

## 17-095V – METCALF RESIDENCE

### Site Location

On the east side of Nicholson Way, approximately 150 feet north of the intersection with Enfield Court.

### Proposal

A Non-Use (Area) Variance to reduce the required rear yard setback from 25-feet to 15-feet for the installation of a paver patio.

### Zoning

PUD, Planned Unit Development District (Tartan Ridge, Subarea C)

### Property Owner

Ross & Linda Metcalf

### Applicant/Representative

Ross & Linda Metcalf, Property Owners

### Applicable Land Use Regulations

Zoning Code Section 153.231(H)(2)

### Staff Recommendation

A. Disapproval of a Non-Use (Area) Variance

### Contents

1. Context Map.....	2
2. Overview .....	3
3. Site Plan .....	5
4. Criteria Analysis .....	6
5. Recommendation .....	7

### Case Manager

Michael Kettler, Planning Technician  
(614) 410-4650

[mkettler@dublin.oh.us](mailto:mkettler@dublin.oh.us)

Logan Stang, Planner I  
(614) 410-4652

[lstang@dublin.oh.us](mailto:lstang@dublin.oh.us)

### Summary

The applicant is proposing a 187-square-foot, patio located in the rear yard of the single-family residential lot. The proposed patio would have a 15-foot rear yard setback and a 9-foot side yard setback. The proposed patio would encroach 10-feet into a required rear yard setback.

### Zoning Map



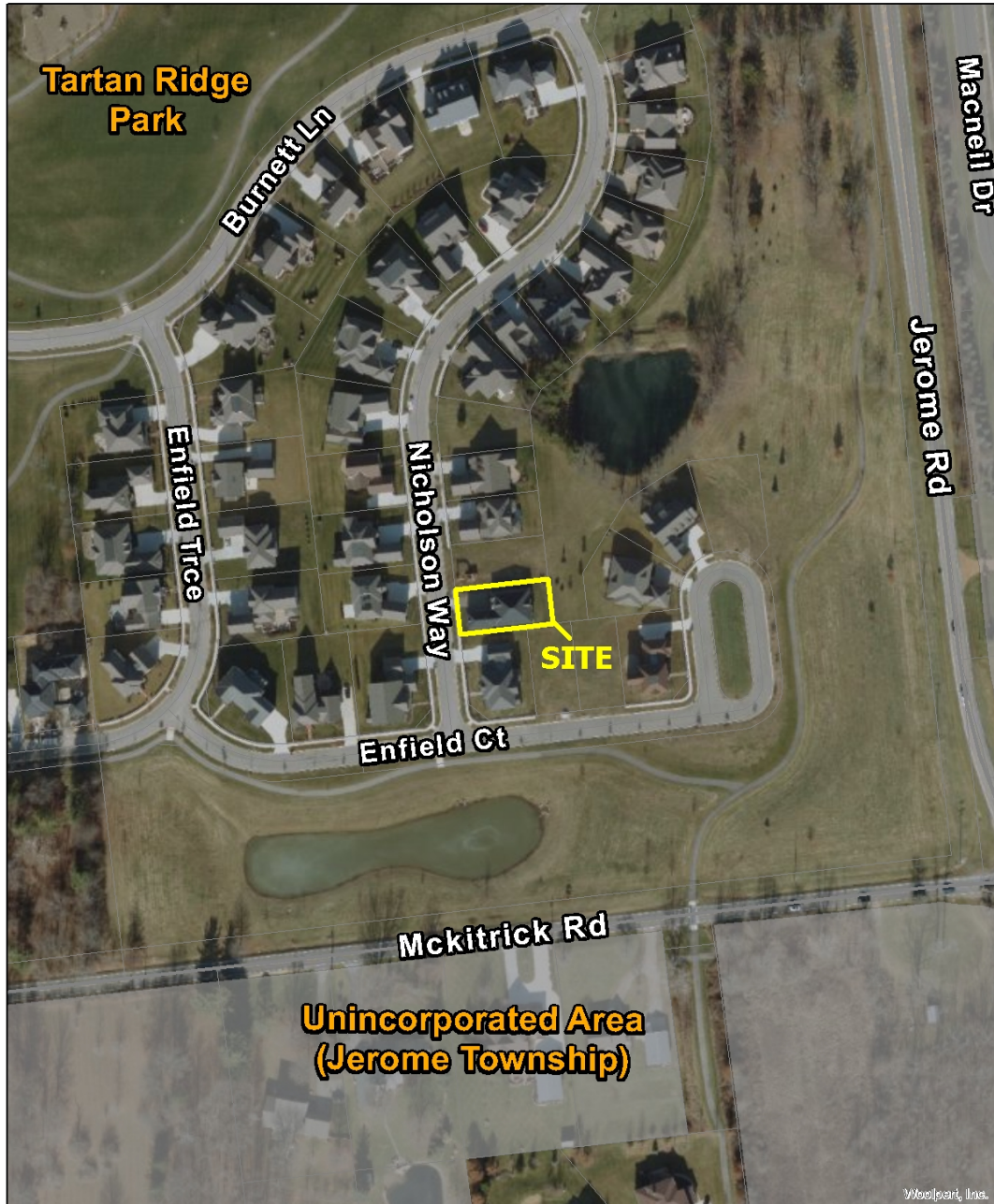
### Next Steps

Upon approval from the Board of Zoning Appeals of the Non-Use (Area) Variance, the applicant will be eligible to file for a Certificate of Zoning Plan Approval for the construction of the concrete patio.

Upon disapproval from the Board of Zoning Appeals of the Non-Use (Area) Variance, the applicant would be eligible to file for a Certificate of Zoning Plan Approval for the construction of the smaller patio meeting the five foot encroachment allowance and required setbacks.

## 1. Context Map

The site is located on the east side of Nicholson Way, approximately 150 feet north of the intersection with Enfield Court.



17-095V  
Non-Use Variance  
Metcalf Residence  
9368 Nicholson Way

0 100 200  
Feet



## 2. Overview

### A. Background

The site contains an existing single-family residence. In July 2017, a Certificate of Zoning Plan Approval was disapproved because the proposed patio encroached 10-feet into a required 25-foot rear yard setback.

### B. Site Characteristics

#### 1) Natural Features

The site is adjacent to a reserve area to the west, this reserve includes an existing pond, landscaping, and a bike path.

#### 2) Historic and Cultural Facilities

There are not historic or cultural facilities present on this site.

#### 3) Surrounding Land Use and Development Character

- North: PUD, Planned Unit Development District, Tartan Ridge, Subarea C
  - (Single-family residence)
- East: PUD, Planned Unit Development District, Tartan Ridge, Subarea C
  - (Single-family residence)
- South: PUD, Planned Unit Development District, Tartan Ridge, Subarea C
  - (Single-family residence)
- West: PUD, Planned Unit Development District, Tartan Ridge, Subarea C
  - (Single-family residence)

#### 4) Road, Pedestrian and Bike Network

The site has frontage on Nicholson Way (approximately 60 feet). There is an existing driveway on Nicholson Way to a courtyard serviced garage. There is an existing sidewalk along Nicholson Way.

#### 5) Utilities

The site is served by public utilities with water provided along the east side of Nicholson Way and sanitary provided along the west side of Nicholson Way.

### C. Proposal

#### 1) Rear Yard Setback Variance

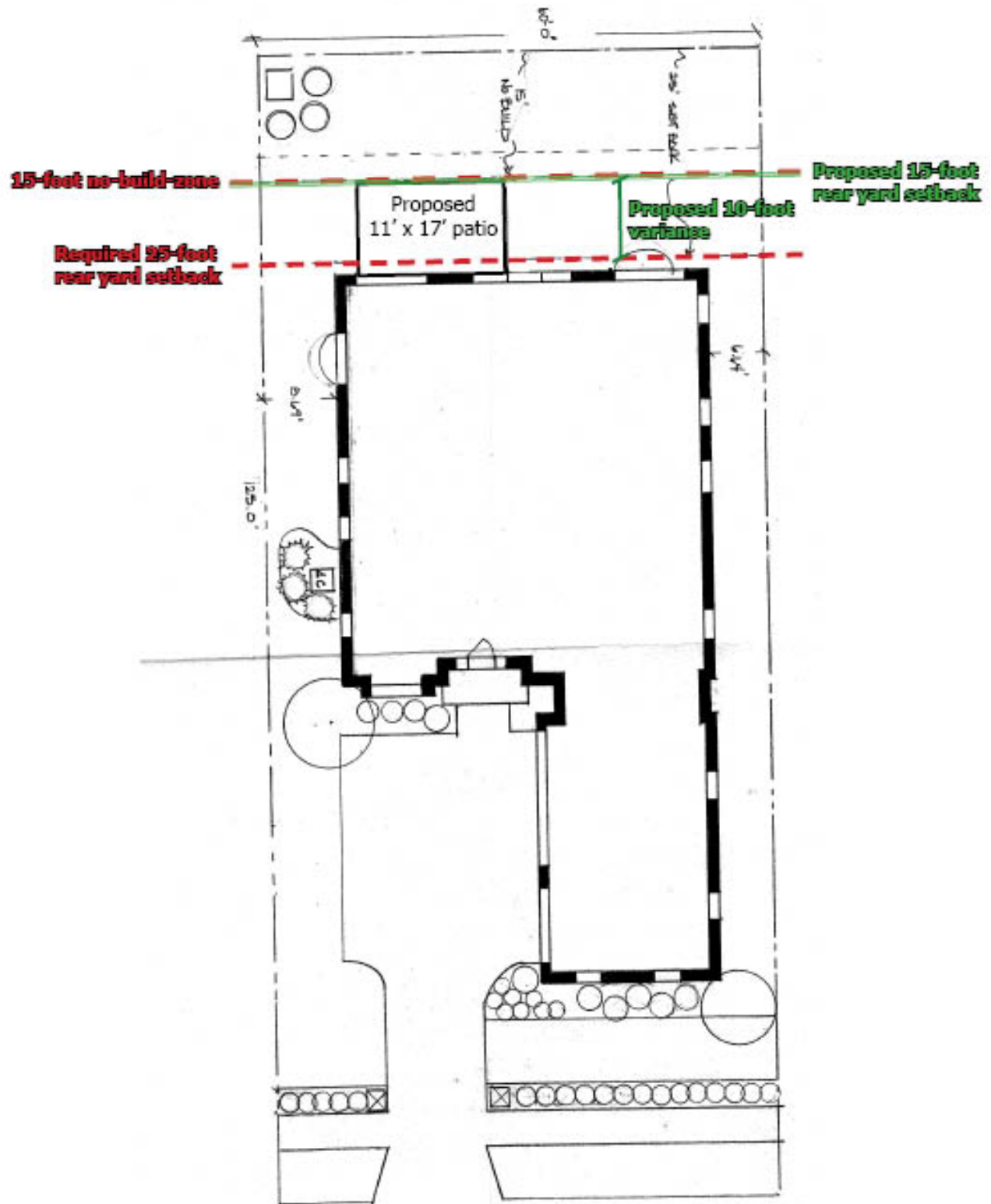
The variance is to allow a future patio area to encroach into the required rear yard setback. The applicants are the original owners of the single-family home and lot. The neighboring properties have conditions common to the subject property, such as lot shape, topography, and natural features.

The applicant is requesting to encroach 10-feet into the rear yard setback to allow for the construction of a patio. The existing home was constructed to the maximum extents of the buildable area and is situated 26 feet from the rear property line. The patio will be 187-square-feet in area, and 17-feet by 11-feet in size. The patio will not encroach into the 15-foot No-Build Zone that runs along the rear of the

property. The patio would adhere to the side yard setbacks of 6-feet minimum. The requested variance is as follows:

A Non-Use (Area) Variance to permit a patio encroachment of 10 feet into the 25 foot required rear yard setback.

### 3. Site Plan



## 4. Criteria Analysis

Zoning Code Section 153.231(H)(2) 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, and that the findings required in Zoning Code Sections 153.231(H)(2)(a) & 153.231(H)(2)(b) have been satisfied.

Section 153.053(G)(2)(a) requires that all lots located within planned districts to request a variance for all construction that does not meet the required development standards of the approved final development plan.

**A. Non-Use (Area) Variance Analysis [153.231(H)(2)(a)] All three of the following criteria must be met:**

**1) Special Conditions**

Criteria Met. The lot abuts a reserve that prohibits development of the adjacent site. Furthermore, the house is constructed up to the side yard and rear yard setbacks which make relocating the patio space impractical. These conditions result in unique conditions for the site.

**2) Applicant Action/Inaction**

Criteria Not Met. The applicants are the original owners of the property, the conditions associated with the home and the rear yard setback were well established on the approved site plan drawing, therefore this condition resulted from the applicants' own actions.

**3) No Substantial Adverse Effect**

Criteria Met. The area adjacent to the proposed patio is located contiguous to a reserve area. The closest property to the east is approximately 50 feet from the site. There will be no adverse effect from this proposal.

**B. Non-Use (Area) Variance Analysis [153.231(H)(2)(b)] At least two of the following four criteria must be met:**

**1) Special Privileges**

Criteria Not Met. While the conditions of the site are unique, the property owner has sufficient area dedicated to patio construction. The required 25-foot setback is a uniform requirement throughout the Tartan Ridge Subdivision for this lot type.

**2) Recurrent in Nature**

Criteria Met. The variance request is not recurrent in nature and is specific to the site.

**3) Delivery of Government Services**

Criteria Met. This request will not impact the delivery of governmental services.

**4) Other Method Available**

Criteria Not Met. The applicant could decrease the footprint of the patio construction within the required setbacks (patios are permitted to encroach up to 5 feet into rear yard setbacks). This would be an available option

without seeking relief from the Board of Zoning Appeals regarding the rear yard setback.

## 5. Recommendation

### **Non-Use (Area) Variance**

The proposed Non-Use (Area) Variance is not consistent with all applicable review criteria.

**Disapproval** is recommended for the request to permit a patio encroachment of 10 feet into a 25 foot required rear yard setback.