

**CITY OF MARION BOARD OF ZONING APPEALS MEETING**

**STAFF REPORT**

November 13, 2018

**APPLICANT:** Amy and Lakhwinder Singh

**OWNER:** Amy and Lakhwinder Singh

**LOCATION:** 111 Superior St / 717 Delaware Ave Marion, Ohio

**LOT:** Sunoco gas station and convenient store on a .45 acre lot on corner of Superior St and Delaware Ave

**ZONING:** West half of parcel is zoned R-1C and east half of parcel facing Delaware Ave is zoned C-1B

**REQUEST:** Variance of section 1143 part 2 subsection (a) of the City of Marion Zoning Code to allow a drive-thru window on the west side of the convenient store

**BACKGROUND:** The parcel in question is a long time convenient store and gas station. The owner wishes to cut a hole in the west side of the building and expand out 4 feet to place a drive up window for the use of customers. (See sketch attached) The portion of the lot that is currently zoned R-1C will be used as a U-shaped drive to access the window.

**COMMENT:**

**In favor of the request, we find that:**

1. Granting the request would be in line with many other businesses that are moving toward models that prioritize customer convenience and could increase access for disabled
2. The portion of the lot that would be used for drive up window access is already paved and would not increase impervious surface
- 3.

**Against the request, we find that:**

1. Extra traffic, and headlights may be a nuisance to adjoining property owners to the west that are in the R-1C district
2. The portion of the lot being used as the U-shaped drive to access the window is zoned residential and this may be seen as using that area to facilitate commercial use

3. If this area is being used as commercial it would require a re-zone from R-1C to C-1B

**FURTHER COMMENT:**

This application is not as simple as it might seem. There are actually three (3) ways the City could handle this application:

The first is to require the entire parcel be zoned to C-2. This is because retail drive thru is allowed in C-2 district. This would require City Planning and City Council approval. The problem with this option is that making this parcel a C-2 zone would open the parcel to many other uses allowed in the C-2 zone, such as new and used car and larger retail stores. Our staff would recommend against this option.

The second option would be for the board to grant a variance to allow for the drive thru window, but require, before the Zoning Inspector issue a permit, to go through the rezoning process to make the west side of the lot that is zoned R-1C to C-1B. This would give neighbors and city officials more input on whether or not this use is appropriate.

The third option would be, like the second, to grant a variance to allow the drive thru window, but also to consider the west side of the lot to be used as "restricted accessory parking" as referred to in section 1137.011 of the City Zoning Code.

**RECOMMENDATION:** RPC Staff recommend going with the second option stated above. Staff recommend the variance be approved on condition that the east half of the parcel be re-zoned to C-1B.





