

Mt. Vernon Duchess, LLC – Application for Variance

Section 1103.07 permits a variance where strict application of the code will create a practical difficulty or unnecessary hardship. Applicant's development of the property involves a unique situation not caused by the Applicant's act or omission.

The variances requested are:

- 1) "Canopy Variance": Canopy and Fuel Pumps within the 100' set back from residential lots and a 1' variance on the northeast corner in the front setback. Exhibit A shows the setback line. Specific Use Standards are described in 1105.04(u).
- 2) "Building Variance": The southwest corner of the building 5' into the rear setback. Exhibit B shows the setback line.
- 3) "Screening Variance": Chapter 1111 addresses screening, which may be modified either through approval of a variance or an alternative equivalency review under 111.03.04.

Review Criteria. Factors to determine if a practical difficulty exists:

A. Special conditions and circumstances exist which are peculiar to the land or structures involved:

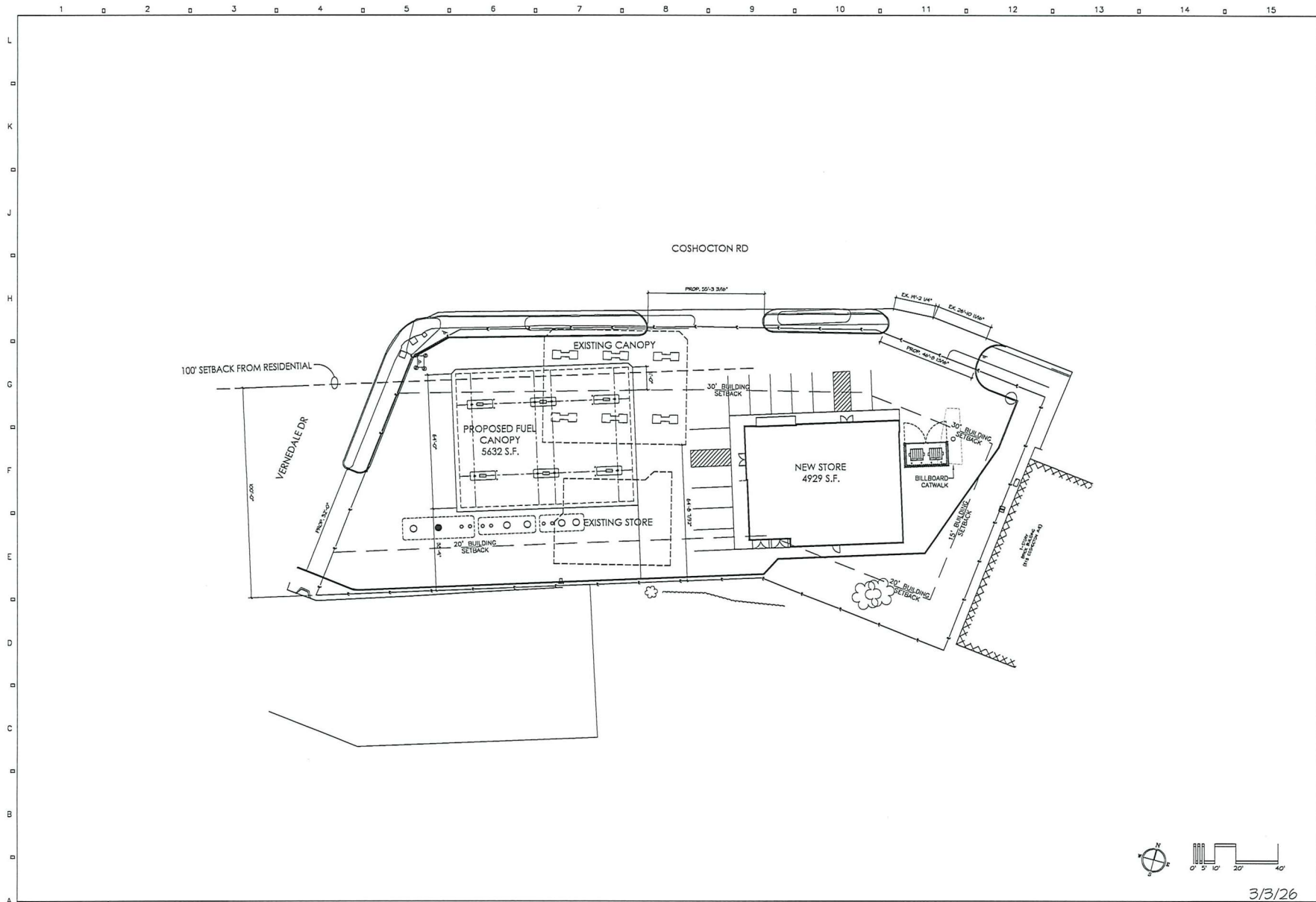
1. In support of the Canopy Variance, the special conditions include:
 - a. It is not possible to have a case station on this lot as currently zoned. The property has been used as a gas station since at least 1994 when the current structure was built.
 - b. The current canopy is a non-conforming use for both a front setback and the residential setback. See Ex. A.
 - c. The new canopy location greatly improves the front setback non-conformity except for the northwest corner which can be approved administratively and a portion of the northeast corner being 1' into the front setback. See Exhibit B.
 - d. No gas station could be placed on the property under the current code. Applicant invested in this property when they were granted initial approvals in 1994 and want to reinvest in the property with a new and improved site.
 - e. The proposed variance allows fueling trucks to maneuver onto the property to unload fuel. These trucks unload fuel from the passenger side. The Code as written causes a practical difficulty because it would force relocation of the fuel tanks, pushing them

closer to the neighboring property to the south and requiring the fuel trucks to unload fuel from the driver's side. This creates a practical difficulty for the driver.

- f. The fuel tanks need to be at least 10' from the property line, per BUSTR. If the tanker off loading, entering the site from the west they would be fueling the tanks from the driver's side, unless they pulled in under the canopy.
2. In support of the Building Variance, the special conditions include:
 - a. The current building location is 5' from the property line. This location was initially approved by the BZA on July 13, 1994.
 - b. A private waterline was placed on the property without an easement or other agreement. Applicant will develop this site in a manner that does not interfere with this waterline.
 - c. The proposed site plan requests a 5' variance for a corner of the building, making this corner 15' from the rear property line instead of 5' as currently located.
 - d. Sufficient room is left for loading and unloading and for replacement of the waterline if necessary.
 3. In support of the Screening Variance, the special conditions include:
 - a. The current site is not compliant with the code. The proposed plan will result in a clean design with a wall to screen from the R-3 zoned areas to the south.
 - b. The R-3 lot bordering the south east portion of the property will be screened by the current hillside and natural vegetation.
 - c. The R-3 lot will be screened by a fence.
 - d. The current building is on the property line with no screening. The new building will be further off the property line.
 - e. There is currently a fuel pump directly on the southern property line, this will be removed.
 - f. The billboard pole prevents Applicant from using a large portion of the property.
 - g. The dimensions of the lot and current zoning code make it impossible to develop the property as a fuel station without a variance. The requested variance is the minimum variance needed to redevelop the lot with an modern fuel station.

- B. The variance is the minimum necessary to make possible the reasonable use of the land and structures:
1. The Canopy Variance is needed to comply with State regulations regarding fueling stations and will have modern safety measures. It improves the front setback while leaving sufficient room for traffic and deliveries. No fueling station can be placed on the property under the zoning code.
 2. The Building Variance moves the building further from the rear property. A 9' variance on the southwest corner of the building as shown on the Site Plan allow the travel lane on the north side of the building to be 24'.
 3. The new building will be the same size and layout as the other site being developed at 4 Newark Rd. The travel lanes on the property will be greatly improved.
- C. The essential character of the neighborhood and adjoining properties would not be affected:
1. The Canopy Variance results in the canopy being farther from Coshocton Ave. than the current canopy. The canopy will also be outside of the 20' rear setback and not affect the business use to the south. The residential apartments to the southeast will not see a change in the character of the site. It will still be a fueling station with a new, modern building offering more amenities, updated safety, modern fuel tanks, and invested owners.
 2. The Building Variance will not change the character of the neighborhood. It will be a new and improved building setback further from the rear property line.
 3. The Screening Variance will have no effect on the character of the neighborhood. Any current screening will not be disrupted and new screening will be added.
- D. There will be no effect on the delivery of governmental services such as water or sewer. The proposed plan preserves the waterline serving the apartments to the south.
- E. Special circumstances exist due to actions of the applicant. This property was previously developed by Applicant in 1994 in compliance with zoning codes in effect at that time, with conditional approvals and variances granted. Substantial investment was made at that time and Applicant is making new investments to provide a safer, modern site. The new site plan addresses the characteristics of the site and the safe maneuvering of vehicular and pedestrian traffic while also adding screening.

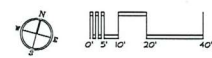
- F. The predicament cannot be feasibly obviated through other methods. The site plan considers Ohio Department of Commerce Requirements, safety, and impacts on neighboring properties. The current site is non-conforming, and the zoning code would prohibit any fuel stations on the site. The site has long been used for fueling stations.
- G. The spirit and intent behind the zoning requirements would be observed and substantial justice done. The canopy will be in a better location than it is currently. Building would be further from the rear property line. Screening will be added.
- H. The City approved this site for a fuel station since at least 1961 when it was purchased by Humble Oil and Refinery in 1961. The residential properties to the south were not developed until 1969. The property has been owned by Applicant (prior individuals/entities related to Applicant) since 1972.



NO.	REVISIONS	DATE

ENGLEFIELD OIL COMPANY
COSHOCOTON AVENUE DUCHESS
 41 YERNEVALE DR #300
 VERMONT, VT 05498

Wachtel & McAnally
 ARCHITECTS
 100 W. VERMONT ST. #200
 VERMONT, VT 05498



3/3/26

A1
SCALE: 1"=20'-0"

SITE PLAN

PROJECT: **SITE PLAN**
 SHEET TITLE: **SITE PLAN**
 DRAWN BY: **G100**
 CHECKED BY: **G100**
 DATE: **3/3/26**