



PLANNING REPORT

Board of Zoning Appeals

Thursday, January 26, 2023

THOTTEMPUDI RESIDENCE 22-166V

<https://dublinohiousa.gov/bza/22-166>

Case Summary

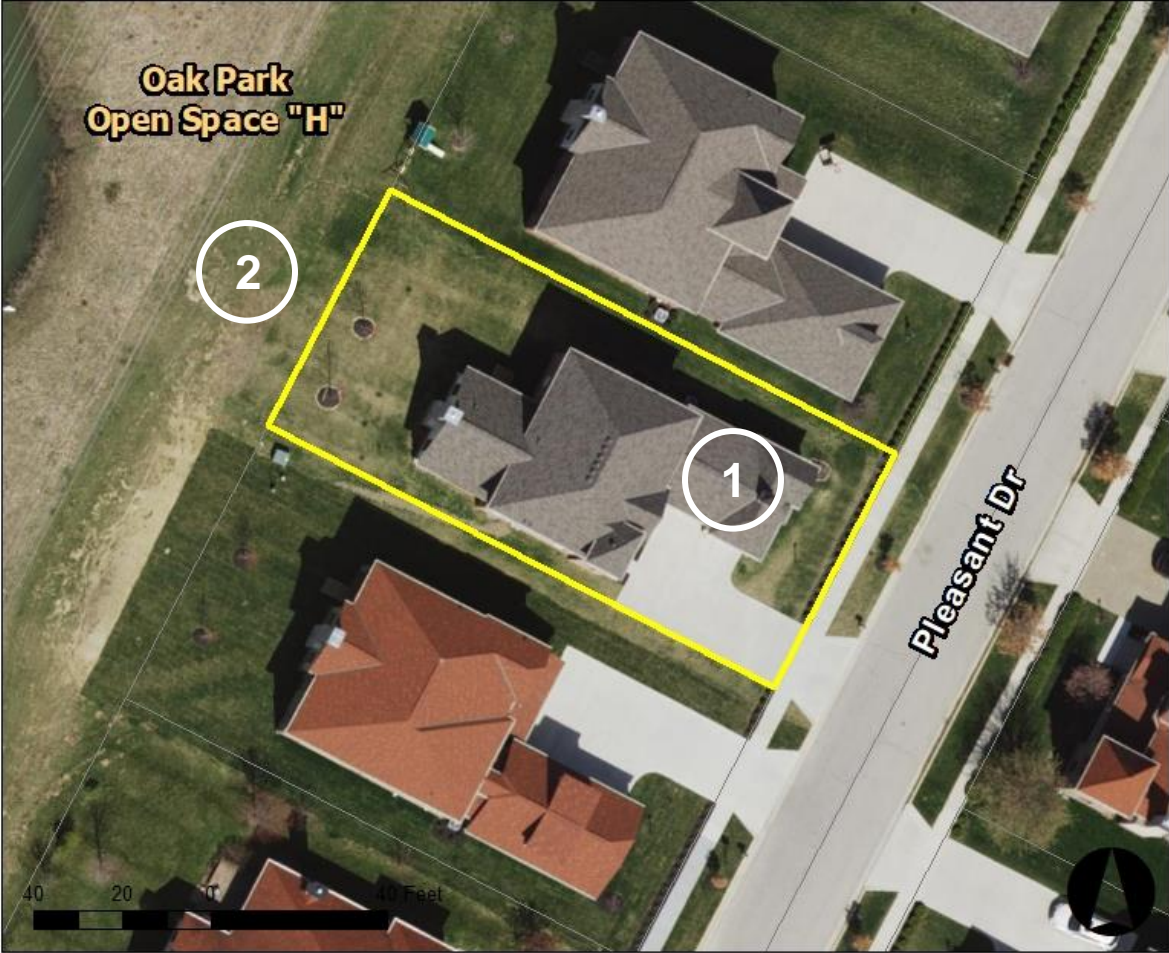
Address	8057 Pleasant Drive, Dublin, OH 43017
Proposal	Request for a variance from the Oak Park Development Text to allow a patio to encroach ±6.3 feet into the rear yard setback.
Request	Request for review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code Section 153.231(H).
Zoning	PUD, Planned Unit Development – Oak Park
Planning Recommendation	<u>Approval of a Non-Use (Area) Variance</u> Planning recommends approval of the Non-Use (Area) Variance to allow an uncovered patio to encroach into the rear yard setback.
Next Steps	The Board of Zoning Appeals (BZA) is the final reviewing body for this application. If approved by the BZA, the applicant may apply for a Certificate of Zoning Plan Approval. If denied, the applicant will need to change the location of the patio to conform to all development standards.
Applicant	Sivaramakrishna Thottempudi, Property Owner
Case Manager	Zach Hounshell, Planner II (614) 410-4652 zhounshell@dublin.oh.us

Site Location Map

22-166V | 8057 Pleasant Road



- Site Features**
- 1 2-Car Garage
 - 2 Open Space Reserve



1. Overview

Background

Oak Park is a neighborhood located west of Hyland-Croy Road, southwest of Dublin Jerome High School. The property at 8057 Pleasant Drive is located on Lot 22 of the Oak Park subdivision, which was accepted by City Council in August 2007. The Oak Park development is unique in its detailed architectural requirements and the neighborhood theme, which is inspired by English and Irish garden cities with a park-like ambience and sense of quality.

The Board of Zoning Appeals (BZA) have reviewed multiple rear yard Variance requests in previous years, including 6 separate cases since 2020. All Variance requests included a rear yard patio space encroaching the rear yard minimum setback. All Variances were approved by the BZA, with several backing up to open space reserves, and having courtyard-style garages that push the footprint of the home further into the developable area of the lot. This request is similar in style to these requests from the same neighborhood.

Site Information

Lot Layout

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 setback 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.

Natural Features

The site is immediately adjacent to a reserve maintained by the City of Dublin to the west of the property. The reserve space is a buffer between Oak Park and the unincorporated land west of the area.

2. Proposal

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. The applicant is proposing a new approximately 890-square-foot patio located to the rear (west) of the principal structure. 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, to construct a patio, by approximately 6.3 feet, which is approximately 13.7 feet from the rear property line.

3. Plan Review and Recommendation

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 Section 153.231(H) have been satisfied.

Criteria A | Non-Use (Area) Variance Analysis - Section 153.231(H)(2)(a)

All three criteria are required to be met:

Criteria	Review
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.	Criteria Met: The side-loaded 2-car garage located at the east corner of the house sites the house farther into the lot, which affects the usable amount of space that the applicants have to the rear of the house. The lot is adjacent to an open space reserve that prohibits development of the rear adjacent site. Furthermore, the house was constructed with minimal side yard space which makes relocating the patio space impractical. These result in unique conditions for the site.
2. That the variance is not necessitated because of any action or inaction of the applicant.	Criteria Met: The existing home on the lot occupies much of the buildable space on the site, eliminating the opportunity for adequate and meaningful patio space, and thus requiring a variance to construct a functioning patio that can accommodate simple patio amenities.
3. Granting the variance will not cause a substantial adverse effect to the property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied	Criteria not met: The area adjacent to the proposed patio is located contiguous to a large reserve area to the west of the property. Although there are adjoining side yards to this property, no rear yards are adjacent to this property and the improvements will not expand further towards either adjoining neighbors. This proposal should not create adverse effects.

Criteria B | Non-Use (Area) Variance Analysis - Section 153.231(H)(2)(b)

At least two of the following criteria are required to be met:

Criteria	Review
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.	Criteria 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, such as open space reserves, in the Oak Park development. Previous cases have been approved to allow accessory structures such as patios and decks to encroach into the rear yard setback. If approved, this action will not offer special privileges to the property owner.
2. The variance request is not one where the specific conditions	Criteria not met: The Board has reviewed and approved requests to extend accessory

Criteria	Review
<p>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.</p>	<p>structures/uses into the rear yard setback for multiple neighbors within the Oak Park development. All requests have been similar in asking for a rear yard setback variance for functional space of a patio. Staff has determined that this application would be recurrent in nature. Staff has notified the developer of these issues to determine if there is a more holistic approach to outdoor space. This is a more complex process that requires working with all the property owners to modify approved setbacks so this may not be a solution that is pursued. In the meantime, and will continue to work with Building Standards Staff to assure sufficient space for future building permits within this development.</p>
<p>3. The variance would not adversely affect the delivery of governmental services.</p>	<p>Criteria met: This request will not affect the delivery of governmental services.</p>
<p>4. The practical difficulty could not be eliminated by some other method, even if the solution is less convenient or most costly to achieve.</p>	<p>Criteria not met: The applicant could modify the plan to meet Code requirements, which would result in a smaller, more compact patio space.</p>

Planning Recommendation: Approval of the Non-Use (Area) Variance
 Planning recommends approval of the Non-Use (area) Variance to allow a patio to encroach ±6.3 feet into the rear yard setback.