



City of Dublin

Planning

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City of Dublin Board of Zoning Appeals

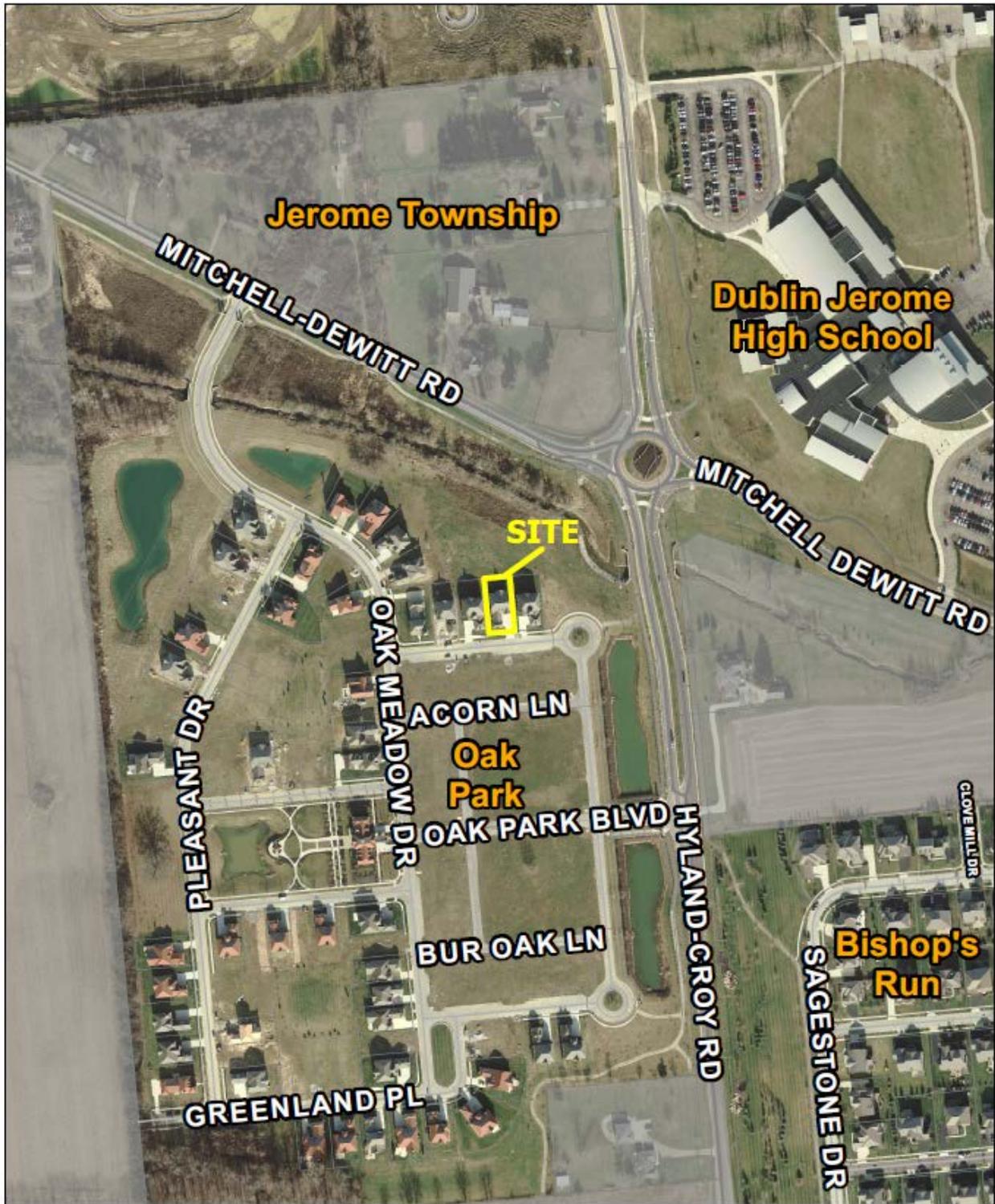
Planning Report

Thursday, June 30, 2016

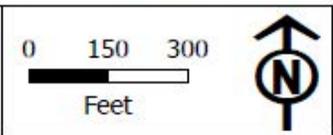
Carroll Residents- 7118 Snowdrop Court

Case Summary

Agenda Number	1
Case Number	16-043V
Location	7118 Snowdrop Court North side of Snowdrop Court approximately 200 feet east of Oak Meadow Drive.
Proposal	To construct a patio that is located 10 feet within the rear yard setback.
Request	Non-use (area) variance to Section 153.053(G)(2)(a) to permit a patio that extends 10 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	Bill and Shanaah Carroll
Planner:	Lori Burchett, AICP, Planner II
Planning Contact:	(614) 410-4656 or lburchett@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.



16-043V
Non-Use Variance
Carroll Residence
7118 Snowdrop Court

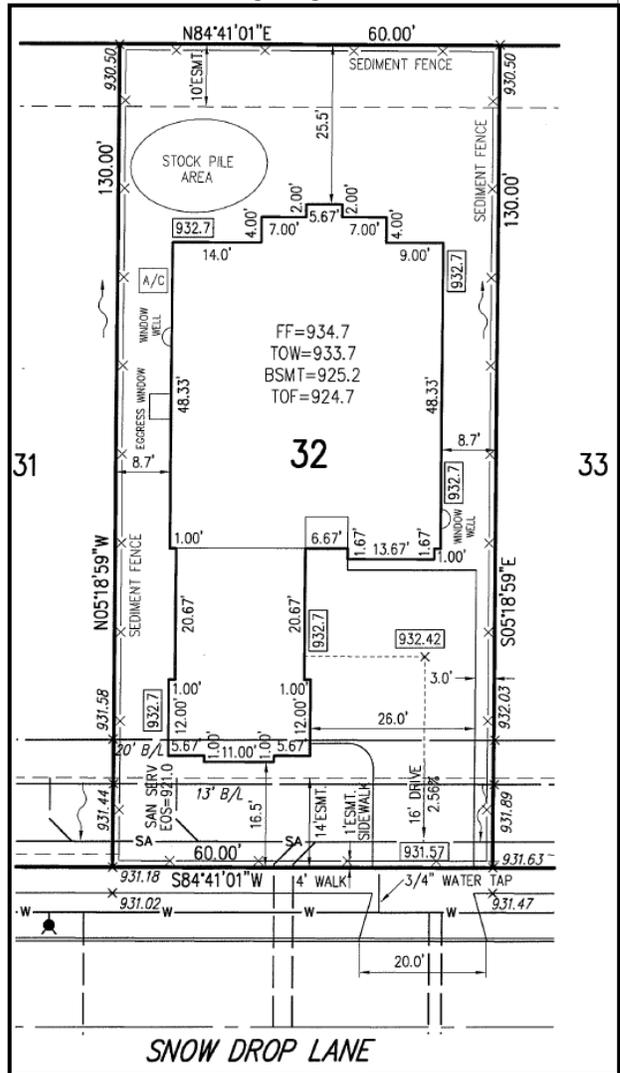


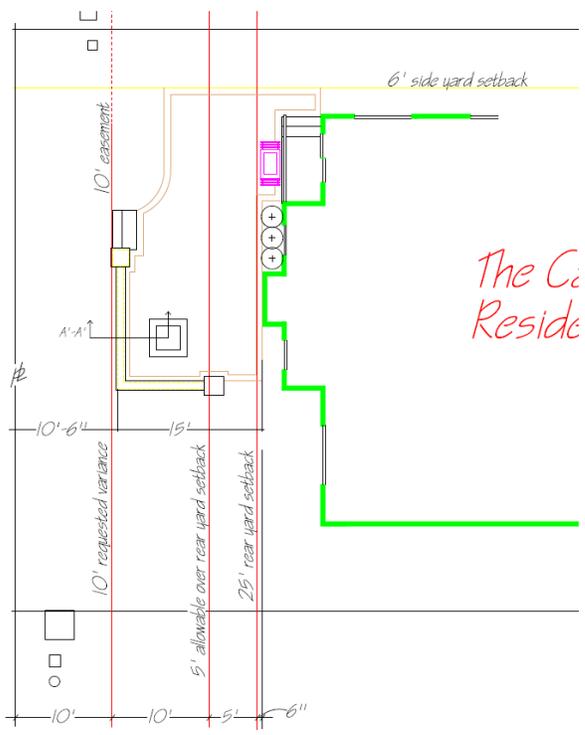
Facts

Site Description

The site is ±0.18 acres with ±60 feet of frontage along Snowdrop Court and is ±130 feet deep. The site abuts a large reserve area owned by the City of Dublin to the north, with single family residences located on individual lots to the east and west. The site has a single-family, residential structure of 2,600 square feet. The house is located on the front building line and has a front loaded garage that results in the livable space of the house being located ±50.17 feet into the property. A 10-foot easement extending from the rear property line is shown on the plat. No part of the proposed patio would encroach into the easement.

The house currently does not have a patio or landscaping in the rear yard. The proposed paver patio with seat walls and outdoor fire pit would encroach into the rear yard setback at total of 15 feet at its furthest point. The zoning code allows for a 5-foot encroachment into the required setback for patios. The applicant is requesting an additional 10-feet that would allow for a more usable and functional space.



Facts	
	 <p>Much of the buildable area of the property contains the residence and attached garage, which limits the area in which to construct the patio. The applicant would maintain side-yard setback requirements.</p>
Zoning	PUD; Planned Unit Development District; Oak Park
Surrounding Zoning and Uses	<p>North: PUD; Planned Unit Development District; Oak Park, open space.</p> <p>East: PUD; Planned Unit Development District; Oak Park. The uses are single-family, residential homes.</p> <p>South: PUD; Planned Unit Development District; Oak Park. The uses are single-family, residential homes.</p> <p>West: PUD; Planned Unit Development District; Oak Park. The uses are single-family, residential homes.</p>
Proposal	<p>The applicant is proposing to construct a 400 square-foot patio and stone steps 10-feet, 6-inches from the rear property line. The required setback for the property is 25 feet for "Park Homes" and the proposed patio will extend into the setback by 10 feet at its widest point.</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	<p>Section 153.053(G)(2)(a) of the City of Dublin Zoning Code requires that all lots located within planned districts to request variance for all construction that does not meet the required development standards of the approved final development plan. In this instance, the site is located within a planned district and is proposing a patio that will extend into the required rear yard setback by 15 feet.</p> <p>To meet the Code, the applicant would have approximately 5 feet in which to construct a patio. This would permit a usable outdoor space of 5 feet in width. The applicant has stated that this is not a suitable space for outdoor amenities.</p>	

Analysis		Rear Yard Setback
<i>ALL THREE OF THE FOLLOWING STANDARDS MUST BE MET</i>		
(1) <i>Special Conditions</i>	Standard Met. The front loaded garage pushes the house further into the lot which affects the usable amount of space that the applicants have to the rear of the yard. Furthermore, the lot abuts a reserve that prohibits development of the adjacent site that contains a vegetated creek obscuring visibility to the site from the north. The house is constructed up to the side yard setbacks which make relocating the patio space impractical. These conditions result in unique conditions for the site. The site also abut a reserve area opposed to more residential lots. All of these factors, in combination, warrant a special condition.	
(2) <i>Applicant Action/Inaction</i>	Standard Met. The existing residence was constructed by previous owners in its current location without leaving much area to construct a usable patio space. The selected home was under construction before the current homeowners became involved.	
(3) <i>No Substantial Adverse Effect</i>	Standard Met. The area adjacent to the proposed patio is located contiguous to a large reserve area. The closest property to the north is over 500 feet from the	

Analysis		Rear Yard Setback
	<p>site and across Mitchell-Dewitt Road. Although, there are adjoining side yards, no rear yards are adjacent to this property. The applicants will landscaped the property to create privacy and buffer for the neighboring properties. There will be no adverse effect from this proposal.</p>	
<i>AT LEAST TWO OF THE FOLLOWING FOUR STANDARDS MUST BE MET</i>		
<p><i>(1) Special Privileges</i></p>	<p>The following standards have been reviewed with the finding that three standards have been met.</p> <p>Standard Met. The Board has granted variances for lots with similar conditions based on the design of the site and its proximity to land that is undevelopable, whether it is a reserve, easement or simply convents. If approved, this action will not offer special privileges to the applicants.</p>	
<p><i>(2) Recurrent in Nature</i></p>	<p>Standard Met. This type of request (requests for much larger outdoor spaces) is becoming more common but has not risen to the degree of "recurrent" where a Code revision is urgently needed. However, as a proactive method of addressing the issue, Planning is researching other potential means for siting decks and patios.</p>	
<p><i>(3) Delivery of Governmental Services</i></p>	<p>Standard Met. This request will not impact the delivery of governmental services.</p>	
<p><i>(4) Other Method Available</i></p>	<p>Standard Met. The applicants could modify the plan to meet Code but it would result in a patio with 5 feet of usable space based on the five foot encroachment allowance. Five feet is fairly narrow for outdoor space and would result in an area that would not accommodate common elements of outdoor space such as chairs, tables, and grills. This would result in an area that is impractical.</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.*