

PLANNING COMMISSION MEETING
STAFF REPORT
MONDAY, APRIL 15, 2024

CASE NO: PC #24-0005
PROJECT NAME: U-HAUL CANOPY PLACEMENT WAIVER
PROJECT ADDRESS: 2121 HARSHMAN ROAD, RIVERSIDE, OH 45424
PARCEL ID: I39 00203 0002
APPLICANT INFORMATION: U-HAUL COMPANY OF DAYTON, 31 S. BECKEL STREET, DAYTON, OH 45403
OWNER INFORMATION: COBBLESTONE CAPITAL LLC, 1550 WESTERN STREET, BOWLING GREEN, KY 42104
ZONING DISTRICT: I-1 LIGHT INDUSTRIAL DISTRICT
CURRENT USE: SELF-STORAGE AND TRUCK/EQUIPMENT RENTAL

REQUEST:

A waiver to permit an accessory structure in the front yard.

CASE BACKGROUND:

The subject site is located at the northern corner of Transportation Drive and Harshman Road. The property is the former Morris Furniture site which was converted into an indoor self-storage and truck rental facility. The applicant is proposing to construct an 800 sf canopy in the front of the primary structure. The accessory structure will be used to wash and maintenance vehicles. It will also be used for customer rental pickups. The canopy will be a permanent structure anchored to the ground. The zoning code requires all accessory structures to be placed in the rear or side yards. The applicant is requesting a waiver of this design requirement.

This case was continued from the March 2024 meeting to allow staff to gather information. The City of Huber Heights Planning Department was contacted about the existing canopy at the Brandt Pike U-Haul. The Huber Heights zoning official stated that structure was reviewed and permitted as a detached awning. Staff also spoke to legal and confirmed the Planning Commission has the authority to impose reasonable conditions related the request.

INTERESTED PARTY COMMENTS:

Staff have not received any comments from adjacent property owners.

STAFF REVIEW/FINDINGS:

Staff finds that the requested waiver is not adequately justified and **does not** meet the standards for approval. Staff recommends **denial**, because:

- The strict application of the regulations will not deprive the applicant of the reasonable use of the land.
- There is an alternative location which is compliant with the zoning regulations and could meet the applicant's needs.

Should the Planning Commission choose to approve the request as presented staff recommends the below conditions.

Recommended Conditions:

- An accessory structure permit must be obtained from the City of Riverside Community Development Department within 30 days of approval. Unless the required the zoning permit application is properly submitted and approved within the 30-day period, the waiver approval shall be voided unless written request for time extension is submitted to and approved by the Zoning Administrator. Such an extension shall not exceed six (6) months without Planning Commission approval.
- A building permit must be received from the Montgomery County Building Regulation Division prior to use of the structure.

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, etc.),
- whether the waiver aligns with the goals and objectives of the Comprehensive Land Use Plan & zoning code, and
- testimony and/or evidence provided at the public hearing which directly relates to the waiver application.

ATTACHMENTS:

1. Zoning Map
2. Aerial Map
3. Site Plan
4. Justification Statements
5. Supplemental Information

STANDARDS FOR APPROVAL AND STAFF ANALYSIS PER UDO §1115.13 (E):

THE FOLLOWING CRITERIA SHALL BE CONSIDERED IN REVIEWING A WAIVER REQUEST; 1115.01(E)(3)(B).

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.

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

No, one of the objectives of the ONE Riverside Plan is to ensure new development or structures are complementary to the preferred neighborhood and future land use character of the area. When new structures are built the Land Use Plan encourages balancing property owner's rights against the future vision of Riverside through the City design regulations.

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.

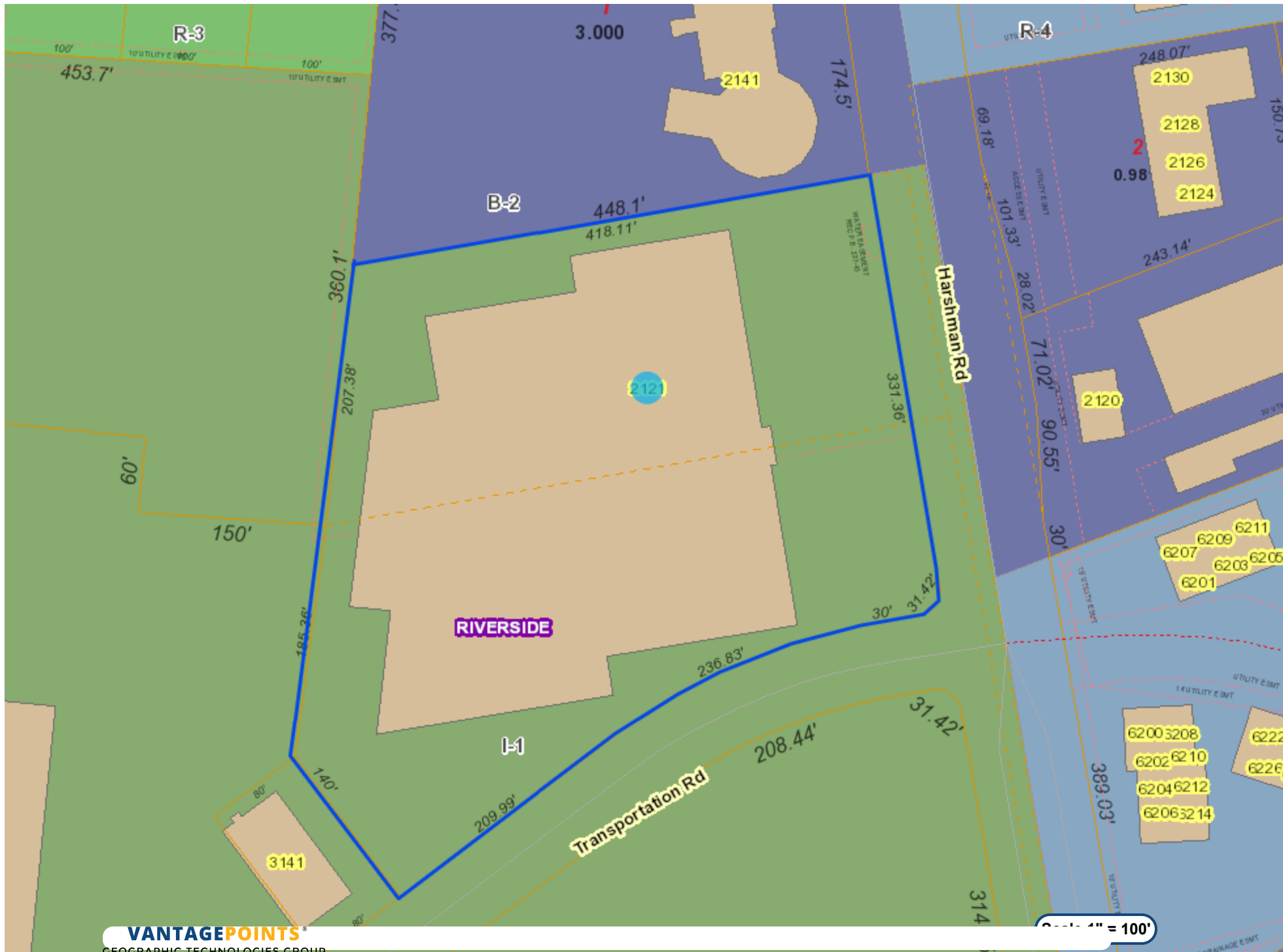
No, the strict application of the regulation will not cause practical difficulty or deprive the application reasonable use of the land. The applicant could combine the two parcels they own and place the structure in the rear and out of any fire lanes or vehicular use areas.

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 other alternatives which have not been fully explored and would comply with the zoning code. The canopy could be placed in the rear if additional steps are taken.

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).

No, the applicant has not offered an alternative. The application mentioned the need to add security lights and additional cameras to the property if the canopy is placed on the side of the building. The applicant did not want to pursue this option due to the cost. The rear of the property is still an option.





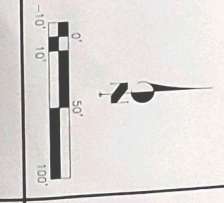
PRELIMINARY SITE PLAN

5.18 ADA ACCESS PROVIDED
28 ADA ACCESS REQUIRED

LODGER SIZE	INTERIOR		EXTERIOR		GRAND TOTAL	
	QTY	%	QTY	%	QTY	%
5x5	56	1.05	2%	0	0	0%
5x6	2	0.04	0%	0	0	0%
5x8	6	0.11	0%	0	0	0%
5x10	5	0.09	0%	0	0	0%
5x12	125	2.30	10%	0	0	0%
5x15	3	0.06	0%	0	0	0%
6x7	2	0.04	0%	0	0	0%
6x10	8	0.15	0%	0	0	0%
6x12	12	0.22	1%	0	0	0%
6x15	30	0.56	0%	0	0	0%
8x10	70	1.30	0%	0	0	0%
8x12	12	0.22	0%	0	0	0%
8x20	27	0.50	0%	0	0	0%
9x10	27	0.50	0%	0	0	0%
10x10	179	3.31	29%	280	28,000	64%
10x12	6	0.11	0%	0	0	0%
10x13	6	0.11	0%	0	0	0%
10x15	87	1.61	21%	40	6,000	15%
10x20	28	0.52	0%	0	0	0%
10x25	2	0.04	0%	0	0	0%
10x30	1	0.02	0%	0	0	0%
LAN BOOTERS	0	0%	0%	42	8,400	21%
TOTAL	670	12.53	100%	342	40,400	100%



PRELIMINARY



SCALE: 1" = 50' - 0"

SITE DATA

ZONING INFORMATION:
 PROJECT ADDRESS: ABUTTING 2141 HARSHMAN ROAD
 MUNICIPALITY: CITY OF RIVERSIDE
 APN / ACRES / AREA: 139004 140009 / 9 ACRES / 371,468 SQ. FT.
 ZONE: I-1 (LIGHT INDUSTRIAL)
 ADJACENT ZONING: N-R-3, E-C-2, W-1-1B-2
USES: VEHICLE RENTAL - PERMITTED, SELF-STORAGE FACILITIES - PERMITTED
SETBACKS: FRONT YARD: NONE, SIDE YARD: 25 FT. ADJACENT TO RESIDENTIAL, REAR YARD: 25 FT. ADJACENT TO NONRESIDENTIAL, NONE IF ADJACENT TO NONRESIDENTIAL, LANDSCAPE BUFFER REQUIRED, ADJACENT TO RESIDENTIAL: 25 FT., ADJACENT TO NONRESIDENTIAL: 10 FT., MAXIMUM LOT COVERAGE: NONE, MAXIMUM BUILDING HEIGHT: 45 FT.
PARKING: RETAIL = 1 SP / 250 SF, RESTAURANT = 5 SP / 1000 SF, PLUS ONE SPACE FOR EACH 10,000 SF OF FLOOR AREA, PLUS ONE SPACE FOR EACH VEHICLE MAINTAINED ON THE PREMISES



SITE SCALE: NTS

5.18 ADA ACCESS PROVIDED
28 ADA ACCESS REQUIRED

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, we believe that it is close enough to our building to not take away from the look of both the building and street view. The Canopy is open walled and has a canvas top. Being open walled would allow the building to be seen. (see example photo)

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

Yes. With the open walled Canopy, it would not take away from building design OR cause a distraction with the travelers. It is also close enough to building to not cause adjacent properties distraction.

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 believe this canopy is for the safety of both our customers and employees. It is there to provide shelter from the elements while performing customer service and cleaning of equipment.

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;

Benefits of having the canopy out way the negative aesthetic concerns of having it in the front of the property. This canopy is close enough to the building to not disturb motorists or travel.

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).

The canopy provides a faster service for our customers while also providing a safe area visible for both customers and employees.

Having the canopy on the side of the building would make it difficult to maintain a visual on other employees and the front of business. Also, having the canopy on the side of the building could cause additional costs to the business. We would need to install additional lighting and cameras to the side of the building to maintain safety and security. Additional lighting to the side of the building could cause adverse effect on adjacent properties.

Project Description

Project includes installing a 20'W x 40' L x 14' H open wall canopy. The canopy has a green canvas top. We want to install this canopy in front of our building which would be considered "front yard".

The canopy is to provide a safe and comfortable shelter for our customers and employees when completing the rental process with our vehicles.

Example Photo is from our Huber Heights location. It is located at 6550 Brandt Pk Huber Heights, OH 45424





Front of Subject Site



Adjacent Property Across Harshman Rd



Proposed Canopy Location



View from Harshman Rd



View from Transportation Drive



Rear of Subject Site