

BEFORE THE COUNCIL OF THE VILLAGE OF GRANVILLE, OHIO

In the Matter of the Appeal from the decision of the Board of Zoning & Building Appeals approving the application of Greg and Patricia Ream for a variance in the required number of off-street parking spaces at the CVS location at 200 E. Broadway from seventeen (17) to sixteen (16) (BZBA Application #2016-17).

DECISION OF COUNCIL

This Decision is adopted by Granville Village Council pursuant to Chapters 1137, 1139 and 1147 of the Codified Ordinances of Granville, Ohio.

Following review of the testimony and evidence presented at the hearing before Council conducted on July 20, 2016 as well as the complete record from the BZBA, Council makes the following findings of fact regarding the statutory criteria for a requested area variance:

1. Special circumstances or conditions DO NOT exist which are peculiar to the land or structure(s) involved and which are not applicable to other lands or structures in the same zoning district. The alleged %special circumstances or conditions+in BZBA Application # 2016-17 are: (1) the Applicant's desire to improve accessibility to patrons of CVS who have disabilities by widening the existing handicapped parking space; and (2) the Applicant's purported inability to reconfigure its parking lot to accomplish that goal without reducing the required number of off-street parking spaces. These alleged %special circumstances or conditions+are not unique to the Applicant's property. A review of other commercial properties within the Village Business District indicates that most other businesses that provide public accommodations could benefit from improved accessibility, and that most or all of them would face a similar challenge due to limited lot sizes.
2. A literal interpretation of the Zoning Ordinance at issue would NOT result in practical difficulties for the Applicant. In making this determination, Council has considered and weighed the following factors:
 - a) That the property in question WILL yield a reasonable return and that there can be a beneficial use of the property without the variance. The property has operated as a pharmacy/drug store for many years, and the Applicant presented no evidence that denial of the requested variance will adversely affect its continued beneficial use of the property.
 - b) That the variance IS substantial. The Applicant is seeking an unjustified reduction in the required number of off-street parking spaces in the Village Business District, where the demand for off-street parking is relatively high and the supply is relatively low.
 - c) That the essential character of the neighborhood WOULD NOT be altered, but that adjoining properties WOULD suffer a substantial detriment as a result of the variance. An unjustified reduction in the required number of off-street parking spaces in the Village Business District exacerbates parking and accessibility challenges for other businesses and residents in the district.
 - d) That the requested variance WOULD NOT adversely affect the delivery of governmental services such as water, sewer and garbage collection.
 - e) That the Applicant DID purchase the property with knowledge of the zoning restrictions.
 - f) That the Applicant's predicament feasibly CAN be obviated through some method other than a variance. As discussed at both the BZBA and Council hearings, it appears that there are options for reconfiguring the CVS parking lot that could accomplish the

Applicant's stated goal without an attendant reduction in the required number of off-street parking spaces. One apparent option would be to remove or relocate the low brick wall at the front of the CVS parking lot. The Applicant has not sufficiently explored such options.

- g) That the alleged special conditions and circumstances DO result from the actions of the Applicant. The Applicant previously reduced the number of available off-street parking spaces on this property when it installed a drive-up pharmacy window at the rear of the property. Also, as noted above, the Applicant has chosen to retain the low brick wall at the front of the parking lot rather than remove or relocate said wall to accommodate a widened handicapped parking space.
 - h) That the granting of the variance WOULD NOT adversely affect the health, safety and general welfare of the persons residing or working within the vicinity of the Applicant's property; that it WOULD NOT diminish or impair established property values within the surrounding areas; that it WOULD NOT impair an adequate supply of light and air to adjacent properties; and that it WOULD unreasonably increase congestion in public streets. As noted above, an unjustified reduction in the required number of off-street parking spaces in the Village Business District exacerbates parking and accessibility challenges for other businesses and residents in the district.
3. In weighing the evidence and considering the statutory criteria, Council finds that the BZBA's decision to approve the requested variance is not supported by the record and that denial of the requested variance does not unreasonably deny the Applicant of a permitted use of the property. Accordingly, the decision of the BZBA is REVERSED and Application #2016-17 is hereby DENIED.