



## PLANNING AND ZONING COMMISSION STAFF REPORT

**Monday – June 5, 2023 at 6:00 PM**

**CASE NUMBER:** #2023-03

**APPLICANT:** Brian Casserly

**EXISTING ZONING:** R-6 (Urban Residential)

**REQUEST:** **#2023-03** A request by Brian Casserly for a Use Variance at 385 Main Street, Parcel #185-000282 and #185-000283.

**DESCRIPTION:** The applicant is requesting a Use Variance to allow retail sales (outdoor sales of flowers and produce). The property is zoned Urban Residential (R-6) and is currently a residential single-family use. As such, retail sales is not a permitted or conditional use in the R-6 zoning district. To the east, west, and south are residential properties, directly to the north is an office use and other residential properties. Area variances are also being requested to allow the display and sales area to be located in front of the required 40-foot setback line, as shown the area is shown with a 25-foot setback. Also, a variance is being requested to not install the required “E” type buffer along the west and south property lines. Per the Buffer Yard Requirements table, footnote (1) states that should a developed use increase in intensity from a given land use class to a higher one, the Planning Commission shall, during the site plan review process, determine if additional buffer yard is needed and, if so, to what extent and type. A third area variance is being requested for the green house that was installed in the front yard along Center Street.



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As a corner lot, the parcel has two (2) front yards that both have building lines established from both Main Street and West Street. The green house as shown does not have the required 25-foot setback from the right-of-way along West Street and is placed on the property / right-of-way line. No hours of operation have been noted on the submittal. The applicant states he and his wife have invested financially and worked hard to create a home-grown bouquet and produce stand.

### **CONCLUSION:**

Staff has no objection to granting the use variance and area variances. However, staff recommends the following conditions:

1. Retail sales are limited to flowers and produce only.
2. Signage for the business shall comply with the Historic District sign chart for permanent and temporary signs.
3. Sales and signage shall only be placed in the area as shown on the attached plan and any change or expansion of the area shall be required to obtain approval through Planning Commission and Council.
4. Verify hours of operation and make them a condition of approval.
5. Buffer yard requirements shall be determined and made a condition of approval.
6. The greenhouse shall be relocated to meet the required 25-foot building setback.



**Engineering Department**  
655 Blacklick Street  
Groveport, OH 43125  
614-836-5301  
FAX: 614-836-1953  
[www.groveport.org](http://www.groveport.org)

**MEMORANDUM**  
Office of the City Engineer

Date: May 31, 2023

To: Mayor Lance Westcamp  
Members of Planning and Zoning Commission

From: Stephen Farst, PE, CFM, City Engineer

Re: **CASE # 2023-03** -- Planning & Zoning Commission – June 5, 2023

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**Case – 2023-03**

Site address:	385 Main Street
Containing parcel (s):	185-000282 & 185-000283
Current Zoning:	R-6 – Urban Residential
Proposed Zoning:	No zoning change is proposed
Current Use:	Residential, single-family unit
Request:	Applicant is requesting approval for Use Variance to allow for the intended use: Retail sales (sale of flowers and produce)

**Comments:**

Applicant is requesting a Use Variance to allow retail sales of flowers and produce. The property is a corner lot at the southwest corner of the intersection of Main Street and West Street. The applicant plans to position adjacent to the northwest corner of the existing house, a sales area with a tented area. Along West Street at and near the southeast corner of the house the applicant intends to establish a green house. The application did not describe any other proposed site modifications such as more parking or drive areas; they appear to plan to use the existing driveway for customers.

It appears that there is space on the existing driveway to accommodate approximately three vehicles (depending on vehicle size), assuming the owner does not utilize the driveway for personal vehicles. The applicant's site drawing identifies street curb-side parking for the business. It is noted that street side parking is allowed for public use along the west curb-line of West Street, but it is NOT arranged to be restrictive / reserved parking space for the applicant's sole use. There is room for approximately 3 to 4 cars along the curb line on the west side of the street adjacent to the lot and north of the property driveway. There is additional space for parking on the west side of the street, south of the property.

**Conclusions:**

Staff recommends, if the commission members consider recommending approval of the Use variance that the following conditions be applied:

1. Any site modification or expansion of drives and / or parking for this proposed Use will require prior to such change(s), submittal of a site improvement plan and an evaluation of traffic circulation on the site and site-drives, both of which are to be submitted by the owner and to be approved by the City Engineering Department.