



**STAFF REPORT TO THE
FAIRFIELD TOWNSHIP ZONING APPEALS BOARD**

MEETING DATE: February 24, 2022

CASE:	FTZA22-3V
APPLICANT:	Kimley Horn – Flite Banking Centers
LOCATION:	3201 Princeton Road
PARCEL ID:	A0300-210-000-039
CURRENTLY ZONED:	M-1 Light Industrial District
REQUEST:	Variance

SITUATION OF PROPERTY

The subject parcel is currently comprised of approximately 22.4 acres and is currently zoned M-1 Light Industrial District. The subject property is located southwest of the Princeton Road and Ohio By-pass 4 intersection, The parcel currently contains a Walmart and the associated parking area. Properties to west are zoned M-1, properties to the south M-2, to the east are zoned B-PUD, and to the north are zone B-1.

DESCRIPTION OF REQUEST

The applicant seeks to construct a drive-thru ATM in the Walmart parking lot. This use is not listed as principal permitted use in the M-1 district. The applicant is requesting a variance for the following section:

622.1 Principal Permitted Uses

FINDINGS OF FACT

The proposed location is in the northwest corner of the Walmart parking lot, approximately 450 feet from the Walmart store and approximately 250 feet from Murphy USA gas station. The proposed ATM and associated drive lane would use nine existing parking spaces. There are currently three drive-thru ATMs located approximately .25 mile from the proposed location, Fifth Third Bank, PNC Bank, and Huntington Bank, two of which are located in the same shopping plaza.

VARIANCE REVIEW CRITERIA

430. Variances.

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship... Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

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- a. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Resolution on the district in which it is located and shall not be injurious to the area or otherwise detrimental to the public welfare.

Applicant Comment: The installation of the Single lane drive-thru ATM will not be detrimental to the public welfare and instead create an opportunity for the easy withdrawal of money.

Staff Comment: Granting this variance would not be in accord with the general purpose and intent of the regulations imposed by this Resolution. Evidence presented does not demonstrate that there are unique attributes associated with the land that would justify the need for variance nor is a hardship demonstrated.

- b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.

Applicant Comment: The installation of the Single lane drive-thru ATM is a minor addition to the Walmart parking lot that contains an excess amount of spaces, converting these spaces will benefit all users of the shopping area.

Staff Comment: Granting the variance would permit the establishment of any use not otherwise permitted.

- c. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.

Applicant Comment: The installation of the Single lane drive-thru ATM will benefit the overall community by adding an easy efficient way to access their bank accounts. The Walmart parking lot is over parked from the typical minimum required parking so taking the additional parking spaces and turning them into a resource for the community benefiting the shopping center.

Staff Comment: Special circumstances or conditions applicable to the land do exist. The land in M-1 district in the area has been developed as a general business district. A standalone drive-thru ATM would be consistent to other uses in the area.

- d. There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Resolution; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.

Applicant Comment: The installation of the Single lane drive-thru ATM will provide all costumers of the Walmart and surrounding shopping center a centralized location to access their bank accounts without having to pull a limited amount of money from the Cashier. This results in increased visitation to the shopping center.

Staff Comment: There does not appear to sufficient evidence of that a hardship would be created by the strict application of this resolution.

- e. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.

Applicant Comment: The installation of the Single lane drive-thru ATM will be a great resource for the public so they can easily access any sort of money transfer.

Staff Comment: A variance is not necessary for the reasonable use of the land.

- f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

Applicant Comment: The installation of the Single lane drive-thru ATM will add additional lighting creating a more safe parking lot during the night hours. The ATM has been added in an area where it will not affect the flow of the traffic. Public safety will not be affected.

Staff Comment: The proposed variance would not substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area. There may be additional issues associated crime that may impact public safety.

- g. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

Applicant Comment: The applicant will not be granted special privileges that other properties in the same district are not granted.

Staff Comment: The variance would confer on the applicant special privilege.

RELEVANT SECTIONS OF THE FAIRFIELD TOWNSHIP ZONING RESOLUTION

432. Additional Conditions and Safeguards.

The Board of Zoning Appeals may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Resolution.

STAFF COMMENTS

Upon reviewing the submitted proposal staff has determined that the applicant's request to construct a standalone drive-thru ATM in the Walmart parking lot, as presented, should be denied. Section 430 of the Fairfield Township Zoning Resolution states, "*Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship*". Evidence has not been given that that the strict application of the Fairfield Township Zoning Resolution would result in an unnecessary hardship. Based on the findings of fact, the Fairfield Township Zoning Resolution and the submitted proposal the Fairfield Township Zoning Department makes the recommendation to **DENY** the proposed variance request.

ACTION:

The Fairfield Township Board of Zoning Appeals shall approve, approve with conditions, or deny, the applicant's variance request to construct a standalone drive-thru ATM in the Walmart parking lot as presented.

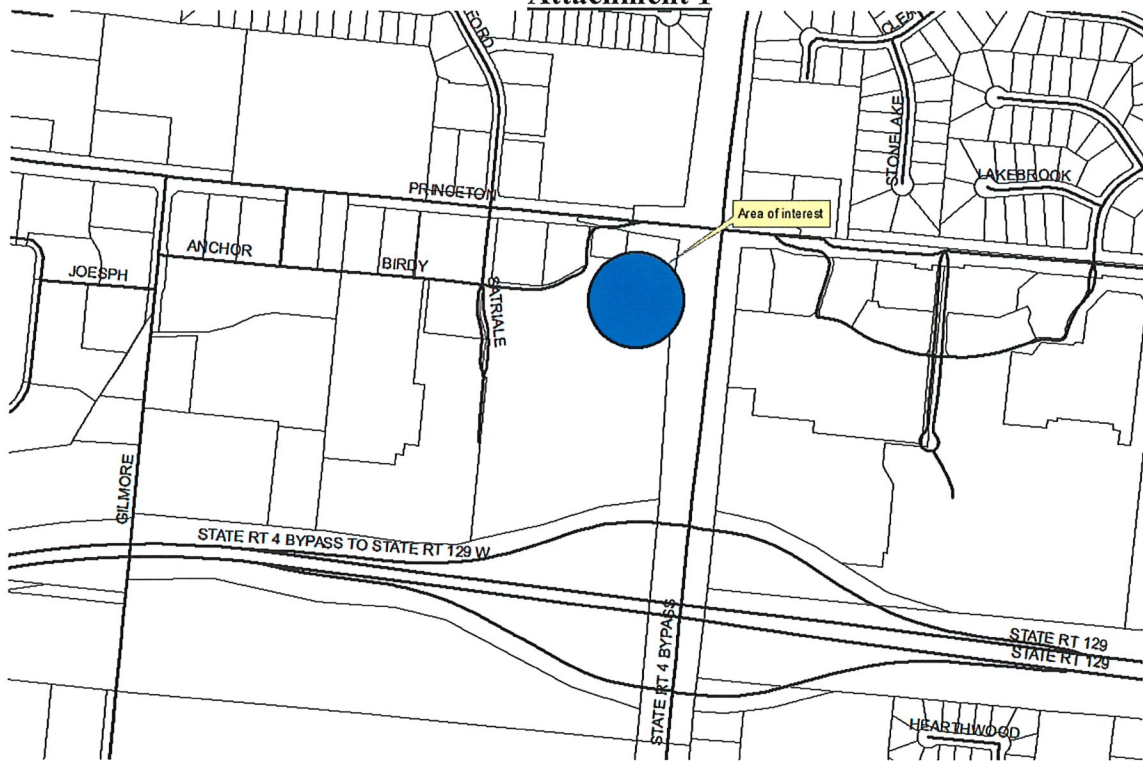


Chuck Goins

Zoning Administrator, Fairfield Township

FTZA22-3V : Attachments

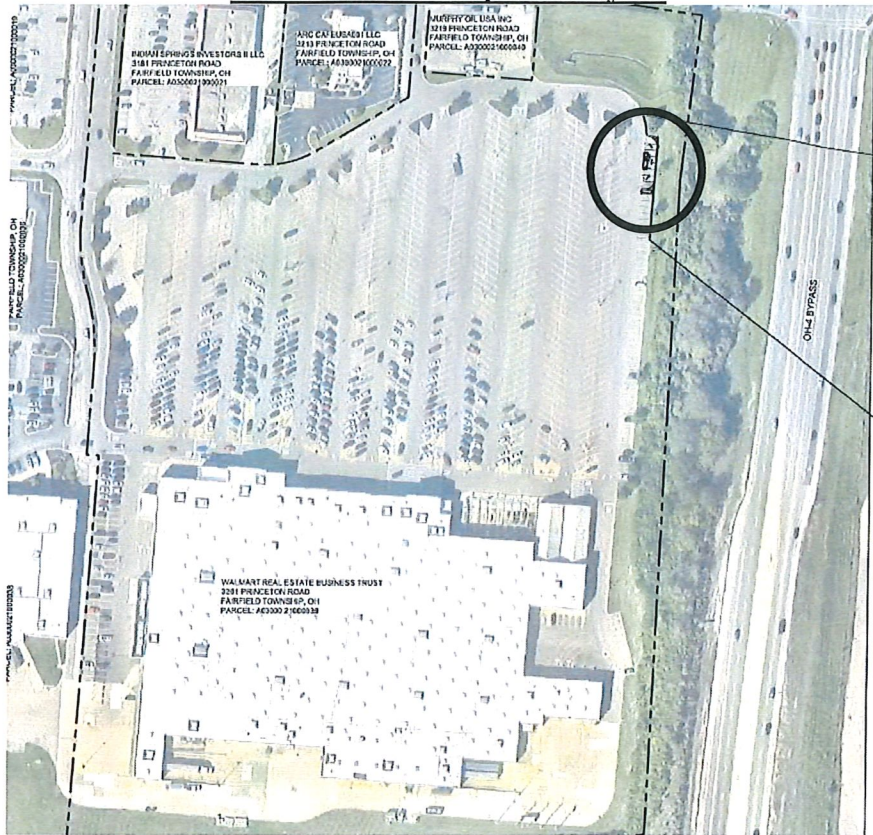
Attachment 1



Attachment 2: Zoning Map



Attachment 3: Proposed Layout

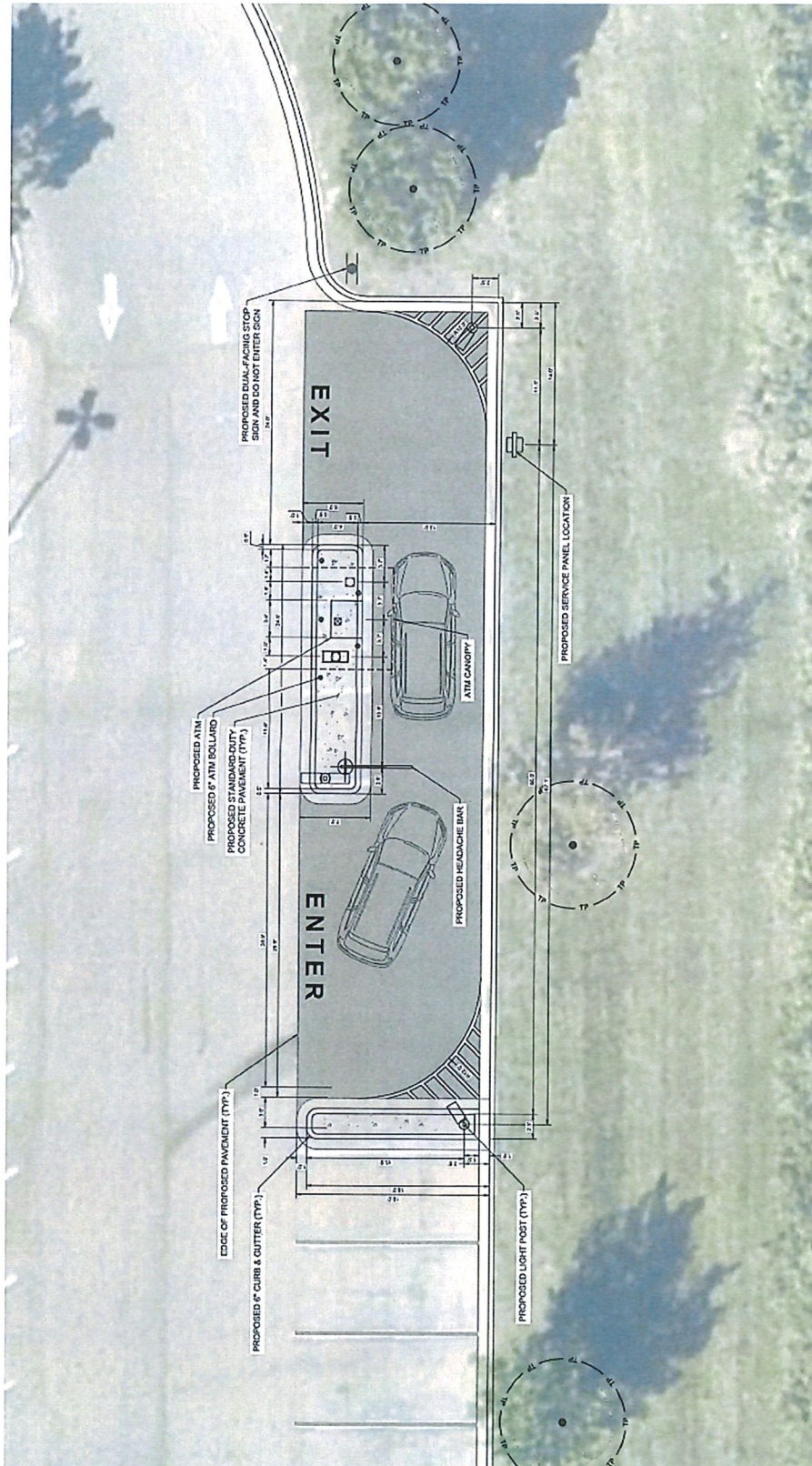


Attachment 4: Proposed Layout 2



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Attachment 5



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