

BOARD OF ZONING APPEALS

MEETING MINUTES

MARCH 25, 2015

AGENDA

- 1. Stechschulte Residence – Setback Variances
15-023V
(Approved 4 – 0)**

**5566 Dublin Road
Non-Use (Area) Variance**

Chair Brett Page called the meeting to order at 6:29 p.m. Other Board members present were Rion Myers, James Zitesman and Patrick Todoran. Brian Gunnoe was absent. City representatives present were Tammy Noble-Flading, and Flora Rogers.

Motion and Vote

Mr. Page moved, Mr. Myers seconded, to accept the documents into the record. The vote was as follows: Mr. Zitesman, yes; Mr. Myers, yes; Mr. Todoran, yes; and Mr. Page, yes. (Approved 4 – 0)

Motion and Vote

Mr. Todoran moved, Mr. Myers seconded, to approve the February 26, 2015 meeting minutes. The vote was as follows: Mr. Zitesman, abstained; Mr. Page, yes; Mr. Todoran, yes; and Mr. Myers, yes. (Approved 3 – 0 – 1)

Communications

Tammy Noble-Flading congratulated Mr. Zitesman on his reappointment to the Board. She said with Mr. Page leaving the Board his replacement is Martha Cooper and her first meeting will be in April. She said Ms. Cooper's trade and area of expertise is legal and she works for the Environmental Protection Agency and seems to have a good zoning background and has worked in a couple legal venues including Townships and has a broad spectrum of experience.

Ms. Noble-Flading said an administrative task that will be done in April will be to assign a new chair and vice chair.

Ms. Noble-Flading said there are a couple big cases going through the Planning and Zoning Commission with the redevelopment of Riviera the golf course is being heard tomorrow evening and will be streamed live. She said they have worked on that project at least a year or more and they feel they have some approvals from the surrounding areas.

Ms. Noble-Flading said another project called Tuller Flats which is the first residential project within the Bridge Street District was approved by the Commission a couple of weeks ago.

Ms. Noble-Flading said they are keeping the website up to date and if there are any questions to call.

Administrative Business

Mr. Page swore in those who intended to address the Board in regards to the application on this Agenda.

NEW CASE:

1. Stechschulte Residence – Setback Variances 15-023V

5566 Dublin Road Non-Use (Area) Variance

Tammy Noble-Flading said the site is located on Dublin Road and the applicant has applied for a variance to a residential piece of property for construction to occur in the rear yard setback. She said this 1.2-acre tract of land is located on the east side of Dublin Road between Rings and Tuttle Road. She said the parcels located on the east side of Dublin Road are large parcels of land all zoned R-1, Restricted Suburban Residential District and most were constructed prior to annexation into the City of Dublin.

Ms. Noble-Flading said the approximately 150 feet of land adjacent to this parcel which provides separation between this site and the river is owned by the City of Columbus which was purchased in 1923 to ensure a buffer along the river.

Ms. Noble-Flading said the site has developed today is quit heavily developed with a circular drive from Dublin Road with a building line that is approximately 85 feet beyond where the structure is built with a significant residential structure that is approximately 4,500-square-feet with an attached garage as well as a detached garage. She said there is a pool and deck area behind the house as well as a basketball court in the rear yard.

Ms. Noble-Flading said the variance is related to an additional seating deck area that encroaches approximately 12.5 feet into the required rear yard. She said there is existing pool equipment that is intended to be enclosed with the proposal to limit the view of the equipment on the side of the property with a bar area and the additional deck with a trellis that includes some outdoor seating space. She said there are smaller ornamental trees that will be removed with the proposal but a larger tree will be preserved.

Ms. Noble-Flading said there is 100's of feet separating the view from the new construction as well as a significant tree line near the edge of the property.

Ms. Noble-Flading said they have found several factors that are unique, first is that the main portion of the structure is built in the center of the property which is typical of property along the river which puts property owners at a disadvantage when they are constructing to the rear of the structure, the City owns property adjacent to the applicants site which was a purchase made by the City with a distinct purpose of maintaining an undisturbed area of land with minimal removal of vegetation so it will open space that will not be impeded by development, and the proximity to the river and vegetation and lack of visibility on this site. She said the actions of the applicant with all the conditions that have been expressed existed prior to the applicant owning and/or developing the property so they did not contribute to these factors. She said in terms of intent the purpose of a setback is to provide visual separation and with the adjacency to the river and the City owned property provide the separation and lack of visibility.

Ms. Noble-Flading said two of the four criteria in Sub Section B are required to be met, they found that three have been met with the other methods available to the applicant they do

believe there are other methods available including relocating the structure or decreasing the size of the addition of the proposal.

Ms. Noble-Flading said they believe the proposal meets the criteria and are recommending approval of the application.

Mr. Page asked if the applicant or anyone from the public would like to provide comment.

Jeffrey S. Brown, President of J. S. Brown Company, 1522 Hess Street, Columbus, 43212, representing the applicant Dr. Mark and Elizabeth Stechsulte, said they did look at other options to move the structure or possibly downsize it and determined there is a landmark tree that is limiting the location and if they move to the other side of the pool it will conflict with the aerator system. He said the design of the proposal cleans up the existing conditions of the pool equipment and cannot be seen by the neighbors.

Mr. Zitesman asked why the owners were not present.

Mr. Brown said the owners were originally told the meeting would be held on Thursday, March 26th, but when it was moved to Wednesday they were out of town and unavailable.

Ms. Noble-Flading said in fairness to the applicant the change was to accommodate a meeting for the Dublin Planning and Zoning Commission and said she takes full responsibility.

Mr. Page asked if there were any further questions, [There were none.] and he closed the public portion of the meeting for Board discussion.

Mr. Zitesman said this proposal would be an improvement to the property and no more evasive than the existing structure and it is a good design.

Mr. Page said the key factors are the unique elements of the property that separates this application from other applications and is not recurrent in nature.

Mr. Zitesman said this situation is easy to distinguish from other cases they have reviewed.

Mr. Zitesman asked how old the home is.

Ms. Noble-Flading said it was built in the 60's with the primary structure with improvements since then and annexed in 1980 with most of the construction prior to annexation.

Mr. Zitesman asked when the current owners bought the home.

Ms. Noble-Flading said it was the early part of 2000.

Mr. Page said this was another factor that it was not of their doing.

Mr. Myers said it has been described in a way that makes sense, where they are not extending past the current existing deck and just squaring it up which will look even better. He thought the neighbors to the north will be happy not to look at the equipment even though it cannot be seen much through the trees.

Ms. Noble-Flading said the trees limit any type of visibility.

Mr. Page said they have explored other options which take away from the natural beauty of the area and would impact the landmark tree and there are unique circumstances with the applicants giving a lot of thought into making sure the existing beauty of the land was respected as much as humanly possible.

Mr. Zitesman agreed there were no other viable options.

Motion and Vote

Mr. Page made the motion, seconded by Mr. Zitesman, to approve this variance from Section 153.020(C)(4) to allow a portion of a deck and trellis that encroaches into the rear yard setback by 12.5 feet of a single-family, residential structure because it meets the review criteria of Section 153.231. The vote was as follows: Mr. Todoran, yes; Mr. Myers, yes; Mr. Zitesman, yes; and Mr. Page, yes. (Approved 4 – 0)

Ms. Noble-Flading said they wanted to recognize Mr. Pages' service to the Board with the volunteer of time to do research and visit sites and they appreciate that they provide direction as a Board Member being very clear about their decisions and articulate about the factors of each case and how an applicant can help them. She said she is very proud of the Board Members to give guidance to applicants. She said Mr. Page has been served as Chair for three years and that has a role all in itself with an added role of responsibility to being a Chair and have fulfilled both roles very well and thanked him for his time on the Board and she hopes to see him in other venues with the City. She said there is a plaque presentation and thanked him for his service to the City.

Mr. Page said it has been a pleasure to working with the City and to everyone on the Board and previous members. He said when he came on the Board it was because of interest in everything going on in the City and being on the Board has made him further connected and even more deeply respectful of how well put together the City is in Code and for planning and what it means to the City. He said to be able to be a steward of interpreting and making the Code live through their actions on the Board and being respectful to the citizens in Dublin and giving them their due as property owners within the City and it has been a pleasure to work with everybody. He said he looks forward to down the road with his children being older to serving in other options within the City.

Mr. Page said the next meeting is scheduled for April 16, 2015, and adjourned the meeting at 6:55 p.m.

As approved by the Board of Zoning Appeals on May 28, 2015