



MEETING MINUTES

Board of Zoning Appeals

Thursday, February 16, 2023

CALL TO ORDER

Mr. Deschler called the meeting to order at 6:30 p.m. He stated that in addition to attending the meeting, the public can access the livestream on the City's website. The City welcomes public participation including public comments on cases. The Chair briefly explained the rules and procedures of the Board of Zoning Appeals (BZA).

ROLL CALL

Board Members present: Jason Deschler, Joseph Nigh, Dan Garvin

Board Member absent: Patrick Murphy

Staff present: Tammy Noble, Zachary Hounshell

ACCEPTANCE OF DOCUMENTS

Mr. Nigh moved, Mr. Garvin seconded acceptance of the documents into the record.

Vote on the motion: Mr. Nigh, yes; Mr. Deschler, yes; Mr. Garvin, yes.

[Motion carried 3-0.]

The Chair swore in staff and members of the public who planned to address the Board during the meeting.

CASES

1. 8057 Pleasant Drive, Thottempudi Residence, 22-166V, Non-Use (Area) Variance

A variance to rear yard setback from the Oak Park Development Text to allow a patio to encroach ±13.7 feet into the rear yard setback. The 0.18-acre site is zoned Planned Unit Development District, Oak Park and is ±175 feet southwest of the intersection of Pleasant Drive with Oak Meadow Drive. The property at 8057 Pleasant Drive is located on Lot 22 of the Oak Park subdivision.

Case Presentation

Mr. Hounshell stated that before the Board is a request for a non-use area variance for a setback encroachment. The site is rectangular in shape with a lot depth of approximately 129 feet and a lot width of 60 feet at the front property line, making it one of the narrowest properties on the

west side of Pleasant Drive. The home is set back 18 feet from Pleasant Drive, and approximately 8 feet from the side property lines. The home was built with a courtyard-style 2-car garage, which situates the footprint of the home deeper into the rear yard. The applicant is requesting a Variance to the Oak Park Development Text – Subarea A: “Park Homes” (III)(C) to encroach within the required 25-foot rear yard setback for patios by 6.3 feet. Although the rear yard setback within the Oak Park Development Text states that Park Homes shall maintain a 25-foot rear yard setback, at-grade patios are permitted to encroach 5 feet into the required setback per the Zoning Code. This allows for a minimum 20-foot setback for patios within this subarea. The applicant is proposing to encroach farther into the rear yard setback by approximately 6.3 feet, which would be approximately 13.7 feet from the rear property line, for the construction of a new approximately 890-square-foot patio located to the rear (west) of the principal structure. Staff has reviewed the application against the application criteria and recommends approval of the variance.

Board Questions for Staff

Mr. Deschler inquired how much of the applicant’s rear property remains.

Mr. Hounshell responded that it is 10 feet, and there is a 10-foot easement. The patio would not encroach into that easement. If it did, it would require an Engineering permit for easement encroachment.

Mr. Deschler requested clarification that the 10 feet is on the applicant’s property.

Mr. Hounshell responded affirmatively.

Mr. Deschler inquired if there was any discussion with the applicant regarding possible reduction of the rear length of the patio.

Mr. Hounshell responded that staff did not have that discussion with the applicant, but the applicant can speak to that question.

Applicant Presentation

Sivaramakrishna Thottempudi, Property Owner, 8057 Pleasant Drive, Dublin, OH 43016, stated that without the variance, the depth of his patio can be only 9 feet, which is quite small. Construction of the patio would not involve any encroachment greater than what is permitted.

Mr. Garvin inquired what would be the square footage of a patio that did not encroach the additional 6.5 feet beyond the lot size.

Mr. Thottempudi responded that he did not make that calculation, but he would estimate 350-400 feet.

Mr. Deschler inquired what would be the distance from the back door to the rear of the lot.

Mr. Hounshell stated that the distance from the northwest side of the building to the property line is 48 feet. The wall that runs perpendicular to the rear property line, where the back door is located, is 17.2 feet, so the distance from there would be approximately 31 feet.

Mr. Garvin inquired if the applicant had shared his plans with his neighbors and if they had expressed any concerns with the plan.

Mr. Thottempudi responded that he spoke with one of his neighbors, who indicated he had no objections. He did not have an opportunity to speak with the other neighbour.

Mr. Hounshell noted that the property to the north received a similar variance in 2020 for construction of a patio.

Mr. Nigh inquired if that property has a similar encroachment into the easement.
Mr. Hounshell responded that property also has a 10-foot easement, and it sits outside of that.
Mr. Nigh inquired if the depth at the rear of this property is essentially the same as that neighbor's.
Mr. Hounshell responded affirmatively.

Public Comment

No public comments were received concerning this case.

Board Discussion

Mr. Nigh stated that the Board has received many similar variance requests for the Oak Park properties. The Board granted a variance for the property immediately next to this home that had the same dimensions. It is important that the Board extend a standard ruling to other requests for similar properties; therefore, he is supportive of granting this variance request.

Mr. Garvin stated that the request meets the non-use (area) variance criteria. The adjacent neighbor has the same patio situation; and there are no direct neighbors behind this property due to the existing reservoir. He is in favour of granting the variance, as well.

Mr. Deschler stated that because the criteria has been met and due to the precedent that exists, he also is in favour of approval.

Mr. Nigh moved, Mr. Garvin seconded approval of a Non-Use Variance to the Oak Park Development Text – Subarea A: "Park Homes" (III)(C), Permitting Encroachment into the Rear Yard Setback by approximately 6.3 feet.

Vote: Mr. Nigh, yes; Mr. Deschler, yes; Mr. Garvin, yes.
[Motion approved 3-0.]

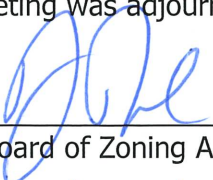
COMMUNICATIONS

Ms. Noble reminded members of the following:

- The State of the Community address will be held at 6:00 p.m., Thursday, March 9, 2023 at The Exchange at Bridge Park. BZA members are invited.
- The Comprehensive Community Plan Update has been initiated and is anticipated to involve an 18-month process.
- The next regular BZA meeting is scheduled for 6:30 p.m., Thursday, March 30, 2023, although no new applications have been received at this time.

ADJOURNMENT

The meeting was adjourned at 7:40 p.m.



Chair, Board of Zoning Appeals



Assistant Clerk of Council