

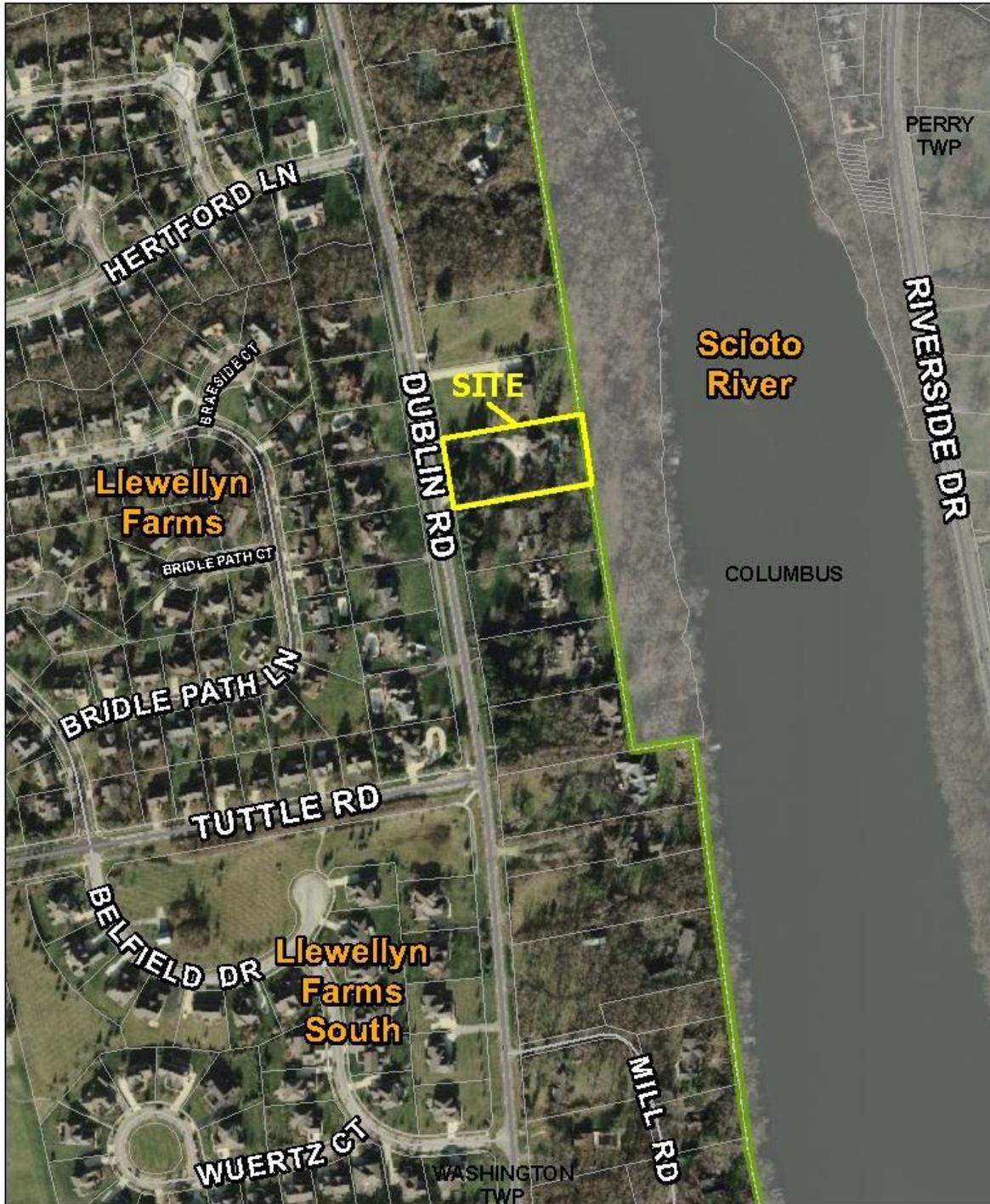
Planning Report

Wednesday 25, 2015

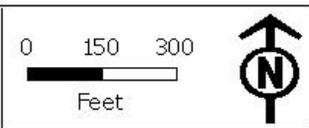
5566 Dublin Road

Case Summary

Agenda Number	1
Case Number	15-023V
Location	5566 Dublin Road East side of Dublin Road approximately 620 feet north of Tuttle Road.
Proposal	To construct a deck and trellis within the rear yard setback.
Request	Non-use (area) variance to Section 153.020(C)(4) to permit a portion of a deck and trellis to extend into the rear yard setback. Requires review and approval by the Board of Zoning Appeals based on the review criteria of Zoning Code Section 153.231.
Applicants	Elizabeth A. Stechschulte, owner; represented by Jeffrey Brown, J.S. Brown and Company.
Planners:	Tammy Noble-Flading Senior Planner
Planning Contact:	(614) 410-4649 or tflading@dublin.oh.us;
Planning Recommendation	Approval Based on Planning's analysis, the request meets the review criteria for a non-use (area) variance and approval is recommended.



15-023V
Setback Variance
Stechschulte Residence
5566 Dublin Road



Facts	
Site Description	<p>The site is a 1.293 acre lot on the east side of Dublin Road between Tuttle Road and Rings Road. The site has a 4,426 square-foot single family home, 728 square-foot attached garage, 2,844 square-foot pool and deck area, two patio areas, and 621 square-foot basketball court. The house is in the center portion of the site approximately 85 feet further beyond the required front yard setback. This is typical of lots fronting the river to maximize views. Other features include mature trees along the north and east property line and an aerator system on the south side of the property.</p> <p>Most of the accessory elements are behind the home. A portion of the deck and the basketball court currently encroach into the rear yard setback. These structures are nonconforming in that they were constructed prior to the current regulations that require accessory structures to be within the buildable area of a site.</p>
Zoning	R-1, Restricted Suburban Residential District
Surrounding Zoning and Uses	<p>The site is surrounded with residential development and includes:</p> <p>North: Zoned R-1, Restricted Suburban Residential District and contains large lot parcels with single-family homes.</p> <p>East: Vacant tract of land owned by the City of Columbus and further east is the Scioto River.</p> <p>South: Zoned R-1, Restricted Suburban Residential District and contains large lot parcels with single-family homes.</p> <p>West: Zoned PUD, Planned Unit Development and is located within the Llewellyn Farms PUD. This contains smaller parcels with single-family residential homes.</p>
Proposal	<p>The applicant is proposing the construction of an enclosed addition, deck and trellis north of the existing pool. The addition will enclose pool equipment that is currently exposed. A deck is proposed east of the addition and will include an outdoor bar and a trellis oriented towards the rear of the site.</p> <p>These structures encroach into the rear yard setback, which is 20% of the lot depth or 50 feet, whichever is less. In this instance, the 50 feet rear yard setback is the applicable setback for the property. The proposed deck and trellis encroach 12 feet, 6 inches into the required rear yard setback.</p> <p>Based on the design of the addition, it will align with the existing deck and not encroach more than the existing outdoor amenities.</p>

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	Section 153.020(C)(4) of the City of Dublin Zoning Code requires that accessory structures be located within the required buildable area of a property. The variance, if approved, would permit the proposed deck and trellis to encroach 12 feet, 6 inches into the 50-foot required rear yard setback.	

Analysis		Rear Yard Setback
ALL THREE OF THE FOLLOWING STANDARDS MUST BE MET		
(1) <i>Special Conditions</i>	<p>Standard Met.</p> <p>The site has been constructed so that the existing home and associated amenities are to the center and rear portion of the property. The City of Columbus owns a wide strip of land abutting the applicant’s property that separates the property from the Scioto River. The City’s property varies in width but is generally between 160 to 180 feet. This property was purchased by the City of Columbus to preserve the land, prevent removal of vegetation, and enhance the viewsheds along the river. This City owned land provides a significant buffer from the river for properties in various locations along the river, including the applicant’s site. This separation is significant and is larger than properties located to the north and south. Other special conditions include existing vegetation to the north and east of the site and proximity to the Scioto River.</p>	
(2) <i>Applicant Action/Inaction</i>	<p>Standard Met.</p> <p>The design of the site, separation from the river by City owned property, and mature vegetation existed prior to applicant’s ownership of the land. These conditions were not attributed to action or inaction of the applicant.</p>	
(3) <i>No Substantial Adverse Effect</i>	<p>Standard Met.</p> <p>The site is a large tract of land that is separated by adjacent properties by significant setbacks and mature vegetation. The site is also in close proximity to the Scioto River and is separated from the river by more than 200 feet. These conditions limit, if not fully prevent, the view of the proposed construction from adjacent properties. Therefore, there will be no adverse effect from adjacent properties.</p>	

Analysis	Rear Yard Setback
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<i>AT LEAST TWO OF THE FOLLOWING FOUR STANDARDS MUST BE MET</i>
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<p><i>(1) Special Privileges</i></p> <p><i>(2) Recurrent in Nature</i></p> <p><i>(3) Delivery of Governmental Services</i></p> <p><i>(4) Other Method Available</i></p>	<p>The following standards have been reviewed with the finding that three standards have been met.</p> <p>Standard Met. The conditions of the site are unique and include several conditions that differentiate this site from other properties within the City of Dublin. Granting the variance will not confer special privileges to the applicant.</p> <p>Standard Met. The variance request is not recurrent in nature and is specific to the site.</p> <p>Standard Met. No governmental services such as mail delivery, trash disposal or emergency access are affected by this proposal.</p> <p>Standard Not Met. The applicant does have an area south of the home that may be a viable location for the construction of the amenities (other than covering the pool equipment). Other options include decreasing the footprint of the construction within the required setbacks. Both of these are available options that would be available without seeking relief from the Board of Zoning Appeals.</p>
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Recommendation	Approval
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<p>Approval</p>	<p>Based on Planning’s analysis the requested variance meets the required non-use (area) variance standards, therefore approval of the variance is recommended.</p>
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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.*