



Land Use and Long
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City of Dublin Board of Zoning Appeals

Planning Report

Thursday, August 29, 2013

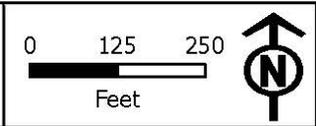
Driveway Width-Administrative Appeal

Case Summary

Agenda Number	2
Case Number	13-081AA
Proposal	An appeal to the staff decision that requires a driveway width, between the right-of way line and the building setback, to be a maximum of 20 feet for a side loading garage, unless otherwise approved by Director of Land Use and Long Range Planning.
Zoning Section	<p>Section 153.210(5)(b)(1). Pavement Width. Right-of-way line to building setback line. The width of pavement between the public or private street right-of-way and building setback lines shall not exceed 20 feet.</p> <p>Section 153.211(D) Exceptions to divisions (b) and (c) require review and approval by the Director of Land Use and Long Range Planning or designee(s). Appeals may be made to the Board of Zoning Appeals in accordance with Section 153.231(F).</p>
Request	<p>Administrative Appeal</p> <p>Review and approval of administrative appeal under the provisions of Code Section 153.231.</p>
Applicants	Charles Ruma, Virginia Homes
Planning Contact	Tammy Noble-Flading, Senior Planner
Contact Information	(614) 410-4649, tflading@dublin.oh.us
Planning Recommendation	Planning recommends that the Board of Zoning Appeals affirm the Planning Director's determination that the width of pavement for a side loaded garage, located between a street right-of-way and a building line, is limited to 20 feet, except as modified for this site.



13-081AA
Administrative Appeal
Wedgewood Glen- Virginia Homes
4163 Bidle Court



Facts	
Site	4163 Bidle Court
Zoning	PUD, Planned Unit Development located within the Wedgewood Glen PUD
Surrounding Zoning	The site is surrounded by single-family residential homes located within the Wedgewood Glen PUD, Planned Unit Development.
Site Features	The site is currently vacant with no significant site features. The site is a corner lot with frontage along Bidle Court and Brinsworth Drive. The applicant is proposing the new construction of a single-family, residential structure with a side-loaded garage.

Details	Administrative Appeal
Process	Zoning Code Section 153.231(C)(1) allows the Board of Zoning Appeals to review Administrative Appeals from any person or any governmental department affected or aggrieved, or to review any order, requirement, decision or determination where it is alleged by the appellant that there is error or misinterpretation in the administration of the Code. The Board may affirm, deny or modify a decision or determination rendered by Planning.
Applicable Zoning Requirements	<p>Section 153.210(5)(b)(1) requires that driveways serving side loaded garages be limited to a maximum pavement width of 20 feet, measured between the right-of-way line and the required building setback line.</p> <p>The Code includes a provision that permits the Planning Director to modify certain driveway requirements for residential uses. The applicant is permitted to appeal decisions related to denials for driveway modifications in accordance with the provisions of Section 153.231 (F).</p>
Administrative Appeal	The Director has approved a driveway modification to increase the driveway width to 30 feet at the building line and gradually taper to the right-of-way line (Plan B). The applicant's request is to allow the 30 foot width to extend an additional 11 feet from the building line and to be approximately 26 feet at the right-of-way line (Plan A).

Details	Administrative Appeal

Analysis	Administrative Appeal
<p>Appeal Procedures</p>	<p>Under Section 153.231 (F), an appeal may be taken from any person or any governmental department affected or aggrieved, and review any order, requirement, decision or determination where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by an administrative official or body charged with the enforcement and administration of this Code.</p> <p>In deciding the appeal, the Board is to determine whether or not the decision that was made was done so using the proper requirements and standards in this Code. The Board is limited to the information that was available to the administrative official or body who made the decision being appealed. Additional testimony is not appropriate.</p> <p>After a determination that the administrative official or body making the decision did so improperly, the Board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and may make an order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative official or body from whom the appeal was taken.</p>
<p>Basis of Decision</p>	<p>The Director has approved modifications to driveways to account for unique site conditions and lot constraints. Corner lots have not generally been considered unique conditions as they are common to the city. Other modifications have been made to account for unique home designs, provided that proper considerations for garage access have been considered (rather than an afterthought).</p>

Analysis		Administrative Appeal
	<p>While many driveways have some maneuvering constraints, they are generally not to the point where the driveway is rendered unusable. While not all configurations may easily permit in-driveway parking for all stalls of a three-stall garage, most will permit easy use of the garage itself.</p> <p>The intent of this requirement is to reduce pavement in the front portions of a garage yet allow for proper maneuvering of vehicles while limiting the visual impact of large areas of asphalt. Side loaded garages have different width limitations since the intent is for the driveway to provide access to the maneuvering areas in front of the side load garage.</p> <p>The minor modification permitted for this lot was to account for the narrowness of the lot which constrained the distance between the garage face and the building line. However, the Director determined that this modification was sufficient to permit the use of the additional garage stall and that further modification was not warranted and would be contrary to the intent of the regulation.</p>	
Basis of Appeal	<p>The applicant has indicated that if the Code is enforced as written the home will have to be constructed as a front loaded garage, which is not acceptable to this customer. In the application submitted for appeal, the applicant states that he does not disagree with the decision rendered by the Director but believes the Code should not differentiate from side-loaded garages and front loaded garages for pavement widths.</p>	
Code Solution	<p>Planning has stated that the most appropriate solution to this issue is a request for a Zoning Code modification, which has been made by the BIA. This proposed Code modification will be included in a larger Code amendment currently being drafted. However, the amendment has not been put forward for review by the Planning and Zoning Commission and City Council, and therefore, there is no assurance that the amendment will be successful.</p>	

Recommendation		Administrative Appeal
Uphold Planning's Decision	<p>Planning recommends that the Board of Zoning Appeals uphold its determination that the width of pavement for a side loaded garage, located between a street right-of-way and a building line, is limited to 20 feet unless otherwise permitted by the Director of Land Use and Long Range Planning.</p>	

ADMINISTRATIVE APPEALS

The City of Dublin Zoning Ordinance stipulates that the Board of Zoning Appeals may hear appeals to any administrative decision rendered by the City in the review, interpretation and enforcement of the Zoning Code. The authority of the Board and the appeal process are outlined in Sections 153.231(C)(1) and 153.235(F).

153.235 (F) Administrative Appeal to the Board of Zoning Appeals

(F) Administrative Appeal to the Board of Zoning Appeals

- (1) An appeal may be taken from any person or any governmental department affected or aggrieved, and review any order, requirement, decision or determination where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by an administrative official or body charged with the enforcement and administration of this Code.
- (2) Appeals shall be taken within 20 days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal, specifying the grounds. The officer from whom the appeal is taken shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action was taken.
- (3) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Director of Land Use and Long Range Planning certifies to the Board, after notice of appeal has been filed, that, due to the facts stated in the certificate, a stay would cause imminent peril to life or property. In this case, the proceedings shall not be stayed other than by a restraining order, which may be granted by a court of record.
- (4) In deciding the appeal, the Board shall determine whether or not the decision that was made was done so using the proper requirements and standards in this Code. The decision of the Board is limited to the information that was available to the administrative official or body who made the decision being appealed. Additional testimony is not appropriate.
- (5) After a determination that the administrative official or body making the decision did so improperly, the Board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and may make an order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative official or body from whom the appeal was taken.