



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

City of Dublin Board of Zoning Appeals

Planning Report

Thursday, October 23, 2014

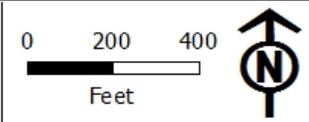
Sailors Residence-6765 Baronet Boulevard

Case Summary

Agenda Number	1
Case Number	14-100V
Location	6765 Baronet Boulevard South side of Baronet Boulevard approximately 480 feet east of Brenham Way.
Proposal	To construct a patio, pergola and outdoor grill that will be located 10 feet six inches into the rear yard setback.
Request	Non-use (area) variance to Sections 153.07(B) to permit a patio, pergola and outdoor grill that encroaches in the rear yard setback of a residential property zoned PUD, Planned Unit Development District. Requires review and approval by the Board of Zoning Appeals based on the review criteria of Zoning Code Section 153.231.
Applicants	Brandon Sailors, property owner.
Planners:	Tammy Noble-Flading, Senior Planner.
Planning Contact:	(614) 410-4649 or tflading@dublin.oh.us
Planning Recommendation	Disapproval of a Variance to the Rear Yard Setback. Based on Planning's analysis, the request does not meet the review criteria for a non-use (area) variance, and disapproval is recommended.



14-100V
Non-Use Variance
Sailors Residence
6765 Baronet Boulevard - Tartan Ridge



Facts	
Site Description	The approximately 11,800 square foot lot is on the south side of Baronet Boulevard approximately 480 feet east of Brenham Way. The site is currently under construction for a single-family home. The site is flat and rectangular with frontage on Baronet Boulevard, with the rear lot line abutting "Reserve Q," which is a 7.25 acre park. This reserve is a passive open space with an existing pond in the southern portion of the reserve.
Zoning	PUD, Planned Unit Development, Tartan Ridge subdivision.
Surrounding Zoning and Uses	The site is surrounded by residential development and a reserve area, zoned PUD, Planned Unit Development District, Tartan Ridge.
Proposal	The applicant is proposing to construct a 10.5 X 55 foot patio that will have a 12 x 12 foot pergola and grill area to the east portion of the patio. The patio will have a seating wall with accent lights and additional landscaping on the east and west side of the patio. The deck will encroach 10 feet, 6 inches into the rear yard setback.

Details	Rear Yard Setback
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).
Variance Request	<p>Section 153.07(B) requires that all construction be located outside the rear yard setback. The applicant is requesting to construct a paver patio with a seating wall, a pergola and a grill that will encroach 10 feet, 6 inches into a required 25-foot rear yard setback established by the Tartan Ridge development text.</p> <p>The applicant has designed the home that is being constructed on Lot #209 of the Tartan Ridge subdivision. The house has a front-loaded, three car garage that left the deepest portion of the house at six inches from the rear yard setback.</p>

Details	Rear Yard Setback
<p>Tartan Ridge Development Standards</p>	<p>Tartan Ridge has a diversity of housing types, lot sizes and setbacks that have been designed to create themed areas throughout various portions of the subdivision. The applicant’s lot is a Court Lot which has a rear yard setback that varies based on the location of the garage, and a range front building zone of a minimum of 13 feet and a maximum of 20 feet (in lieu of an established building setback).</p> <p>The varied rear yard setback allows residents to reduce their setback from 25 feet to 15 feet when the garage is located to the rear of the house. This standard is to encourage residential structures to place garages to the rear of the property. This allows the residential houses to be the primary focal point along the public roadways and minimize the view of accessory structures.</p> <p>The applicant has designed a front loaded garage situated 19 feet 6 inches from the front lot line that is approximately six inches from the back of the 13-20 foot required front build zone. This puts the house at the very nearly the greatest distance permitted from the front lot line. This forces the home to be located six inches from the rear yard setback line. These site design considerations have exacerbated the restricted rear yard space in which outdoor patios could be constructed.</p> <p>These development standards are specific to Tartan Ridge and are designed to create reduced lot widths that allow structures to be closer to each other. This creates the cluster home development pattern that is intended for this area. The required front build zone allows homes to be closer to the street to engage with activity along the sidewalks.</p>

Analysis	Rear Yard Setback
<p><i>ALL THREE OF THE FOLLOWING STANDARDS MUST BE MET</i></p>	
<p>(1) Special Conditions</p>	<p>Standard in Not Met</p> <p>The lot has a standard configuration that exceeds both the minimum width and minimum lot depth of the approved development text. As a result, the lot is larger than the lots to the east and west on Baronet Boulevard. The lot has no significant topography or natural feature and the orientation of the house and garage, located at the farthest portion of the required front yard build zone, are conditions that created the need for a variance.</p>

Analysis	Rear Yard Setback
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(2) Applicant Action/Inaction	<p>Standard is Not Met The applicant has designed the site and is the current owner of the home which is being constructed. This siting and size of the home as selected by the applicant created the conditions that are prompting this request.</p>
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(3) No Substantial Adverse Effect/ Hinder Intent of Regulation	<p>Standard is Not Met The Tartan Ridge development text is designed to create incentives for property owners to design sites with houses close to the public roadway system and be the primary focus of the lot. The applicant has chosen to design the site in a manner that forces the house closer to the rear of the site. The applicant is requesting relief for more construction that would only be granted to residents who design the site to maximize their ability to construct in the rear yard and therefore, negatively impacts the intent and purpose of the regulation.</p>
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<i>AT LEAST TWO OF THE FOLLOWING FOUR STANDARDS MUST BE MET</i>	
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(1) Granting Special Privileges	<p>The following standards have been reviewed with the finding that two standards are met.</p> <p>Standard is Not Met The applicant is requesting relief that, if granted, would allow residents to design their site to restrict their rear yard setback and expect relief from the City for their decision. If relief were granted, it would provide a special privilege to the applicant and grant relief that could have been prevented.</p>
(2) Not Recurrent in Nature	<p>Standard Met This type of request (requests for much larger outdoor spaces) is becoming more common but has not risen to the degree of "recurrent" where a Code revision is urgently needed. However, as a proactive method of addressing the issue, Planning is researching other potential means for siting decks and patios.</p>
(3) Delivery of Governmental Services	<p>Standard Met The request will not impact the delivery of governmental services.</p>
(4) No Other Method Available	<p>Standard Not Met Planning has discussed other options available to the applicant including placing the patio to the eastern portion of the rear yard where the house is recessed, allowing some area is which to build. That combined with the "open and uncovered" provision of the code would allow a patio to extend five feet into the rear yard. This narrow portion of the patio would provide a minimal amount of the space that would connect to the larger patio area, to the east. Both these areas combined would allow a patio and outdoor living space that is approximately 510 square feet based on Planning's calculations.</p>

Recommendation	Disapproval
Disapproval	Based on Planning's analysis, the request does not meet the required review criteria for a non-use (area) variance, therefore disapproval 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 all 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 two 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.*