



MEETING MINUTES

Board of Zoning Appeals

Thursday, May 25, 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, Patrick Murphy, Joel Kretz
Staff present: Tammy Noble, Zachary Hounshell

ACCEPTANCE OF DOCUMENTS

Mr. Nigh moved, Mr. Garvin seconded acceptance of the documents into the record and approval of the 04-27-23 meeting minutes.

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

[Motion carried 5-0.]

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

CASES

1. Helfrich Residence at 5290 Locust Hill Lane, Non-Use (Area) Variance

Variance to Zoning Code Section 153.190(E)(1)(f)(3)(d) to allow two garage doors to exceed the maximum height permitted on a 1.5-acre site located northeast of the intersection of Locust Hill Lane and Dublin Road, and zoned Restricted Suburban Residential District.

Staff Presentation

Mr. Hounshell stated that this is a request for a non-use variance for garage door height. This 1.5-acre site is located in the R-1 zoning district and is located off Locust Hill Lane in the Hayden Farms development. This lot is unique in size and layout, similar to a few other homes in this neighborhood. The site slopes towards the Scioto River, similar to other sites located along the

river. The property is set back approximately 140 feet from Locust Hill Lane (southwest property line), 55 feet from the north property line, 170 feet from the east property line, and 55 feet from the south property line. The home is located centrally on the site, with an existing attached garage located on the north end of the building. There is mature vegetation on all sides of the structure. The request for a variance to Zoning Code Section 153.190 is to allow two garage doors for a proposed attached garage to exceed the 9-foot height limit. One garage door is proposed to be 12 feet in height and the other would be 10 feet in height. The purpose of the 12-foot door is to allow the owners to store a handicap accessible vehicle that is 10.5 feet in height. Because this is a side-loaded garage, the doors will not be visible from Locust Hill Lane. The 12-foot door will be located centrally on the north elevation facing the rear property line with the 10-foot door located to the right of it. Staff has reviewed the application against all applicable criteria and recommends the Board's approval of the variance with the condition that the 10-foot garage door comply with the 9-foot height requirement.

Board Questions

Mr. Garvin stated that there is another home on Locust Hill that has garage doors that exceed height requirements. Was a variance granted for that home, as well?

Mr. Hounshell responded affirmatively; it is the Bourne residence. In 2018, the homeowner was also granted a variance to permit the storage of handicap accessible vehicles.

Applicant Presentation

Joseph Mess, 5290 Locust Hill Lane, Dublin, property owner, stated the purpose of their request is to permit them to equip a Sprinter van for a handicapped family member. The 10-foot garage door would not only improve the aesthetics, but it would also them the flexibility to have a second handicap accessible vehicle.

Public Comment

Mr. Hounshell stated that the applicant has provided copies of consents obtained from adjacent property owners. No additional public comments have been received.

Board Discussion

Mr. Nigh stated that there is precedent for granting this request. He recalls that the variance for the Bourne residence was debated in depth. The ultimate resolution was that it was a unique condition and need related to handicap accessibility. Three garage doors exceeding the Code height limitation were approved. He is inclined to follow the existing precedent.

Mr. Kretz stated that he is focused on staff's recommended condition related to the 10-foot door, which is driven by Criteria A(2), that the variance is not necessitated because of any action or inaction of the applicant. The applicant has not built the 12-foot door yet; therefore, he believes the criteria is met, as there is nothing they have done or not done that is causing that need. He would be in favour of approving the request with no conditions.

Mr. Garvin stated that he agrees with Mr. Kretz's point regarding the applicant action/inaction. Additionally, he visited the site, and does not believe there would be a visibility issue. He would be in favor of granting the variance for both doors.

Mr. Murphy stated that he is in agreement with the analysis of fellow board members. He would also reference Section 153.190(B), which discusses the purpose of the section, which is "to encourage design flexibility and creativity and to establish an interesting aesthetically pleasing residential environment." That calls into consideration the aesthetics aspect. The variance is necessary not only to meet the handicap accessibility need, but it would also improve the aesthetics of the garage. The request is in keeping with the overall spirit of the statute.

Mr. Deschler stated that he is also supportive of granting the variance for both doors. A variance for the 12-foot door height has been recommended based on the handicap accessibility need. Per the property owner's testimony, the 10-foot garage door height would provide them additional flexibility for a second handicap accessible vehicle of a different size. He also agrees with Mr. Murphy that, aesthetically, it would look awkward to have a 12-foot and 9-foot garage door next to each other.

Mr. Nigh moved to approve a Variance to Zoning Code Section 153.190(E)(1)(f)(3)(d) to allow two garage doors to exceed the maximum height permitted on a 1.5-acre site, one door to be 12 feet in height and one door to be 10 feet in height.

Mr. Kretz seconded the motion.

Vote: Mr. Murphy, yes; Mr. Garvin, yes; Mr. Kretz, yes; Mr. Deschler, yes; Mr. Nigh, yes.
[Motion carried 5-0.]

Mr. Mess thanked the Board for the variance approval.

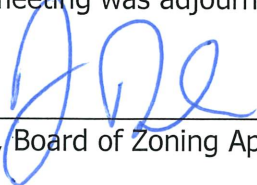
COMMUNICATIONS

Mr. Hounshell reported the following:

- The second public engagement meeting for the Envision Dublin Community Plan update will be held Wednesday, June 21, 2023, from 6:00-8:00 p.m.
- He reported that City Council recently adopted the Neighborhood Design Guidelines, much of which relates to outdoor amenity spaces in planned unit developments.
- Staff is continuing to work on a Code amendment related to open and uncovered structures. The Planning and Zoning Commission has provided an initial review of the draft, and the direction is to remove any reference to open and uncovered and eliminate any variability subject to interpretation.
- The next regular BZA meeting will be held at 6:30 p.m., Thursday, June 29, 2023.

ADJOURNMENT

The meeting was adjourned at 6:56 p.m.



Chair, Board of Zoning Appeals



Assistant Clerk of Council