

RECEIVED
14-051
JUN 02 2014

Paid \$1.00 ck - 6/2/2014 LM

February 2009



CITY OF DUBLIN
PLANNING

BOARD OF ZONING APPEALS APPLICATION

(Code Section 153.231)

I. PLEASE CHECK THE TYPE OF APPLICATION:

Administrative Appeal (Code Section 153.231)

Administrative Stream Corridor Protection Zone

Building Construction

Special Permit (Code Section 153.090)

List Special Permit Type _____

Variance (Code Section 153.231)

Non-Use (area) Variance

Use Variance

Other (Please Specify): _____

CITY OF DUBLIN.

Land Use and
Long Range Planning
5800 Shier-Rings Road
Dublin, Ohio 43016-1236

Phone/ TDD: 614-410-4600
Fax: 614-410-4747
Web Site: www.dublin.oh.us

II. PROPERTY INFORMATION: This section must be completed.

Property Address(es): 3168 Lilly Mar Ct.

Tax ID/Parcel Number(s): Parcel ID 273-008348-00
Estate Lot 11

Parcel Size(s) (Acres): 1.016 Acres

Existing Land Use/Development: Rural Residential

IF APPLICABLE, PLEASE COMPLETE THE FOLLOWING:

Proposed Land Use/Development:

Add new garage to existing residence

III. CURRENT PROPERTY OWNER(S): Please attach additional sheets if needed.

Name (Individual or Organization): Steve & Linda Masonbrink

Mailing Address: (Street, City, State, Zip Code) 3168 Lilly Mar Ct. Dublin, OH 43017

Daytime Telephone: (614) 940-6114 Fax:

Email or Alternate Contact Information: smasonbrink@wowway.com

IV. APPLICANT(S): This is the person(s) who is submitting the application if different than the property owner(s) listed in part III. Please complete if applicable.

Name: Applicant is also property owner: yes no

Organization (Owner, Developer, Contractor, etc.):

Mailing Address: (Street, City, State, Zip Code)

Daytime Telephone: Fax:

Email or Alternate Contact Information:

FILE COPY

V. REPRESENTATIVE(S) OF APPLICANT / PROPERTY OWNER: This is the person(s) who is submitting the application on behalf of the applicant listed in part IV or property owner listed in part III. Please complete if applicable.

Name:	
Organization (Owner, Developer, Contractor, etc.):	
Mailing Address: (Street, City, State, Zip Code)	
Daytime Telephone:	Fax:
Email or Alternate Contact Information:	

VI. AUTHORIZATION FOR OWNER'S APPLICANT or REPRESENTATIVE(S): If the applicant is not the property owner, this section must be completed and notarized.

I _____, the owner, hereby authorize _____ to act as my applicant or representative(s) in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all representations and agreements made by the designated representative.	
Signature of Current Property Owner:	Date:

Check this box if the Authorization for Owner's Applicant or Representative(s) is attached as a separate document

Subscribed and sworn before me this _____ day of _____, 20 _____

State of _____

Stamp or Seal

County of _____ Notary Public _____

VII. AUTHORIZATION TO VISIT THE PROPERTY: Site visits to the property by City representatives are essential to process this application. The Owner/Applicant, as notarized below, hereby authorizes City representatives to visit, photograph and post a notice on the property described in this application.

I <u>Steve Masonbrink</u> , the owner or authorized representative, hereby authorize City representatives to visit, photograph and post a notice on the property described in this application.	
Signature of applicant or authorized representative: <u>Steve Masonbrink</u>	Date: <u>5/31/2014</u>

VIII. UTILITY DISCLAIMER: The Owner/Applicant acknowledges the approval of this request for rezoning by the Dublin Planning and Zoning Commission and/or Dublin City Council does not constitute a guarantee or binding commitment that the City of Dublin will be able to provide essential services such as water and sewer facilities when needed by said Owner/Applicant.

I <u>Steve Masonbrink</u> , the owner or authorized representative, acknowledge that approval of this request does not constitute a guarantee or binding commitment that the City of Dublin will be able to provide essential services such as water and sewer facilities when needed by said Owner/Applicant.	
Signature of applicant or authorized representative: <u>Steve Masonbrink</u>	Date: <u>5/31/2014</u>

IX. APPLICANT'S AFFIDAVIT: This section must be completed and notarized.

I, Steve Masonbrink, the owner or authorized representative, have read and understand the contents of this application. The information contained in this application, attached exhibits and other information submitted is complete and in all respects true and correct, to the best of my knowledge and belief.

Signature of applicant or authorized representative: Steve Masonbrink Date: 5/31/2014

Subscribed and sworn to before me this 31st day of MAY, 20 14

State of OH

County of FRANKLIN

Notary Public Nshellin



NAVNEET DHILLON
Notary Public, State of Ohio
My Commission Expires 6-8-2014

NOTE: THE OWNER, OR NOTED REPRESENTATIVE IF APPLICABLE, WILL RECEIVE A FACSIMILE CONFIRMING RECEIPT OF APPLICATION

FOR OFFICE USE ONLY			
Amount Received: <u>\$100</u>	Application No: <u>14-051V</u>	BZA Date(s):	BZA Action:
Receipt No: <u>228879</u>	Map Zone: <u>C-1</u>	Date Received: <u>6/2/14</u>	Received By: <u>RSP</u>
Type of Request: <u>NON-USE (AREA) VARIANCE</u>			
N, S, E, W (Circle) Side of: <u>Lilly Mar Ct E</u>			
N, S, E, W (Circle) Side of Nearest Intersection: <u>Lynnmar Pl</u>			
Distance from Nearest Intersection:			
Existing Zoning District:			

RECEIVED
14-051V
JUN 02 2014
FILE COPY CITY OF DUBLIN
PLANNING

1. Application Fee

2. CD of All Application Materials

3. Original Signed /Notarized Board of Zoning Appeals Application Form (One Original)

4. Variance Statement

A. Explain the requested variance.

I am asking for a variance to construct a front loading garage that will extend farther in front of the adjacent wall than dictated by code. I want to construct a front loading two-car garage of sufficient size to allow me to work on my automobiles and other projects. The proposed garage would be built in front of the current garage. The size of the proposed garage will be 32 feet wide by 28 feet deep. The current garage will be turned into a game room.

B. Identify the development text requirement or Code Section from which the proposal is varying.

I am asking for a variance to Dublin Ohio Code of Ordinances, section 153.074 Accessory Use and Structures, Paragraph B.4.c. This regulation states a front loading garage cannot project more than 12 feet from the adjacent wall. I am requesting a variance to allow the garage to extend an additional 19 feet beyond what is allowed by code.

C. Explain how the requested variance relates to the development standards applicable to the property.

I don't know the exact intension of the standards, but I suspect it relates to curb appeal. I believe it also is related to visual mass balance between the garage and the rest of the house. I talked with neighbors who believe a front load garage will provide better curb appeal than a side loaded garage. Additionally a front loading garage will be more neighborly as described below in paragraph 7A.

D. If the applicant has been denied a Certificate of Zoning Compliance for the property in question, explain why the request was denied.

I have not been denied a Certificate of Zoning Compliance

E. Please provide any other information that would be helpful to the Board of Zoning Appeals in making their decision.

I have considered other options such as building a front loading garage to the west of the existing garage, but the topography of that section of property would not allow for proper drainage. Also a side loading garage with the door openings

FILE COPY

RECEIVED
14-051V
JUN 02 2014
CITY OF DUBLIN
PLANNING

facing west, away from the house, will have similar drainage issues. There is a distance of 40 feet between my current garage and the property line. Over that distance, the grade falls off by 40 inches = 12.8% slope.

The only other consideration is a side loading garage with the doors opening east to the front yard. This configuration will also have issues with the topography. Also with that side load configuration, my front yard would be replaced with the driveway and apron. Note a side loading garage requires additional driveway space for maneuverability.

I have four vehicles. I am building a two car garage. This leaves two vehicles that will have to be parked outside the garage. Where and how these cars are parked has a definite impact on curb appeal and visual mass. With the preferred front loading configuration, the two additional cars can be parked on the west side of the driveway along the side yard, away from the front of the house. With the non-preferred side loading garage, the two additional cars would have to be parked in my front yard.

Another consideration is the roofline. The front loading garage will have a roof line that will closely match the roofline of the existing structure. A side loading garage will not aesthetically mesh with the existing structure

5. Legal Description And / Or Property Survey for Each Parcel
See attached plot survey.

6. List of Property Owners And Registered Homeowners Associations Within 150 feet.

There are no registered homeowners associations within 150 feet of this parcel.
The properties and owners within 150 feet are:

- A. Parcel 273-008349-00
- B. Owner Price family
- C. Complete Address
3186 Lilly Mar Court
Dublin, Ohio 43017

7. Review Criteria (13 copies)

- A. Explain the existing special circumstances or conditions that are peculiar to this land or structure that are NOT applicable to other properties or structures in the same zoning district.**

Site Considerations:

- **Slope:** The 12.8 % slope to the west of the current driveway and the distance of 40 ft. to the west lot line are site constraints. This slope eliminates the construction of a front loading garage to the west of the current garage or a side loading garage facing west. Construction of a structure with the necessary dimensions on this slope would not allow sufficient room for a swale to direct runoff away from our neighbor's property to the west. Additionally this slope is problematic for a side loading garage facing east.
- **Viewshed:** The proposed front-load plan would maintain the current viewshed from my living room picture window. I currently look out on a large grassed/treed front yard and I would like to retain that view. Additionally, the view from the street is of a driveway to the side of the house rather than in front of the house. The non-preferred side loaded garage facing east would result in pavement in front of my picture window. I do not want to look out on a large expanse of pavement. Additionally views from the street would be of a large parking area in front of my house.
- **Pavement Concerns:** The proposed front-load plan would require minimal pavement to address the parking of my two additional vehicles in line from north to south immediately west of the existing driveway. No re-alignment of the driveway is necessary as the garage would be built on the existing driveway. It is important to note that the additional pavement necessary for the alternative plan is 2370 sq. ft. vs. 1840 sq. ft. needed for the proposed plan. There is a net reduction of 530 sq. ft. if the proposed plan is selected. By minimizing the amount of pavement, I am minimizing runoff.
- **Neighborly:** My neighbor to the west is the one most affected by the variance. His comments were that he would have to walk all the way around a side loading garage to borrow tools. The reality of this comment is that a front loading garage is more conducive to being neighborly. With a side loading garage with the doors facing east, my closest neighbor only sees walls both facing west and in front. With a front loading garage, he or I can step to the side and talk to each other. The non-preferred side load garage would require him or me to walk all the way around to say Hi. See pictures Neighborly Front load and Neighborly side load.

B. Explain how the special conditions are NOT a result of the applicant's actions or inactions.

The slope to the west of the existing garage and driveway existed prior to the purchase of this property. No site grading has occurred.

C. If the proposed variance were granted, explain how the variance will NOT cause a substantial adverse effect to the property or improvements in the vicinity or materially impair the intent and purposes of the requirements of the Dublin Zoning Code

If the proposed variance is approved, I believe the visual character of the house and curb appeal will be preserved.

From the curb, the appearance of two garage doors and the straight driveway up to them shows a straight line view for the preferred front loading garage.. Additionally, the view from the living room picture window is preserved. With the non-preferred side loading garage, the visual mass would be a solid wall facing the curb. Additionally the required pavement for a side loading garage will take up a large part of the front yard. Thus a side loading garage would adversely affect the view from the street and from my living room picture window.

The preferred front-load plan would allow the parking of my two additional vehicles away from the front of the house on the west side of the existing driveway. The side load alternative would result in the two additional vehicles being parked in front of the house. A straight line of asphalt from the street to the garage in the preferred proposed plan, (as is currently the case), is neater in appearance than a broad expanse of asphalt in front of the house as is necessary for the side loaded alternative.

D. If the proposed variance were granted, explain whether there would be any special privileges conferred on the property owner that are denied by the Zoning district.

Variations such as this must be considered on a case by case basis. I believe my case is special.

The special considerations are:

- My property has topographic limitations that severely impact the ability to build the garage in any other orientation other than the proposed plan.
- I am building a two car garage. I have four vehicles. Any side loaded configuration, does not provide a practical place to park these additional vehicles.
- In my unique case, visual mass, curb appeal, and viewshed are better maintained with the front loading garage.

E. Explain how the proposed variance is not one where the specific conditions of the property are general and recurrent to make the formation of a general regulation for those conditions reasonably practical.

My building contractor and architect have advised me there will be drainage issues with any structure built west of my existing garage (front load or side load). The position of the structures on our lot and the position of the structures on our western neighbor's lot are so close that there is insufficient room to construct a garage with adequate drainage.

F Explain how the variance would NOT adversely affect the delivery of governmental services.

Government services, like US mail and garbage pickup is at the street. Also as part of the construction, there will be a sidewalk that will provide an adequate path for all other services to the front door of the house.

G Explain how the practical difficulty could be eliminated by some other method, even if the solution is less convenient or more costly to achieve.

I have explored all other possible ways / orientations to build this garage. Because of topographical constraints, these other orientations are problematic. This includes the slope and distance between the driveway and the neighbor's property to the west of the existing driveway. Other properties do not have these site-specific constraints.

I could avoid the need for a variance to the Dublin Zoning Code by constructing a side-load garage. However this would result in more runoff due to increased pavement. Also there is insufficient room between the back of the garage and my neighbor's property line for grading away from the elevated foundation. This would be compounded by a visual impedance of the front of the house because of my two additional cars being parked on an asphalt apron extending east from the side-load garage in front of my living room window. These vehicles would also block my view of the front yard where I want to view the landscape instead of pavement.

Two other considerations are as follows:

- **Vehicle Maneuvering Constraints:** The proposed front-load plan would allow better maneuverability of vehicles in and out of the garage and past the two cars on the west side of the driveway. One vehicle can be in front of the garage door while one stays in the garage to be maintained. The side-load alternative would not allow this flexibility.
- **Functional Considerations:** By constructing the garage addition attached to, and in front of, the current garage, it will provide insulation to the game room which will be heated and cooled. This is an energy saving advantage over the alternative that would be constructed to the west of the

game room, providing no insulation between the game room and the outdoors. Also, there would be more direct access, and less distance to walk with groceries from the garage straight through the game room to the kitchen. Form needs to follow function. This would also be an important factor to future owners of this property.

8. Denied Certificate of Zoning Compliance

Not Applicable