



**Land Use and Long  
Range Planning**

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**BOARD OF ZONING APPEALS**

**MEETING MINUTES**

**JANUARY 26, 2012**

**AGENDA**

**Case:**

**1. Tartan Ridge PUD – Lot 157 – Building Materials Appeal**

**9383 Tartan Ridge Boulevard  
Administrative Appeal**

**12-002AA**

**(Motion to Affirm Administrative Decision Failed 0 – 4)**

**Presentation:**

**2. 2012 Annual Items of Interest – Historic Dublin Parking Study Overview**

**Administrative Business**

Chair Victoria Newell called the meeting to order at 6:30 p.m. Other Board members present were Brett Page, Patrick Todoran, and Kathy Ferguson. Brian Gunnoe was absent. City representatives present were Steve Langworthy, Dan Phillabaum, Rachel Beck and Flora Rogers.

**Motion and Vote**

Victoria Newell made a motion, seconded by Brett Page, to accept the documents into the record. The vote was as follows: Ms. Ferguson, yes; Mr. Todoran, yes; Mr. Page, yes; and Ms. Newell, yes. (Approved 4 – 0.)

**Motion and Vote**

Victoria Newell made a motion, seconded by Patrick Todoran, to approve the December 15, 2011 Meeting Minutes as presented. The vote was as follows: Mr. Todoran, yes; Mr. Page, yes; Ms. Ferguson, yes and Ms. Newell, yes. (Approved 4 – 0.)

**Communications**

Steve Langworthy said the Planning and Zoning Commission (PZC) finished reviewing the last draft of the Bridge Street Corridor development regulations on January 24, and the final corrections will be made in preparation for the February 2, 2012 Commission meeting. He reported that following the Commission's vote on February 2, 2012, the first reading at City Council is scheduled for February 13th; the second reading will be February 27th, with an effective date of March 27th.

Ms. Newell swore in the applicants and staff.

**1. Tartan Ridge PUD – Lot 157 – Building Materials Appeal**

**9383 Tartan Ridge Boulevard  
Administrative Appeal**

**12-002AA**

Dan Phillabaum reported that the applicant is appealing a decision rendered by Land Use and Long Range Planning to disapprove the use of thin brick veneer in lieu of full depth brick. He said the subject site is in the Tartan Ridge Planned Unit Development District (PUD) lot 157, located at 9383 Tartan Ridge Boulevard. He said it is Planning's determination that thin brick veneer is not a permitted building material in the Tartan Ridge PUD, nor was it intended as a comparable alternative material.

Mr. Phillabaum said the Tartan Ridge rezoning was approved by City Council in March of 2007. He said the project was approved for 246 single family lots, 24 townhomes, 6,000 to 8,000 thousand square feet of commercial space and 69 acres of open space. He said the intent of this neighborhood was to create a unique neighborhood with diverse, high quality housing types that would be a breakthrough for Dublin and the central Ohio region. He said to achieve this, the development text includes highly detailed architectural requirements to ensure that buildings have a timeless quality. He said the development text established an Architectural Review Committee (ARC) to review all proposals within the development for compliance with the architectural requirements of the text.

Mr. Phillabaum said the house was constructed with thin brick veneer applied to the foundation up to the height of the finished floor. He said during the review process the ARC was not provided with detailed material specifications indicating that the proposed cladding material was thin brick veneer and not a full depth brick as used elsewhere in Tartan Ridge, and therefore the ARC incorrectly approved the elevations. He said subsequent to this approval the applicant submitted a request to MI homes on November 17, 2011 to extend the height of the thin brick veneer to just below the window sills on the first floor on all elevations of the house.

Mr. Phillabaum explained that when building permits were submitted to the City, Planning disapproved the permit, having made the interpretation that the Tartan Ridge development text does not list thin brick veneer as a permitted exterior cladding material. He said thin brick veneer is not a comparable substitute for full depth brick.

Mr. Phillabaum said the pertinent provisions in the Tartan Ridge development text state that 'unless otherwise set forth herein, all structures shall meet the City of Dublin Zoning Code Residential Appearance Standards as they exist on the date that the preliminary development plan approval becomes effective.' He said if the development text does not specifically address a particular area, the Residential Appearance Standards would then apply.

Mr. Phillabaum said with respect to permitted cladding materials the text states, 'the exteriors of structures, including foundations, shall be constructed of brick, stone, manufactured stone, wood, stucco, EIFS (for trim only), cementitious fiberboard, and other comparable materials (or any combination thereof).' He said the Appearance Standards require that 'exposed foundations shall be finished in masonry, and that the permitted construction shall have no more than two foundation facing materials.' He said that as foundation cladding was expressly addressed by the Tartan Ridge development text, the Residential Appearance Standards would not apply in this case.

Mr. Phillabaum said that as the text allows both natural stone and manufactured stone, listing them individually, the determination was made that if the text were intended to specifically allow thin brick veneer it would have been listed in addition to brick as a permitted cladding material.

Kathy Ferguson asked if the requirement for brick is for aesthetic purposes or other reasons.

Mr. Phillabaum said throughout Dublin, masonry building materials are prominently used. He said there are aesthetic considerations behind the list of permitted building materials. He said the full depth brick results in a base cladding that extends several inches away from the cladding materials used above it such as siding or stucco. He said this lends a sense of dimension and thickness to this portion of the façade. He said thin brick veneer does not result in the same sense of dimension and shadow; it has a more flat appearance across the façade. He said he was unaware if there were concerns related to the longevity of thin brick veneer or potential water intrusion issues with that material.

Mr. Phillabaum stated that Planning recommends that the Board of Zoning Appeals find the decision rendered by Land Use and Long Range Planning was within the authority provided by the City of Dublin Zoning Code and the factors applied to the decisions related to foundation cladding materials were

appropriate. He said if the Board determines that staff used incorrect factors in making the determination that thin brick veneer was not a permitted material, than that material will be permitted on future homes in Tartan Ridge. He said if the Board affirms the decision, the factors used to make the decision would stand and the applicant would have the option for applying for a Non-Use (Area) Variance to the Tartan Ridge PUD development text to use thin brick in lieu of full depth brick on this house.

Ms. Newell requested Planning's interpretation of the definition of 'brick,' and she asked if there is anything in the Zoning Code that defines 'brick.'

Mr. Phillabaum there is no definition of 'brick' in the Zoning Code.

Steve Langworthy said the current Residential Appearance Standards separate brick from thin brick veneer in listing the permitted foundation cladding materials.

Ms. Newell said the Ohio Building Code clearly defines brick. She said 'thin veneer brick' is 'brick,' under the Building Code. She said brick can be clay, shell, or concrete, because all of those materials are defined as masonry unit construction under the provisions of the Ohio Building Code.

Mr. Langworthy asked if the Ohio Building Code distinguished between stone and manufactured stone.

Ms. Newell said it defines both 'adhered' and 'anchored' stone; 'synthetic' and 'natural' stone are specified differently by architects and under a distinct heading because the content of those materials are different. She said the content of thin brick or full depth brick are exactly the same.

Mr. Langworthy stated that, based on that definition, when the Residential Appearance Standards were amended, we would not have needed to separately list 'veneer brick' in addition to 'brick'.

Ms. Newell recalled that there was a time when Dublin did not permit synthetic stone and people had difficulty defining it. She said some of the language was entered into the Zoning Code so those products could be applied to buildings. She said reviewing the Staff Report and reviewing the text, Planning's analysis does not use the term 'veneer' correctly. She said 'veneer' itself applies to all cladding materials.

Ms. Newell said the text clearly delineates items that are prohibited in terms of the massing and styles of the building. She said it gave illustrations as examples that depict the siding overlapping the stone below.

Mr. Langworthy said this is good information to pass along to the ARC, because the information the ARC received were elevations depicting a brick pattern. He said it was assumed it would be full brick because that was in the text.

Ms. Newell noted that the text just said 'brick.' She said the Building Code for the State of Ohio is based upon the International Building Code, so the terms are well defined and universally applied. She said 'thin brick' is almost indistinguishable between veneer and full brick, and today thin brick is widely used and most onlookers cannot tell the difference.

Mr. Langworthy said the interpretation is that the term 'brick' would now include any variety of brick.

Ms. Newell said confirmed that was her understanding, under the Ohio Building Code definition.

Brett Page asked about the durability of thin brick verses regular brick.

Mr. Langworthy said the Building Code accepts both types of materials. He said the durability aspect is not a problem for Planning. He said the issue for Planning is that this development was intended to be of a higher quality than previous developments in the city.

Ms. Newell said she understands the aesthetic concerns, but the text does not outline the requirement of details.

Mr. Phillabaum said the text does state that flush mounted windows are prohibited, and we have seen examples where, if full depth masonry is used, it results in recessed windows. He said a concern is if thin brick veneer were permitted, the result could be flush mounted windows on the same plane as the thin brick veneer, with no recess to the window frame.

Ms. Newell said EIFS trim that is traditionally used in synthetic adhered stone veneers; the depth of thickness of the stone is about one and a half inches of the synthetic stone. She said thin brick ranges in size from three quarters of an inch to one and a half inches. She said a comparable thickness can be attained.

Mr. Langworthy said in the Zoning Code, there is no provision to allow for an interpretation of the application of the material; this particular request is an appeal. He said Planning needs to know what materials are acceptable so this can be reported back to the ARC, and Planning is asking the Board to interpret the development text specific to the use of thin brick veneer.

Mr. Page said the dimensional aspect is a strong component. He said in developing neighborhoods you can tell the difference between homes with great definition from those that are flat. He said it is important to look at specificity of materials, because builders will interpret the text in a way that most benefits them.

Mr. Langworthy said this will affect Tartan Ridge more than other locations in the city because other locations are covered by the current Residential Appearance Standards. He said the current standard has a thin versus full brick distinction.

Ms. Newell said that stating 'brick' is all inclusive; there needed to be more detail in the development text.

Patrick Todoran asked about the difference in cost between a thin veneer brick and full depth brick.

Ms. Newell said veneer brick is more affordable.

Tracy Monfort, 4106 Hanover Square Drive, Dublin OH 43016, said she chose to live in Tartan Ridge because of the level of required details in this neighborhood. She said the Code states that there was to be brick, stone, shutters, porches and other elements that add to the appeal of the home. She said she expected to get brick on the house with the MI home they were considering, and only wanted to have this home replicate the brick water table that was present on the majority of homes in Tartan Ridge so that it fits into the rest of the community.

Jorie Close, Realtor, 2825 Wellsford Road, Upper Arlington, Ohio, 43221, said the policy protecting the uniqueness of this neighborhood is the applicants are here; the added architectural feature of a brick water table to this home will enhance the overall look of the home and neighborhood. She said she believed that was a goal of Tartan Ridge. Ms. Close said she would not ask for this material to be permitted for everyone if it is not a high quality material.

Kelly Scattergood, MI Homes, 460 Woodbend Drive, Westerville, Ohio, 43082, said the homes have a 30 year transferable warranty, regardless of full or thin brick. She said MI believes the material will stand up against the test of time. She said she understands the thin brick is a less expensive material, but in this case MI is not using it because it is the cheaper material. She said the applicant is willing to make a huge investment to build a home that is up to the standards of the neighborhood.

Mr. Todoran asked if the siding in the front would be removed and replaced with the veneer.

Mr. Phillabaum said yes.

Ms. Close said that the developer of Tartan Ridge indicated to her that the ARC was aware that the applicant was planning to use thin brick and they approved it based on that fact.

Mr. Phillabaum said staff received different information from the City of Dublin's representative on the ARC. He said the foundation detail had not been provided and the specification only listed the brick manufacturer and color. He said no information was included on the elevations that the brick proposed was to be a thin variety.

Ms. Newell said the applicant made a good point, because the text states that a 'comparable material' may be permitted. She said thin adhered brick is a comparable material and is a permitted material under the definition of brick. She said she disagreed with Planning's determination in this matter. Ms. Newell said if this is a material that is not intended to be used, it should be specifically excluded to prevent it from being interpreted as a permitted material.

Mr. Langworthy said that will be something to address in future developments and the Residential Appearance Standards.

#### **Motion and Vote**

Victoria Newell made a motion, seconded by Kathy Ferguson, to affirm the decision rendered by Land Use and Long Range Planning, and that the factors that apply to the decision apply to the foundation cladding materials where appropriate.

The vote was as follows: Mr. Page, no; Mr. Todoran, no; Ms. Ferguson, no; and Ms. Newell, no. (Disapproved 0 – 4.)

## **2. 2012 Annual Items of Interest – Historic Dublin Parking Study Overview**

Steve Langworthy explained that a firm from Southfield, Michigan was hired to assist the City of Dublin in the Historic Dublin Parking Demand Study. He said a report has been given to City Council with a series of recommendations. He said the study was intended to review the parking needs in the District; however, he noted that when there is a perceived lack of parking, it actually speaks very well for the vitality of the District.

Mr. Langworthy said the City wanted to look at how effectively the existing parking spaces are currently used as well as the parking use patterns—where do people park based on their destinations, and how long parking spaces are typically occupied. He said they also spoke to the business owners to find out how they feel about parking and how they deal with parking for their employees. He said it is an ever changing, broad scope study. He said we are going to review the physical improvements and management strategies that would look at the available supply we have and find a means to increase the supply of parking in the Historic District if needed.

Mr. Langworthy said we looked at how the parking spaces work, who has control over them, who is able to park in different places, whether time limits should be imposed, and where are people able to find convenient parking locations near their destination. He said a huge problem is employees parking in locations that should be reserved for customers. He said we reviewed how all of these tend to work together to come up with creative solutions.

Mr. Langworthy stated that it is important to realize the parking situation in the Historic District is not the same across the board, because there are different parking needs in each area. He said the northwest quadrant holds the majority of the restaurants, meaning they have a particular parking need. He said the northeast area is where many businesses are, and there are very limited parking areas here. He said each quadrant has unique parking needs and will ultimately have different parking solutions.

Mr. Langworthy said the public and private spaces have been counted, but a challenge is that several parking lots are gravel and we had to determine how many parking spaces would fit on the property if properly striped. He said we looked at the types of business and the types of traffic they attract, which is important because uses such as restaurants and offices have opposite peak parking periods throughout the day. He said there is a bit of overlapping that will occur, but overall there is not always the same parking demand at the same times of the day.

Mr. Langworthy said parking requirement calculations were reviewed and observed based on how people are parking and interacting within the District. He said a number of City employees inventoried the parking areas and determined when and for how long parking spaces were occupied. He said pedestrian intercept surveys were conducted where we conducted a short survey with people after they parked about their parking patterns and their shopping experience in Historic Dublin. He said this gave us ideas of the perception of parking and ease of navigating the District.

Mr. Langworthy said we also reviewed our parking enforcement analysis. He said we spoke to business owners and employees and had District-wide meetings about what we wanted to do. He said surveys were sent to business owners and employees, which allowed us to understand where they park and the issues they may experience. He said all of this information was used in the evaluation.

Mr. Langworthy said there is a total of 1,324 public and private parking spaces available within the District. He said a standard measure used by parking consultants is that in order for parking to be effective, at least 50% percent of the available parking needs to be publicly controlled in some way; the public has to have some degree of access to that parking area. He said there are 361 public spaces versus 963 private, or 27% public when it should be 50%. He said the Historic District is out of balance in terms of the private versus public spaces.

Mr. Langworthy said we also looked at the inconsistency of use of the spaces. He said the J. Liu restaurant lot and the Town Center I and II lots, which are popular around lunch time. He said the Darby Street lot has a fair amount of use, but there are still spaces available at this time. He said meanwhile, the Indian Run lot and Church lots are virtually empty. He said if we can make better use of the Indian Run lot and speak to the Church to allow use of their spaces that would add to the spaces we have available during the lunchtime peak.

He said during the evening peak the Darby Street lot shows 90% to 100% occupancy, the Indian Run and the Church lots again see little to no use. He said we have had discussions with the Library about the potential of using some of their lot and have been given 19 spaces on the south side of the lot which is used for permit parking issued by the Historic Dublin Business Association.

Mr. Langworthy said we are encouraging businesses who have employees to require them to park in more remote locations, which will free up customer parking. He said we set up two hour spaces but have had enforcement issues, where employees will use these spaces and simply move their cars to another two hour space to avoid a ticket. He said there was another employer who would pay for the parking tickets the employees received, which voids the effectiveness of parking enforcement.

Mr. Langworthy said employees parking in customer spots has gotten worse since Mezzo at the new Bri Hi Square has opened. He said there are many people parking in spots over three hours, which peaks during the hours which the restaurant employees start shifts. He said there are many employees parking

in the Darby Street lot, and we have asked the businesses to have their employees park in the Indian Run lot. He added that the valets are not permitted to park in the Darby Street lot.

Mr. Langworthy said people aren't aware that they can park in the Indian Run lot, because many people think that it is reserved for the school; however, it has been made clear that employees can park there. He said we have tried to improve the knowledge of the availability and access to the Indian Run lot. He said we have been working closely with the valet operators to get them to park vehicles in the Indian Run lot, and they are permitted to block off a quarter of the lot for their usage. He said when the valet stand at BriHi Square is heavily used, it can back up onto Bridge Street; this is another issue we need to resolve.

Mr. Langworthy said the Dublin Community Church has allowed the City to use 30 spaces in the back part of the lot which is used by an employer in the area. He said we have started working with the southeast property owners because there are quite a few parking spaces in the area. He said Dan Phillabaum has created a design which could consolidate several lots to create a large number of parking spaces, but we would have to come to an agreement with the property owners concerning the use of their spaces. He said Jeff Tyler, the Chief Building Official, is starting the negotiations with those property owners.

Mr. Langworthy said the Indian Run lot has been improved with a walkway to allow easy access to the lot, and the signs have been relocated to let people know where additional parking is located. He said to improve the sense of safety for pedestrians along Bridge Street, Fred Hahn, Director of Parks and Open Space, has installed a series of planters along the curb to add some separation between pedestrians and the street.

Mr. Langworthy said the pedestrian crossing at North Street and North High Street has been improved with a new signal and curb bump outs to shorten the crossing distance from one side to the other.

Ms. Newell said the new strobe lights are intensely bright and can be blinding to drivers. She said they are so bright that you have a hard time adjusting your eyes to see what is in the area.

Mr. Langworthy said a similar pedestrian crossing light was installed on Bridge Street at Darby Street/Mill Lane as an agreement with employers who require their employees to park at Indian Run, and another was installed on South High Street.

Mr. Langworthy said another part of staff's recommendation was to extend the two hour parking to three hour parking at the request of business owners. He said the on-street spaces have been striped on High Street to increase awareness of the availability of these parking spaces. He said to encourage alternate modes of transportation to the Historic District bike racks have been added in two locations with more to come in the next few years.

Mr. Langworthy said the parking requirements in the current Zoning Code are way too high; in the BSC Code, parking requirements have been reduced to a more reasonable number, and also includes a minimum and maximum parking requirement, as well as provisions where businesses can request departures from the parking requirements based on different factors.

Mr. Langworthy said there will be another analysis in the summer since Mezzo and Bad Frog Frozen Yogurt at BriHi Square will be open, which should result in an increase in parking demand in the northwest quadrant.

The meeting was adjourned at 8:00 pm.

As approved by the Board of Zoning Appeals.