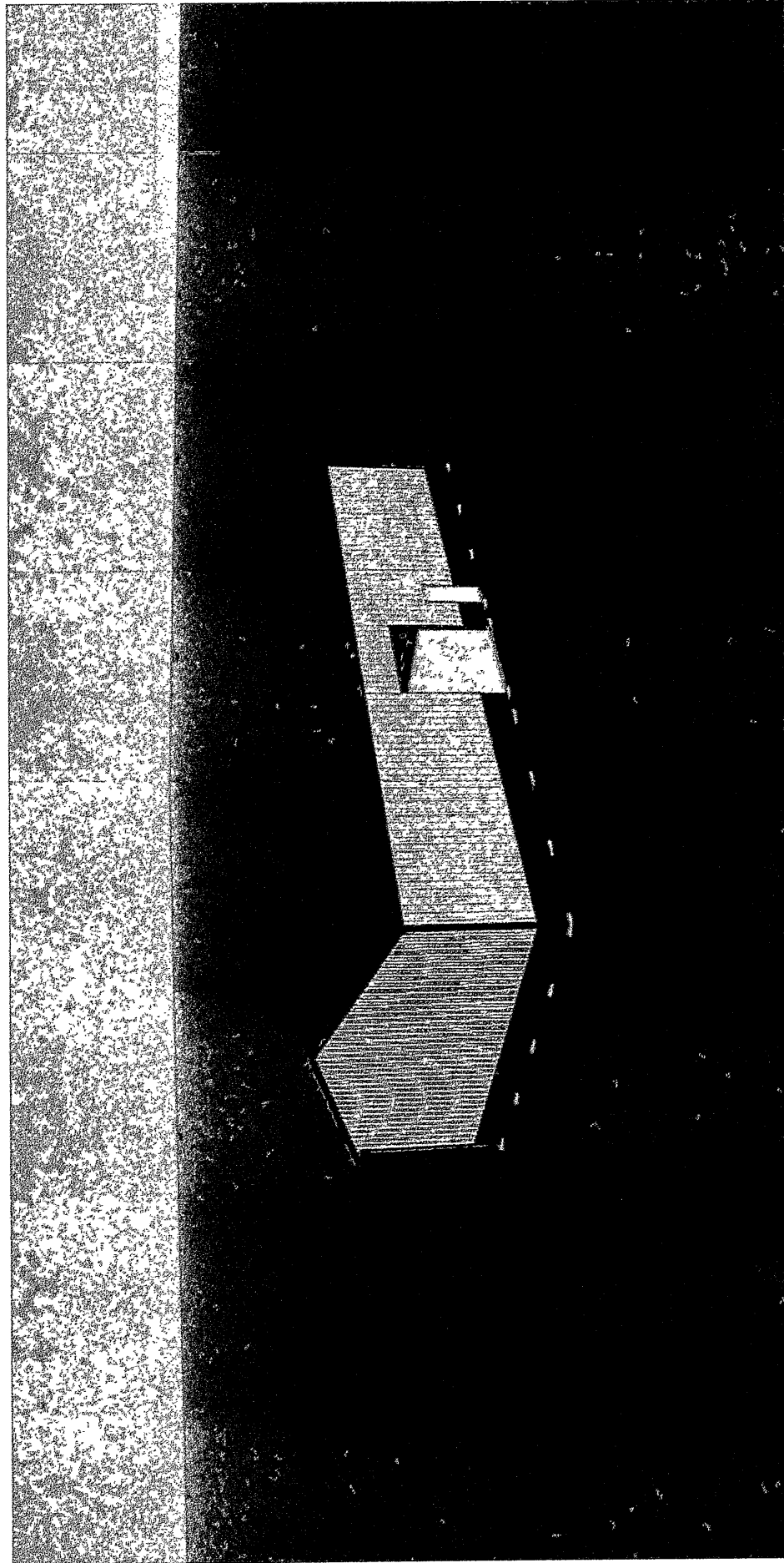
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Iso 2





Front of Subject Site



Adjacent Property Across Brant Pike



Adjacent Property Across Schwinn Drive



Waiver Area



Waiver Area: View from Schwinn Drive



Waiver Area: View from Brant Pike

Waiver Justification:

In order to justify approval of any waiver staff and/or the Planning Commission considers the following criteria. Please answer all of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Whether the waiver will have an adverse effect on adjacent property owners.

no there are no neighbors close to our property

2. Whether the proposed development is in conformance with the principles of the City's Comprehensive Land Use Plan.

yes, it will still look residential although it will be bigger than the house.

3. Whether the applicant can show that the regulation will cause a practical difficulty or strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land;

we need a bigger structure for our land we do not want to keep using our storage containers as they have already been filled up to capacity.

4. Whether the proposed development design, site arrangement, and/or anticipated benefits of the proposed development justify any deviation from the design standards found herein;

we are wanting to design this structure in a way so that it will still be compatible with the size of our land and house and surrounding area we are even setting the structure back farther from the street (schwinn)

5. Whether the applicant has incorporated other design measures that exceed the minimums of the requirement and compensate for non-compliance with the requirements to be waived (net beneficial effect).

we are building the structure even farther away from schwinn st. so there will not be any interference with the structure close to the street