4. VARIANCE STATEMENT - THIRTEEN (13) COPIES INCLUDING RESPONSES TO THE FOLLOWING:

Requested variance: Install a 6 foot high fence along the western property line and 60 feet along the southern border starting at the south-west corner of the property.

Development text requirement or Code Section: § 153.080 FENCE REGULATIONS ON USE – states no fence or wall shall exceed four feet in height.

Explain how the requested variance relates to the development standards applicable to the property: The development standards are more readily applicable to traditional platted sub-divisions with neighboring housing of like construction and use that are not adjacent to access drives or commercial property. The subject property was built in developed in an older development that dates back to 1938 when the barn structure was built on the original farm the property was derived. These circumstances are unique to this property.

If the applicant has been denied a Certificate of Zoning Compliance for the property in question, explain why the request was denied: NA – First Submission

Please provide any other information that would be helpful to the Board of Zoning Appeals in making their decision: Multiple complaints have been registered with the code compliance department which have either not resulted in action or have repeated violations that have re-occurred over time. The applicant is requesting the variance due to extenuating circumstances which are beyond his control.

The subject property is situated on a very large one acre lot. The surrounding environment is comprised of a commercial property that was built in 2009 and an adjoining vacant lot that contains a continuation of an access drive easement that was recorded in 1967. The Four Fives office complex and adjoining property acquired in May of 2011. The lighting and parking conditions create an adverse impact on the applicant's ability to enjoy the privacy and use of his property.

The ability to provide screening or relief by landscaping material is limited due to the heavily shaded environment created by large mature trees at the rear of the property. The only potential resolution within the control of the applicant is to construct a visible barrier using a fence.

7. ADDRESS EACH OF THE FOLLOWING REVIEW CRITERIA - THIRTEEN (13) COPIES

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: The subject property has an access drive easement that is actively used by the property owner located at 6310 Riverside Drive (273-008336). Further, the adjoining property is commercially active office building with a large parking lot that is illuminated at night. Additionally, a large poorly maintained structure boarders the rear of the adjoining property.

Explain how the special conditions are NOT a result of the applicant's actions or inactions: None of the aforementioned issues are a result of actions by the applicant. The applicant has planted landscape screening along the southern border in the area where there is sufficient sunlight to support vegetation.

The applicant has also attempted to establish evergreen screening plantings that are shade tolerant to achieve the desired screening. Several of those specimens have been multiple times and have not successfully grown in the target area.

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: The requested variance would provide mutual separation and screening which is typified in residential areas adjacent to commercial establishments. In fact, the code requires screening protection on all new construction activities. The code does not address the unique circumstances of the targeted area due to the limited space and growing conditions necessary to achieve effective screening. The access drive runs parallel along the western boarder of the applicants property and runs south – connecting to Martin Road.

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 Code to other properties or structures in the same zoning district: In spirit, the code attempts to protect the neighboring property owners rights and privileges from adjacent parking, lighting, and access drives. Unfortunately, none of these issues were addressed during the initial construction of the offending complex. The applicant is simply requesting the same privileges and protection granted by the Dublin Code (Section 153.206 Lighting; Striping, and Traffic Control; Section 153.207 Parking in Residential Districts; and Section 153.209 Landscaping and Perimeter Requirements).

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: The circumstances and requested variance is specific in nature to the averment surrounding the applicant's property.

Explain how the variance would NOT adversely affect the delivery of governmental services: There is no impact to government services.

Explain how the practical difficulty could be eliminated by some other method, even if the solution is less convenient or more costly to achieve: Every method of screening and code compliance has been exercised by the applicant. There are not other solutions available to the applicant to the screening issue except a physical barrier which is the variance requested.

Property Owners within 150ft

Fname1	Fname2	Lname	Address	Parcel ID
Donn	Gayle	Griffith	6465 Martin Pl	273-008369-00
David	Janet	Chrvala	6421 Martin Pl	273-008367-00
Joseph	Diane	Cartolano	3390 Martin Rd	273-008365-00
		Four Fives LLC	6300 Riverside Dr	273-008325-00
		Four Fives LLC	3410 Martin Rd	273-008366-00