City of Dublin
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City of Dublin Board of Zoning Appeals

Planning Report

Thursday, June 26, 2014

3168 Lilly-Mar Court

Case Summary

Agenda Number	1
Case Number	14-051V
Location	3168 Lilly-Mar Court East North side of Lilly-Mar Court East, approximately 240 feet east of the intersection with Braxmar Place.
Proposal	Construction of a front loaded garage exceeding the maximum percentage of the front elevation and maximum distance from the adjacent vertical wall plane.
Request	Non-use (area) variance to Section 153.074(B)(4)(d) to permit a front loaded garage with 45% of the linear distance of the front elevation where a maximum of 35% is permitted, and extending 28 feet from the adjacent vertical wall plane when a maximum of 12 feet is permitted. Requires review and approval by the Board of Zoning Appeals based on the review criteria of Zoning Code Section 153.231.
Applicants	Steve & Linda Masonbrink, owners.
Planner	Marie Downie, Planner I.
Planning Contact	(614) 410-4679 or mdownie@dublin.oh.us
Planning Recommendation	**Disapproval** Based on Planning's analysis, the request does not meet the review criteria for a non-use (area) variance, therefore a disapproval is recommended.

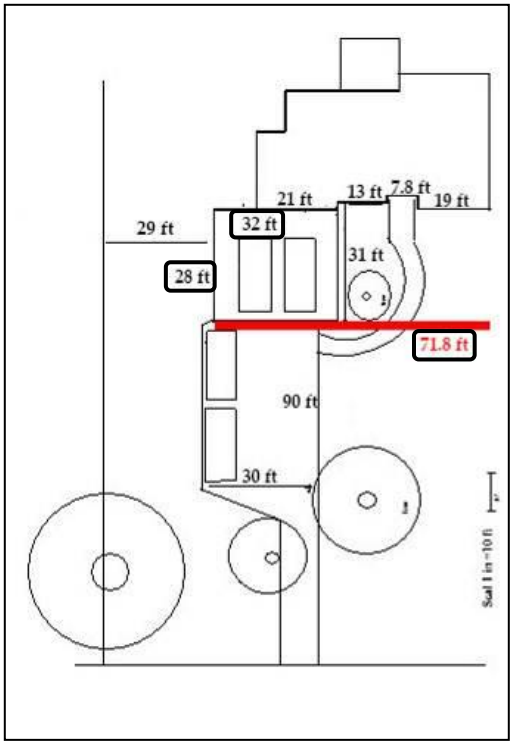
City of Dublin

14-051IV
Variance
Masonbrink Residence
3168 Lilly-Mar Court

0 150 300
Feet

Facts	
Site Description	This 1.02 acre site has approximately 135 feet of frontage along Lilly-Mar Court East. The site has an existing single-family structure which includes an attached two-car garage. There are a number of mature trees on the lot, as well as vegetation between the existing garage and the property line to the west. There is approximately three-to-four foot contour change to the west of the existing garage.
Zoning	R-2, Limited Suburban Residential District
Surrounding Zoning and Uses	To the rear (north) of the site is the Sunrise Senior Living facility, zoned BSC-R, Bridge Street Corridor – Residential. The remaining areas surrounding the site contain single-family residential homes within the R-2 zoning district.
Proposal	The applicant is proposing to convert the existing two-car garage into a game room and construct a new, two-car garage in front of the current garage. The 896 square foot garage exceeds 35% of the linear distance of the front elevation of the house and will project more than 12 feet from the vertical wall plane, as required by the Accessory Structure provisions of the Zoning Code, Section 153.074(B)(4)(d).

Details	**Garage Door Width**
Process	Zoning Code Section 153.231(C)(3) allows the Board of Zoning Appeals to approve requests for non-use (area) variances only in cases where the Board finds there is evidence of a practical difficulty present on the property, limiting conformance to the strict requirements of the Zoning Code. The Board shall make a finding that the required review standards have been appropriately satisfied (refer to the last page of this report for the full wording of the review standards).

Details	**Garage Door Width**
Variance Request	Section 153.074(B)(4)(d) of the Zoning Code requires that garage door openings totaling 18 feet in width or less not make up more than 35% of the linear distance of the front elevation, nor project more than 12 feet from the adjacent vertical wall plane. The applicant is requesting to construct a new garage that would take up 32 feet, or 45%, of the linear distance of the front elevation. Additionally, the proposed garage would project 28 feet from the adjacent vertical wall plane where the projection is limited to 12 feet. 

Analysis	**Garage Door Width**
ALL THREE OF THE FOLLOWING STANDARDS MUST BE MET	
(1) *Special Conditions*	**Standard Not Met.** To the west of the existing garage there is a minor grade change which is approximately a three-to-four feet change, to the west of the house. The applicant has stated that this grade change makes this location impractical. Planning, as well as Engineering, have concluded that this is minor elevation change and would not preclude this location for a possible attached garage. This site condition is not extraordinary nor does it unreasonably restrict the applicant from using this space.
(2) *Applicant Action/Inaction*	**Standard Met.** The conditions present on this lot have been present for an extended time; therefore, no affirmative action has been taken by the applicant to create the need for the variance.

Analysis	**Garage Door Width**
(3) *No Substantial Adverse Effect*	**Standard Not Met.** Granting this variance will impair the intent and purpose of the garage requirements. These requirements regulate the location and size of garages with the intent of creating structures that are proportionally sized and generally located to side or rear of the primary structure. Approval of this variance would permit an unusual sized garage that would extend a substantial distance forward of the primary structure.
AT LEAST TWO OF THE FOLLOWING FOUR STANDARDS MUST BE MET	
	The following standards have been reviewed with the finding that one standard has been met.
(1) Special Privileges	**Standard Not Met.** This provision of the Zoning Code is applicable to all residential lots in the City of Dublin. Allowing the garage to be the proposed size and in the proposed location would grant the applicant a garage not permitted by other properties in the same zoning district or neighborhood. The grade change between the structure and property line does not deprive the applicant of alternative options, therefore granting the variance would provide the applicant a special privilege not granted to others.
(2) Recurrent in Nature	**Standard Not Met.** Many residential lots have similar grade changes, therefore, the conditions have potential to be recurrent in nature.
(4) *Delivery of Governmental Services*	**Standard Met.** No services are affected.
(5) Other Method Available	**Standard Not Met.** Other options are available that would meet all applicable requirements.

Recommendation	**Disapproval**
Disapproval	Based on Planning's analysis the requested variance does not meet the non-use (area) variance standards, therefore disapproval of the variance is recommended.

NON-USE (AREA) VARIANCES

Section 153.231(H)(1) Variance Procedures
On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development requirements of this Code unreasonable and, therefore, the variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions that meet the standards of review for variances. In granting any variance, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with the Zoning Code.

Non-Use (Area) Variances. Upon application, the Board of Zoning Appeals shall only approve a request for a non-use variance only in cases where there is evidence of practical difficulty present on the property in the official record of the hearing, and that the findings required in (a) and (b) have been satisfied with respect to the required standards of review (refer to the last page of this Report for the full wording of the review standards):

(a) That <u>all</u> of the following three findings are made:

(1) That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district whereby the literal enforcement of the requirements of this Chapter would involve practical difficulties. Special conditions or circumstances may include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter or amendment; or by reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or by reason of the use or development of the property immediately adjoining the property in question.

(2) That the variance is not necessitated because of any action or inaction of the applicant.

(3) Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied or of this Chapter.

(b) That at least <u>two</u> of the following four findings are made:

(1) That a literal interpretation of the provisions of the Zoning Code would not confer on the applicant any special privilege or deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter.

(2) The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.

(3) The variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage).

(4) The practical difficulty could be eliminated by some other method, even if the solution is less convenient or most costly to achieve.