



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

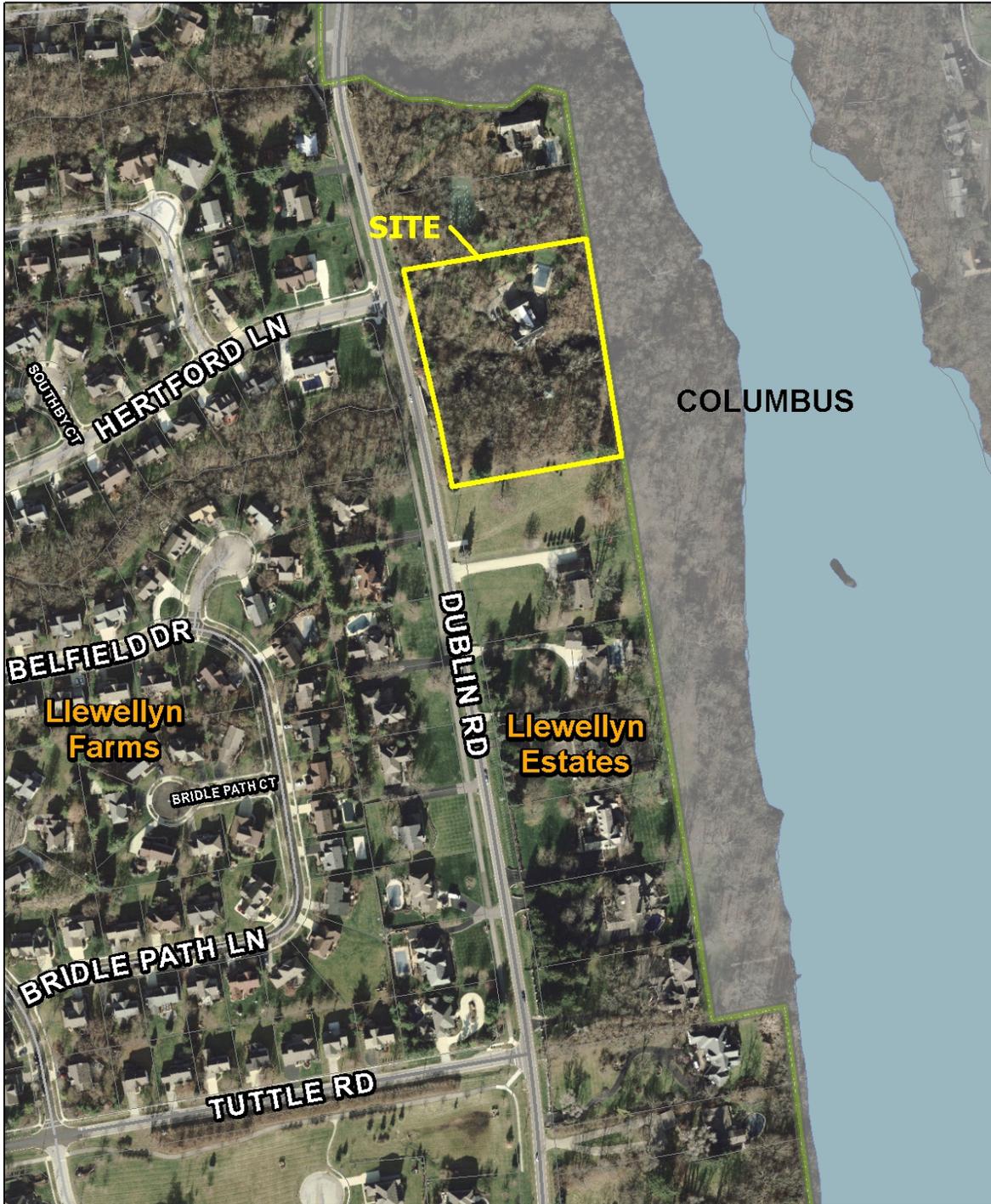
Planning Report

Thursday, May 28, 2015

5600 Dublin Road

Case Summary

Agenda Number	2
Case Number	15-039V
Location	5600 Dublin Road East side of Dublin Road approximately 1,100 feet north of Tuttle Road.
Proposal	To construct an enclosed addition within the rear yard setback.
Request	Non-use (area) variance to Section 153.020(C)(4) and 153.074(B)(6) to permit an enclosed addition to extend 42 feet 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	Robert Crane, Property Owner.
Planners:	Tammy Noble-Flading, Senior Planner. Logan M. Stang, Planning Assistant.
Planning Contact:	(614) 410-4649 or tflading@dublin.oh.us (614) 410-4652 or lstang@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.



 <p>City of Dublin</p>	<p>15-039V Variance - Setback Crane Residence 5600 Dublin Road</p>	<p>0 150 300 Feet</p> 
---	--	---

Facts	
Site Description	<p>The site is a 3.41 acre lot on the east side of Dublin Road between Tuttle Road and Rings Road. This is directly north of the Stechschulte residence that was approved by the Board of Zoning Appeals in March 2015.</p> <p>The site has a 4,963 square-foot single family home, a 1,000 square-foot pool and rear patio, and a tree house south of the main structure. The tree house was approved by the Board in 2011 to allow a structure to exceed the maximum allowed height (see History). The house is in the north, center portion of the site approximately 160 feet from the front property line. There is a stream running east to west that splits the property in the middle causing a significant grade change throughout the property lessening the buildable area. Other features include mature trees throughout the site, south of the stream and behind the house to the east.</p> <p>Most of the existing accessory structures are located to the side of the home. The applicant owns both parcels to the north and south of 5600 Dublin Road. Both properties are vacant with the exception of the property to the north which contains a tennis court.</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 addition located along the eastern portion of the property behind the home. The addition is an indoor basketball court that is connected to the house by an enclosed walkway that will also connect to the existing patio. Due to the significant change in grade caused by the stream, the addition will be constructed into the hillside, partially covering the structure.</p> <p>This enclosed court extends into the rear yard setback, which is required to be 20% of the lot depth, or 50 feet – which applies to this site. The proposed court has an overall size of 58 feet deep by 50 feet 10 inches wide. The proposed court would be eight feet from the rear lot line, for a variance of 42 feet for the required rear yard setback. The location is generally dictated by significant grade change, features of the existing site, and the size of the proposed structure.</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 addition to be 8 feet from the 50-foot required rear yard setback, for a 42-foot variance.	

Analysis		Rear Yard Setback
<i>ALL THREE OF THE FOLLOWING STANDARDS MUST BE MET</i>		
(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 northern 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 180 to 200 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 larger than properties 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 that also limit building area.</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>	

Analysis	Rear Yard Setback
-----------------	--------------------------

<p>(3) <i>No Substantial Adverse Effect</i></p>	<p>Standard Met. The site is a large tract of land that is separated by adjacent properties by significant setbacks and mature vegetation. The site is separated from the Scioto River by more than 200 feet. These conditions limit, if not completely obstruct the view of the proposed building from adjacent properties.</p>
---	--

AT LEAST <u>TWO</u> OF THE FOLLOWING FOUR STANDARDS MUST BE MET
--

<p>The following standards have been reviewed with the finding that three standards have been met.</p>	<p>The following standards have been reviewed with the finding that three standards have been met.</p>
<p>(1) <i>Special Privileges</i></p>	<p>Standard Not Met. While the conditions of the site are unique and include several conditions that differentiate this site from other properties within the City of Dublin, the property owner has already sufficient areas dedicated to accessory buildings and structures.</p>
<p>(2) <i>Recurrent in Nature</i></p>	<p>Standard Met. The variance request is not recurrent in nature and is specific to the site given its unusual location and conditions.</p>
<p>(3) <i>Delivery of Governmental Services</i></p>	<p>Standard Met. No governmental services such as mail delivery, trash disposal or emergency access are affected by this proposal.</p>
<p>(4) <i>Other Method Available</i></p>	<p>Standard Met. Due to the unique nature of the stream and associated site conditions, the owner loses a large portion of buildable area in the center of the property. This forces the owner to build any desired additions on the northern portion, near the home, or the very southern portion of the property. This places a burden on the property owner since the southern portion of the property is significantly separated from the home and the northern portion is taken up by the home and existing accessory structures.</p>

Recommendation	Approval
-----------------------	-----------------

<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>
-----------------	---

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.*