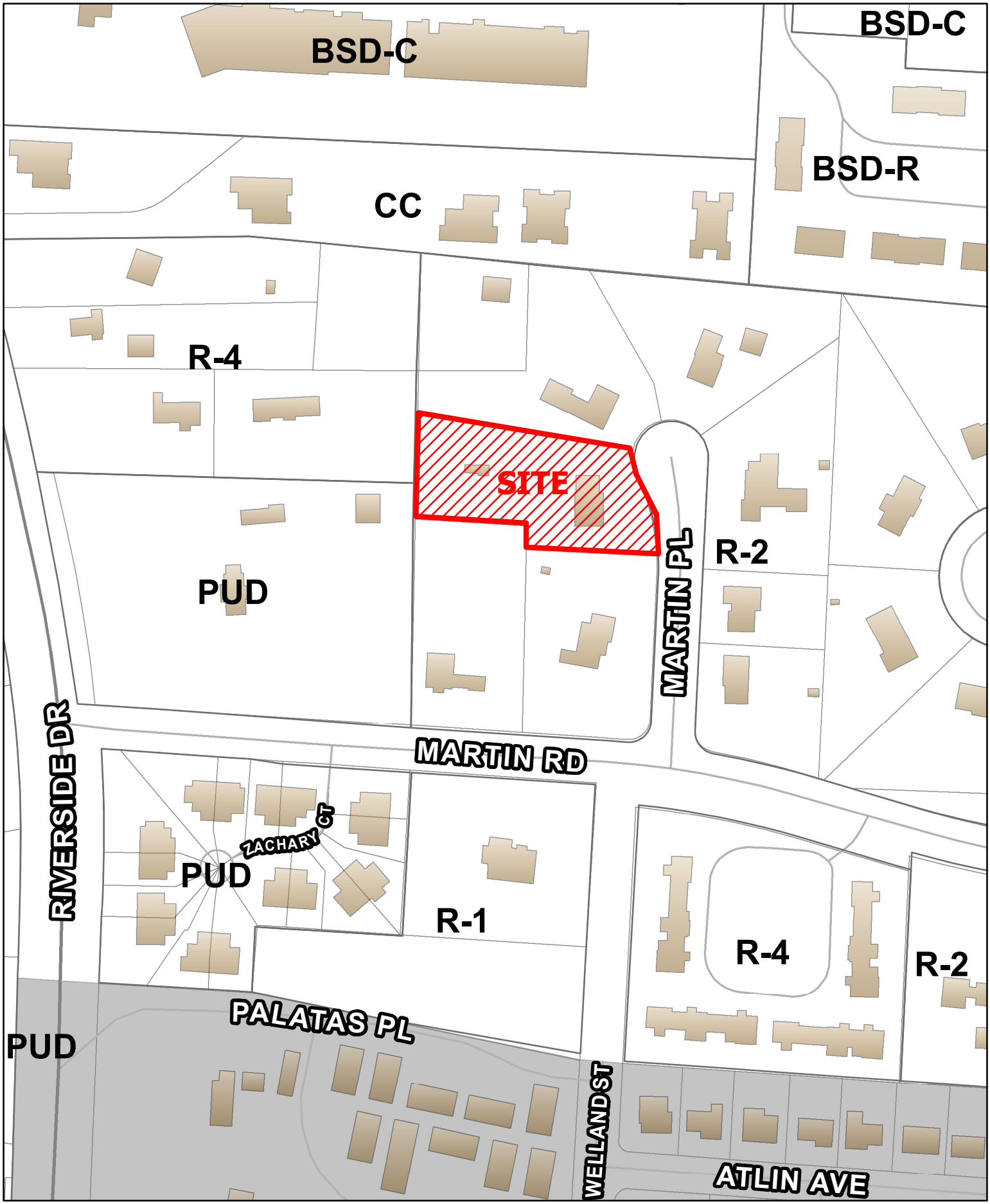

City of Dublin

15-037V
Non-Use Variance
6449 Martin Place
Flint Residence

0 150 300
Feet

CITY OF DUBLIN.
Land Use and
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Creating a Legacy

BOARD OF ZONING APPEALS

BOARD ORDER

AUGUST 26, 2010

The Board of Zoning Appeals took the following action at this meeting:

2. Colony Estates – Flint Residence – Rear Yard Setback **6449 Martin Place**
10-044V **Non-Use (Area) Variance**

Proposal:	To permit a detached garage to encroach into the required rear yard setback for a single-family lot within the Colony Estates subdivision located on the west side of Martin Place approximately 300 feet north of the intersection with Martin Road.
Request:	Review and approval of a variance to the rear yard setback requirements of Code Section 153.021(C)(4) under the review standards of Code Section 153.231.
Applicant:	Gary Flint, property owner; represented by Shawn McNeil, Great Lakes Garages LLC.
Planning Contact:	Tammy J. Noble-Flading, Senior Planner.
Contact Information:	(614) 410-4649, tnoble-flading@dublin.oh.us

MOTION: Bangalore Shankar made a motion, seconded by Victoria Newell, to approve this variance application finding that all required non-use (area) variance standards have been met.

VOTE: 5 – 0.

RESULT: This variance application was approved.

RECORDED VOTES:

Bangalore Shankar	Yes
Victoria Newell	Yes
Patrick Todoran	Yes
Brett Page	Yes
Kathy Ferguson	Yes

STAFF CERTIFICATION

Tammy Noble-Flading

Tammy J. Noble-Flading
Senior Planner

Ms. Newell swore in the applicant, Jianbin Huang.

Ms. Newell noted that the site plan indicates that there is very little buildable area on the lot. She said that the percentage requirement for rear yard setbacks really places a hardship on this property. Ms. Newell said the Board had seen several other cases similar to this one and she thought the applicant should be entitled to have a small patio.

Ms. Newell stated that a 25-foot rear yard set back is appropriate because it would maintain substantial rear yard area. She agreed with Planning's analysis and supported the 25-foot rear yard setback condition.

Mr. Page concurred. He commented that all the homes are about the same size on extremely small lots throughout the neighborhood, which is creating the need for this variance. He said he also believed that everyone deserves to have at least a modestly sized patio to beautify their homes and make them consistent with the area.

Ms. Newell agreed that in this instance, the applicant would be denied a right common to other property owners without this variance.

Motion and Vote
Victoria Newell made a motion, seconded by Patrick Todoran, to approve this variance application as modified to meet the 25-foot minimum rear yard setback requirement, finding that all required non-use (area) variance standards have been met, with one condition:

1) That plans be revised to reflect the applicable setback, prior to the submittal of a building permit.

Mr. Huang agreed to the above condition.

The vote was as follows: Mr. Page, yes; Ms. Ferguson, yes; Mr. Shankar, yes, Mr. Todoran, yes; and Ms. Newell, yes. (Approved 5 – 0.)

2. Colony Estates – Flint Residence – Rear Yard Setback **6449 Martin Place**
10-044V **Non-Use (Area) Variance**

Tammy Noble-Flading presented this request for a variance to construct a detached garage located within the required rear yard setback. She stated that the applicant is proposing a detached accessory structure to the rear of the principal structure. She presented the proposed site plan and explained that the applicant was proposing to build a 912-square-foot detached garage to the rear of the house. She noted that the proposed location will allow access from the existing driveway to eliminate the need for additional pavement to provide access to the garage and to avoid the need to remove existing vegetation. She explained that the required rear yard setback is 59 feet, based on 20-percent of the lot depth, but is not required to exceed 50 feet.

Ms. Noble-Flading pointed out that the rear lot line jogs, with a portion of the rear lot line much closer to the front of the lot. She said that the proposed garage will be approximately 16 feet from this portion of the rear property line.

Ms. Noble-Flading said Planning has reviewed this application based on the review standards for variance and found that all of the standards have been met. She said there are significant natural features on the site that Planning believes the applicant is attempting to maintain. Ms. Noble-Flading concluded that Planning recommends approval of this application.

Victoria Newell asked what side yard setbacks were required for this site. Ms. Noble-Flading said the minimum required setback is eight feet. She pointed out that the applicant was originally under the assumption that five feet was required.

Ms. Newell asked if the shed was being removed to accommodate the proposed structure size. Ms. Noble-Flading said that because it was indicated on the site plan that it would be removed, she did not believe it would impact the size of the proposed garage.

Ms. Newell swore in the applicant, Gary Flint.

Mr. Flint mentioned that letters from surrounding property owners supporting his proposal had been sent to the City. He said he planned to remove the shed because he did not care for its appearance.

Ms. Newell said that given the shape of this particular lot and the number trees on the site, along with the fact that the rear year setback for this lot is adjacent to the side yard of the adjoining property, adequate separation will be maintained. She said that further, the proposal will exceed the side yard setback requirement, and for these reasons, she supported the requested variance.

Motion and Vote
Bangalore Shankar made a motion, seconded by Victoria Newell, to approve this variance application finding that all required non-use (area) variance standards have been met.

The vote was as follows: Mr. Todoran, yes; Mr. Page, yes; Ms. Ferguson, yes; Ms. Newell, yes; and Mr. Shankar, yes. (Approved 5 – 0.)

3. Bryan Residence – Side and Rear Yard Setbacks **84 S. Riverview Street**
10-049V **Non-Use (Area) Variance**

Rachel Ray presented this request for review and approval of variances to the side and rear yard setbacks for a property located in the Historic District. She said if approved, the applicant would be permitted to construct four retaining walls within the required side and rear yard setbacks, and therefore a total of two variances are requested.

Ms. Ray described the property and its location. She said the home is currently supported by approximately four stone retaining walls between the house and the Scioto River. She said the walls provide structural support to retain the hillside and the existing home, however, over the years, the walls have eroded and therefore the applicant is proposing to construct new walls.

Ms. Ray said the applicant is proposing a retaining wall section that was approved by the Architectural Review Board at their August 12 meeting. She said the first variance requested is to permit three of the four proposed retaining walls to be constructed within the side yard setback. She explained that the Zoning Code requires a total side yard of 12 feet among the two