



MEETING MINUTES

Board of Zoning Appeals

Thursday, May 30, 2024

CALL TO ORDER

Mr. Deschler, Chair, called the meeting to order at 6:30 p.m. in Council Chambers, 5555 Perimeter Drive. He welcomed members of the public and 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, Dan Garvin, Joseph Nigh, Patrick Murphy, Joel Kretz
Staff present: Zachary Hounshell, Bassem Bitar, Taylor Mullinax

ACCEPTANCE OF DOCUMENTS AND APPROVAL OF MINUTES

Mr. Murphy moved, Mr. Kretz seconded acceptance of the documents into the record and approval of the 04-25-24 regular BZA meeting minutes.

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

[Motion carried 4-0 with one abstention.]

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

CASE REVIEW

- **Case #24-015V - Conrad Residence, 7618 Mill Spring Drive - Non-Use (Area) Variance**

Request for a variance to allow a pool, patio, and accessory structure to encroach into the rear-yard setback. The 0.27-acre site is zoned PLR, Planned Low Density Residential District, Bishop's Crossing and is located northeast of the intersection of Mill Springs Drive and Bishop's Crossing Circle.

Staff Presentation

Mr. Hounshell stated that the 0.27-acre site is zoned PLR, Planned Low Density Residential District, Bishop's Crossing and is located northeast of the intersection of Mill Springs Drive and Bishop's Crossing Circle. The zoning for Bishop's Crossing was approved in 2000, the Final Plat for Bishop's Crossing was approved by City Council in 2004, and the property was developed in 2007. The site is rectangular, with a lot width of approximately 85 feet along the front and rear property lines. It is 140 feet deep. The house is located approximately 50 feet from the rear property line and 26 feet from the front property line. There are minimal natural features on the site. The lot is generally consistent in size and dimension with adjacent properties to the north and south, and throughout the development. The site is not adjacent to any reserve or open space, but is adjacent to a public multi-use path located within a public access easement along the southern property line. The site is generally flat with minimal vegetation located along the perimeter of the property. The house has an existing patio. The applicant is requesting a variance to the Bishop's Crossing development text specific to the rear yard setback. The development text establishes the setback as 25% of the lot depth, which for this lot is 35 feet. This request is for an approximately 510-square-foot pool and for a 300-square-foot overhead accessory structure, patio and fence to be constructed approximately 25 feet from the rear property line. Should a variance not be approved, all proposed improvements would be required to meet the 35-foot setback. The proposed improvements would remain outside of a 20-foot no-build zone along the rear property line. The pool is required to be a distance of 10 feet from the home. He noted that within this development, the front building line is varied, staggering from 25 to 30 feet. The front setback for this property is 25 feet. Staff has reviewed this application against the applicable criteria. All of the Criteria A criteria must be met for approval, and staff found that Special Conditions criterion #1 was not met. The site is rectangular, similar in size and geometry to several other lots within this development. The depth of the lot is consistent with the properties to the north and south. The front building line actually is less restrictive on this site compared to the properties to the north and south. The location of the bikepath does not affect the site conditions in relation to the request. Two of four criteria in Criteria B must be met, and staff found that three of four were met. Due to not meeting the Special Conditions criterion in Criteria A, staff recommends that the variance not be granted.

Board Questions for Staff

Mr. Deschler inquired if, due to the staggering of the front build zone, this lot has a larger backyard than the adjacent lots.

Mr. Hounshell responded affirmatively. Throughout this development, all lots have a 25 or 30-foot front build line.

Mr. Deschler stated that the pool is required to be 10 feet from the home, which it appears to be. How does that impact this request for a variance?

Mr. Hounshell responded that it would dictate the location in which they can place a pool on this property. There is approximately 15 feet from the rear of the home to the rear yard setback. To construct a pool in the rear yard, it is necessary to locate it 10 feet from the rear of the house and not within the rear yard setback. The 10-foot distance is for safety purposes.

Mr. Deschler inquired if staff had previous discussions with this applicant about the requirements. Mr. Hounshell responded that he spoke with the homeowner's representative. The application subsequently was modified to encroach less.

Mr. Deschler requested Mr. Hounshell to identify on the displayed site map the allowable area in which to locate a pool.

Mr. Hounshell indicated the allowable area.

Applicant Presentation

Brian Lorenz, 7007 Discovery Blvd., Dublin stated he is representing the homeowner. They are looking for relief from the rear setback requirement. The homeowners are aware of the requirements of the property deed and covenant. They have provided information to staff concerning other homes within the development that may have been approved before the zoning code changes. He is available to answer any questions from the Board.

James Kendra Conrad, 7618 Mill Springs Drive, Dublin stated that he, his wife and three boys have lived at their current residence for 8 years. With the current housing market and interest rates, they are unable to purchase a larger home for their growing family. They have determined that it is more financially feasible to invest in adding exterior improvements to their current property. Their 2,500 SF ranch home on a corner lot has limited lot size. Their sons are very active and participate in several sports, which limits the family's ability for get-away vacations. They love to swim, and adding a pool would replace the vacation travel experiences. As they developed their plan for exterior improvements, they have learned of the property restrictions. Their lot has a 20-foot no build zone and 25% lot depth rear yard setback. With the 140-foot lot depth, they are essentially restricted from using 35 feet of the property. The rear yard depth is a total of 51 feet from the rear of the house, which gives them approximately 16 feet for the pool project. That is not feasible for the scale of the project needed. The proposed project does adhere to the required 10-foot distance from the house. Their lot is lined at the rear by fully mature evergreens, which provide privacy from their neighbors to the back. The bikepath provides additional separation from neighbors, so privacy is not an issue for their lot. They request a variance permitting them to encroach an additional 11 feet into the rear yard setback.

Board Questions for Applicant

Mr. Garvin inquired if they contemplated encroaching on the 10-foot setback from the house instead.

Mr. Lorenz responded affirmatively. They have been working on this project since July 2023, trying to make the project work for the homeowner yet more closely meet Code requirements. They believe they have identified the best location possible in view of Code requirements.

Mr. Conrad stated that they have tried to move the project as close to the house as possible to avoid encroaching into the rear yard setback as much as possible. They do not want to reduce the pool size any further to ensure its use remains feasible.

Vice Chair Nigh stated that the Board appreciates the applicant's explanations, but the Board has particular criteria to consider. The issue is not the project cost or use. The criterion the applicant is not meeting is the Special Condition, i.e. how is this lot different from the others within the development. The Board hears occasional cases regarding unique lots along the river, but this lot is similar to most other lots within this development. He inquired what was different about this lot from all others in their neighborhood.

Mr. Lorenz stated that this is a basic lot in this development; however, the bikepath easement along with the rear yard setback presents a challenge. It is his understanding other homes in the subdivision currently have pools.

Mr. Nigh stated that his request is for the applicant to define what is very unique about this lot. Mr. Lorenz responded that he understands. He is pointing out that other homes in this same subdivision have pools. He is not indicating that the Board approved those. Perhaps they were approved prior to the present zoning. Whatever occurred, there is a precedent established by the existence of other pools within this subdivision on lots with the same setback requirements. Mr. Nigh stated that there are strict parameters for the Board's decision; it is not a matter of making a judgment call. There is a specific Code involved. It is necessary to define if there is a special condition that is peculiar to the land or structure involved. Mr. Conrad stated that ranch homes are rare in this subdivision. A ranch is built out across a lot, not up. In addition, there is the encroachment of a bikepath on their property. He believes those are two unique conditions.

Mr. Kretz stated that he has a question about the same criterion, A-1, which states that, "a special condition and circumstance must exist related to the land or structure." Most other lots in this subdivision do not have the tall trees providing privacy nor a bikepath encroachment. Although it might not cause the need for a pool, could it be considered a special condition of the lot?

Mr. Hounshell responded that the condition of having a public path extended through their property is a factor unique to this property. However, the question is if the condition presents a challenge to meeting the Code requirements.

Mr. Nigh stated that as clarified, if the bikepath does not impact their ability to meet Code, it is not a special condition for a variance. He requested clarification that the bikepath does not impact where they can build the pool.

Mr. Hounshell responded that, based on the plans, that is correct.

Mr. Garvin inquired if there is a setback requirement for the bikepath.

Mr. Hounshell responded that the bikepath is within the easement. There is no setback back from the easement, only from the property line. The property owner's plans would need to remain out of the easement, which is approximately 10 feet.

Mr. Deschler inquired the size of the sideyard setback.

Mr. Hounshell responded that the sideyard setback is 6 feet per side, 18 feet total. If one sideyard is 6 feet, the other sideyard has to be 12 feet.

Mr. Deschler stated that the map of this subdivision does not show evidence of any other pools.

Mr. Conrad responded that Bishop's Crossing and Bishop's Run are part of the same homeowners association (HOA). There is a pool on the northwest corner lot.

Mr. Deschler responded that the lot is larger, and it backs up to a reserve area. For the condition to be similar to the applicant's, it would need to be a pool on an inner lot. Does the applicant have evidence that the City may have approved and a homeowner in their subdivision has built a pool that may be in violation of the rear yard setback and no build zone requirements.

Mr. Conrad responded that he believes the noted property is encroaching in the 25% lot depth rear yard setback. He spoke with the property owners, who indicated that they had requested and been granted a variance.

Mr. Deschler requested the case number.

Mr. Hounshell responded that in his previous research, he was unable to find that case, but he will attempt to find it again.

Mr. Lorenz stated that he has worked with other homeowners, who have submitted variance requests for pools. Perhaps this case could be tabled, permitting them to work further with staff on the necessary details, such as the previous property that may have been granted a variance.

Mr. Deschler indicated that a request to table would be appropriate. He inquired if other than the one lot, which appears to be not only larger but also backs up to a reserve, it would be safe to assume that none of the other lots would be able to have a pool greater than 6 to 8 feet in width. Mr. Hounshell responded that assumption would be correct. Most of the lots are similar in size to the applicant's lot. Those lots would also need to meet the setback requirement and the 10-foot distance from house requirement. The lot the applicant pointed out in Bishop's Run on the north side of the subdivision was in a later development. It was not established with Bishop's Crossing.

Public Comment

There were no public comments.

Mr. Deschler inquired if the adjacent property owner had provided any letter of support concerning this application.

Mr. Conrad responded that they have spoken with them and confirmed they had no objection; however, he would be happy to request a letter of support, if needed.

Mr. Lorenz inquired the number of Board votes that would constitute a majority – 3 of 5 votes?
Mr. Hounshell responded affirmatively.

Board Discussion

Mr. Deschler requested members to share their position regarding the variance request.

Mr. Kretz stated that he concurs with staff's assessment that the applicant has met three of the four criteria in Criteria B, where only two are required. In Criteria A, it is essential for the applicant to meet all three. He agrees with staff that the applicant meets criterion #2. He believes criterion #3 may be met, as well. For criterion #1 - Special Conditions, he is unsure if the lot could be considered to have special conditions, and is curious regarding fellow board members' interpretations.

Mr. Garvin stated that he is in agreement with staff's assessment concerning Criteria B. His interpretation of Criteria A is the opposite of Mr. Kretz in terms of criteria #1 and #3. In terms of criteria 1, special conditions, all the other lots in this subdivision would also have significant difficulty fitting a pool in the limited space, so this lot does not have a unique condition. In regard to the bikepath, there is no setback requirement that further limits this lot. All the adjacent lots have the same rear yard setback requirement; this lot actually has a 5-foot advantage. In response to the applicant's comment about a ranch home having a larger footprint and taking up more square footage of the site – when he looks at the overhead photos of the lots, this lot does not appear to be that much different. His suggestions would be to pursue resolution from the subdivision covenants or pursue encroachment into the 10-foot setback from the home, rather than into the public setback.

Mr. Murphy stated that he is not leaning toward approval of the variance, as he does not believe the application meets criterion 1 – special condition, as there is nothing unique to this lot that is

causing them not to be able to construct the pool in the desired location. The issue is that the lot has too small of a rear yard for a pool of the preferred size. The location of the pool is not necessarily affected by having an egress adjacent to the property. He sees no compelling reason to grant a variance for this lot, based on the Code requirements.

Mr. Nigh stated that he does not think this lot is very special. The definition for special is unique or different. Whether it says special or very special makes no difference in his view. The applicant must have something unique or different with their property that no one else has. He cannot find anything unique and different about this property from any of the others in the subdivision. As he indicated to the applicants, that is what this Board is required to do.

Mr. Deschler stated that the Code section states 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." This is a subdivision in which none of the property owners can construct a pool, due to the no build zone. He inquired if the homeowner had considered requesting a development text modification concerning the no build zone.

Mr. Lorenz responded that they could look into that possibility.

Mr. Deschler stated that tonight, the variance likely would not pass. The Board cannot set a precedent for all the other homeowners in the subdivision with the same lot conditions to have either a pool or another outdoor structure that exceeds the same Code requirement. He believes a development text modification regarding the no build zone may be a possibility.

Mr. Nigh indicated that he believes that may be the best way forward. Other property owners in the subdivision likely would add their support, as they are in the same situation as the Conrads.

Mr. Lorenz thanked the Board for their feedback and suggestions. This is not typical for many boards. City staff also has been very helpful. The applicant would like to table the request, while they continue to work with Mr. Hounshell on an alternate route.

Mr. Nigh moved, Mr. Murphy seconded to table Case #24-015V.

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

- **Case #24-061V - 17 N. Riverview Street - Non-Use (Area) Variance**

Request for a variance to allow a maximum building footprint to exceed the permitted amount, and to reduce the required rear yard setback. The 0.18-acre site is zoned HD-HR, Historic Residential District, and is located southwest of the intersection of Wing Hill Lane and N. Riverview Street.

Staff Presentation

Ms. Mullinax stated that this a request for two variances for 17 N. Riverview Street. The 0.18-acre site is located southwest of the intersection of Wing Hill Lane and N. Riverview Street and is zoned HD-HR, Historic Residential District. The single-family home is a Craftsman-style Bungalow built in 1927. The survey indicates the lot area is 7,917 square feet with approximately 54 feet of frontage on N. Riverview Street. The house is sited near the middle of the lot with a large front setback. A

detached outbuilding is located at the rear of the lot and is approved for demolition. There are minimal natural features on the site, including two large trees, which will also be removed. The property is adjacent to single-family homes to the north and south, Dublin Springs Park to the east, and commercial businesses to the west. The subject parcel along with seven other ones along N. Riverview Street were acquired by the City of Dublin in 2021 with the goal of facilitating improvements to the area. Two development proposals were subsequently received in response to a request for proposals issued by the City, one of which was submitted by COhatch and for eight parcels immediately north of Wing Hall Lane to establish a mixed-use walkable community called the COhatch headquarters project. In 2023, the City auctioned the three residential parcels south of Wing Hill Lane. The subject property and the one immediately to the north were acquired by the current owner and applicant. Tonight's variance requests are concurrent with two requests heard at last evening's Architectural Review Board (ARB) meeting. ARB approved both applications with the maximum allowance they could grant for a rear yard setback and a maximum building footprint to assist with tonight's variance determination. The plans were approved with the understanding that the applicant would come before BZA to gain approval of the variance requests. ARB has the authority to grant waivers of up to 20%, which are deviations to zoning requirements for numeric and architectural standards specific for the Historic District. Should the variances not be approved this evening, the applicant is required to redesign their project within the limits of the granted waivers and return to ARB to receive approval of the project. The purview of the BZA is strictly limited to the two variance requests, as ARB determines the character and appropriateness of buildings within the Historic District. The site is zoned HR-Historic Residential District and is adjacent to both HC-Historic Core and HP-Historic Public Districts. The three residential properties south of Wing Hall Lane, including this site, will be the only properties zoned HR-Historic Residential District north of Bridge Street. The surrounding context is changing and will be unique compared to other residential areas within the Historic District. The COhatch project to the north is currently going through the planning/approval process, which will include a rezoning from Historic Residential to Historic Core. Staff has received ARB applications to redevelop infill properties immediately west of the site, which include additional mixed-use development along Blacksmith Lane. The applicant proposes a 1,797-square-foot building addition to the existing 949-square-foot single-family home. This is a request to allow Variances for a maximum building footprint of 2,746 SF, where the HD Code permits 1,979 SF, and to allow a minimum rear yard setback of 20 feet, where the HD Code permits a 30.45-foot setback. For typical residential properties, the footprint of a home is governed by the maximum lot coverage. The Historic District is different, where the footprint of the home is governed by the maximum building footprint for the purpose of regulating the size and appropriateness of buildings within their historic context.

Ms. Mullinax stated that staff has reviewed the application against the applicable criteria and determined that all three of the criteria in Criteria A are met and three of the four criteria in Criteria B are met. Staff recommends approval of the two variance requests for the maximum building footprint and rear yard setback.

Board Questions for Staff

Mr. Kretz inquired about Criterion 1 in Criteria A, which requires that it not be applicable to other lands or structures in the same zoning district. There are three properties in this district, and two of the three are before the Board tonight with the same variance request. It would appear that the condition is applicable to another site. If it were applicable to other properties, why would the

Board approve a variance versus changing the zoning code, if the intent is to develop all the properties?

Ms. Mullinax responded that while there are a couple of properties within this block that have similar conditions, that does not expand beyond these three properties. The condition is limited to this block.

Mr. Kretz stated the criteria requires that the condition not be applicable to other land or structures within the same zoning district. There are only three properties in this zoning district.

Mr. Bitar responded that this same zoning district also exists south of Bridge Street, although these are the only three properties north of Bridge Street that are within this zoning district.

Mr. Nigh requested clarification of the same condition, which also states, "peculiar to the land or structure." Is staff defining "the land" as being this block or section of land?

Ms. Mullinax stated that all three of the homes north of Bridge Street are adjacent to each other.

Mr. Nigh stated that with the previous case heard tonight, the explanation was that the condition needs to be unique to the one individual property. With this case, there are 3 individual properties that it would be applicable to, which is exactly opposite of "unique to the individual property." This would be similar to if the last applicant indicated his neighbors on his street wished to do the same, as well. How is each property unique if the conditions on all three are the same?

Mr. Mullinax responded that the conditions of the third property in this District north of Bridge Street has different conditions. The properties in this District to the south are sited much closer to S. Riverview Street. Here on N. Riverview Street, the buildings are located in the middle of the lot. We will not see this condition again on S. Riverview.

Mr. Garvin stated that the situation now is that we have drawn a hard line on what peculiar or unique means. Would it be staff's opinion that this zone is very large and that it could be considered peculiar for two properties in that zone to have a special condition. Even though it is not unique, it could be considered peculiar?

Ms. Mullinax responded affirmatively.

Mr. Deschler inquired what is the plan for these two properties.

Ms. Mullinax responded that the plan is to modify the existing homes to build an addition and demolish the accessory structure on the site.

Mr. Deschler inquired if the structures would remain residences.

Ms. Mullinax responded that the homes are maintaining their residential uses. The three properties within this block will be the only residences north of Bridge Street. The other structures to the north, which were previously residences, will no longer be residential in use. They will become commercial properties.

Mr. Deschler requested clarification of the building footprint waiver that ARB approved.

Ms. Mullinax responded that the building footprint waiver was to permit 2,375 SF. The applicant also is requesting a variance to permit a total of 2,746 SF.

Mr. Deschler inquired if that additional square footage will be added to the first level of the existing home or as a 2nd or 3rd floor.

Ms. Mullinax responded that there are multiple levels to the home. The applicant is not changing the number of levels on the original house; however she believes the addition to the rear of the house will have 2 levels.

Mr. Deschler inquired the amount of the rear yard setback waiver granted by ARB and the number of additional feet in this variance request.

Ms. Mullinax responded that ARB granted a waiver to permit a setback 24.4 feet. The applicant is requesting a variance to permit an additional reduction of 4.4 feet, or a total 20-foot rear yard setback.

Mr. Nigh inquired if ARB was not permitted to grant an amount greater than the waiver that was approved.

Ms. Mullinax responded affirmatively. However, ARB expressed full support for a maximum building footprint up to 2,757 SF. This variance request is for an amount less than that.

Mr. Kretz inquired if HD-Historic Residential is a separate district from the HD-Historic Public and HD-Historic Core.

Ms. Mullinax responded that they are all within the Historic District but are different zoning classifications with different lot requirements.

Mr. Kretz stated that in the staff report, there are multiple references to homes in the nearby parts of the Historic District. He requested confirmation that they are different districts. For this case, criterion 1 in Criteria A relates only HD-Historic Residential.

Ms. Mullinax responded affirmatively.

Mr. Garvin requested confirmation that the HD-Historic Residential is not comprised of just these three homes; there are many other homes in that same district.

Ms. Mullinax responded that is correct, but the other homes lie to the south of Bridge Street.

Mr. Kretz inquired if any of the other homes in the HD-Historic Residential district would have the same issues.

Ms. Mullinax responded that they would not. The 3 properties to the north of Bridge Street, 2 of which are cases on tonight's agenda, have different conditions than the homes in the Historic Residential District to the south on S. Riverview Street. The homes on S. Riverview Street are sited closer to the road. With the properties on N. Riverview Street, the homes are positioned in the middle of the lot, so the setbacks are different. This affects the buildable space on the lots. These three lots are different from others in the district.

Mr. Kretz inquired if there were more than 10 homes in the Historic Residential District.

Ms. Mullinax responded affirmatively.

Mr. Deschler inquired if the primary difference is that these homes are located in the middle of their lots, while the homes south of Bridge Street are positioned close to the roads or property lines.

Ms. Mullinax responded that is correct. When ARB is considering applications for additions to historic homes, the additions have to be subordinate to the original historic structure. They cannot extend outward from the existing home or be overly tall. The Historic District Code and Historic District Guidelines have requirements that address those details.

Mr. Deschler inquired if a project cannot extend an existing footprint.

Ms. Mullinax responded that they can exceed it but within the limits established by Code.

Mr. Hounshell stated that part of what we look at with the Historic District Code is, if a property is designated historic, there are requirements in the HD Guidelines that provide direction for proposed additions. The intent with the HD Code is to preserve the form and the appeal of the building in its current form. ARB considers if what is proposed diminishes the character of the home or if it preserves and enhances it. The front setback on N. Riverview Street is 20 feet. These homes are located back further than that, so they are more limited. In the Historic Residential District, the intent is not to build forward of the structure, because it would detract from established character of the home.

Mr. Deschler inquired on how many previous occasions an applicant has brought a variance request to BZA, because the applicant wants more than ARB can provide via a waiver. Mr. Hounshell responded that the variance option is relatively new; it was included in the 2021 Code update. There have been no other variance requests to ARB applications submitted since then.

Mr. Deschler inquired when the HDHR district was created and how many homes are in that district.

Ms. Mullinax stated that ARB has granted waivers permitting additions previously, but there have been no variance requests associated with an ARB case.

Mr. Deschler stated that ARB approved the waivers requested for 27 N. Riverview Street, but other requests were rejected. He inquired what items were rejected with that case.

Ms. Mullinax responded that the Minor Project Review (MPR) and the demolition requests were tabled until ARB's July meeting. The applicant needs to work through some design items related to the request. ARB approved the two waivers for the rear yard setback, as well as the maximum building footprint. Mr. Deschler stated that it was stated that the proposal did not meet Code guidelines and the Secretary of Interior standards relative to the additions.

Applicant Presentation

Richard Taylor, Richard Taylor Architects, 48 S. High Street, Dublin stated that Ms. Mullinax presented everything necessary. He wanted to clarify a couple of items. These houses are located further back on the lots than other homes in this district. In the Historic District, it is permitted to add only to the backs of houses, not the sides or fronts, so with these lots, there is less area at the back of the homes to work with. These three lots are orphaned from the rest of their district, since they are cut off by Bridge Street. The properties directly to the north are going to be rezoned Historic Core, which permits 85% lot coverage. The properties directly to the west are coming right up the alley, close to these properties. That area to the west is all Historic Core. There are new, multi-storied buildings planned there, which will have 85% lot coverage. The conditions surrounding these properties make them very unique. They are essentially islands in the midst of an urban environment. Adding on to these homes to make them larger has been determined to be appropriate. From ARB's perspective, it is essential to keep the original structures intact. With their proposed additions for both homes, the original structure is intact with a one-story addition to the back, and a 1.5-story addition behind that. There is a clear distinction between the three sections of the houses. This does position the house closer to Blacksmith Alley. The rear yard setback variance they are seeking is to provide more room to fit the addition between the house and the street. The MPR is not officially approved yet, but the only items we are re-working right

now are two specific items about a slight offset in the location of the two additions and the condition of the materials. They had intended to replace the exterior materials, but ARB has requested them to examine the materials before they are removed to make sure we are not destroying historic fabric. However, the footprint, location and makeup of the house will be exactly the same.

Board Questions for the Applicant

Mr. Garvin inquired if the changes he referred to for ARB would remove the need for the variance request for the additional 4.4 feet.

Mr. Taylor stated that they would not.

Mr. Kretz stated that it has been stated that these two homes are set further back than other homes in this zoning district. Would he say they are set back further than a majority of the other properties?

Mr. Taylor responded that they have a couple of projects on S. Riverview Street, and several of those lots are probably twice as deep as these lots. With the 27 N. Riverview Street case, which the Board will hear next, there are streets on three sides. With 17 N. Riverview Street, there are streets on two sides. With the other projects on which he is working, there is a street on only one side of the lots. There is space behind those homes that does not exist on 17 and 27 N. Riverview due to the highway easement and other City-imposed restrictions.

Mr. Garvin inquired if he is aware of any other future changes to Blacksmith Lane, which could affect the streetscape along this property.

Mr. Taylor stated that he has had extensive conversations with staff and ARB about proposed changes to Blacksmith Lane that would impact these properties. Before his client purchased these properties, the City imposed a highway easement along Blacksmith Lane. The City intends to do some future improvements, including on-street parking, a tree lawn, sidewalk and utility burial. That does impact the location of garages and driveways and how far back on a lot a house can be located. They negotiated with the City the distance these houses could sit back from the highway easement. These factors are being considered with these cases.

Mr. Deschler inquired if staff indicated that a homeowner is not allowed to build an addition to the front of a historic structure.

Ms. Mullinax responded affirmatively.

Mr. Deschler inquired if an addition could be added to the top of the historic structure.

Ms. Mullinax responded that the historic structure needs to remain the dominant structure on the lot, where an addition is either in line with that roofline or subordinate, unless otherwise approved by the Board.

Mr. Deschler inquired if there has ever been a case in which a variance to the ARB Code is requested permitting an addition to be built in front of or to the side of a historic structure.

Ms. Mullinax responded that there has not been.

Mr. Deschler inquired if Mr. Taylor had thought about doing that, as it would allow use of the greater front yard space.

Mr. Taylor stated that he has been in this business in Dublin for 30 years. That has never been proposed or happened. He is certain that it would not even be considered. These homes were presented as essential parts of the historic fabric, and the City will not allow them to be obliterated in front by an addition.

Mr. Deschler stated that the variance he is requesting tonight is precedent-setting, as well.

Mr. Nigh stated that it would solve the issue if the house could be lifted and moved forward on the lot.

Mr. Taylor stated that, in fact, their proposal for 27 N. Riverview, although not to move the house forward, is to rotate it slightly to be straighter on the lot. It was very clear to them, however, that the houses could not be moved forward at all.

Mr. Deschler inquired if the homes are on slabs or basements.

Mr. Deschler responded that 17 N. Riverview is on a basement; the one to the north is essentially sitting on the ground. For that reason, the house will be lifted and a foundation built beneath it.

Public Comment

No public comments were received on the case.

Board Discussion

Mr. Kretz stated that he is supportive of granting both variance requests. He believes the applicant made a solid case as to the reason a Special Condition exists with this property.

Mr. Garvin stated that he also is supportive. He believes the condition of the site is sufficiently peculiar to support the variance.

Mr. Murphy stated that the historic nature of these properties prevents any construction to the front of the house, so he also is supportive of granting the variance.

Mr. Nigh stated that although there are two cases being heard tonight regarding two adjacent properties, he believes there are unique conditions for each. The homes are in the middle of the lots, so together, the lots are unique from others in this district. In addition, the properties are unique from each other, as one property is bordered by two roads; the other is bordered by three roads. He believes the two properties have sufficient uniqueness standing alone for him to support the variance.

Mr. Deschler stated that when they both are unique, they couldn't be individually unique. He is opposed to granting the variance for additional square footage. Approving a larger structure should be an ARB matter. He believes they could achieve the desired square footage in some other way. He is supportive of granting the variance for an additional 4.4 feet in the rear yard setback.

Mr. Nigh moved, Mr. Murphy seconded approval of the Non-Use (Area) Variance to Zoning Code Section 153.173(A) to Allow a Maximum Building Footprint of 2,746 Square Feet.

Vote: Mr. Garvin, yes; Mr. Murphy, yes; Mr. Nigh, yes; Mr. Kretz, yes; Mr. Deschler, no.
[Motion carried 4-1.]

Mr. Nigh moved, Mr. Murphy seconded approval of the Non-Use (Area) Variance to Zoning Code Section 153.173(B) to Allow a Rear Yard Setback of 20 Feet from the Property Line.

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

Case #24-062V, 27 N. Riverview Street, Non-Use (Area) Variance

A request for a variance to allow a maximum building footprint to exceed the permitted amount, and to reduce the required rear yard setback. The 0.21-acre site is zoned HD-HR, Historic

Residential District, and is located southwest of the intersection of Wing Hill Lane and N. Riverview Street.

Staff Presentation

Ms. Mullinax stated that this is a request for two variances for 27 N. Riverview Street. The 0.21-acre site is located southwest of the intersection of Wing Hill Lane and N. Riverview Street and is zoned HD-HR, Historic Residential District. The house is sited in the middle of the lot with frontage on N. Riverview Street and a larger setback. A detached outbuilding is located at the rear of the lot and is planned for demolition. There are minimal natural features on the site, including a large tree, which will be removed. The property is adjacent to single-family homes to the north and south, Dublin Springs Park to the east, and commercial businesses to the west. The background on this property is the same as with 17 N. Riverview. The subject parcel along with seven other ones along N. Riverview Street were acquired by the City of Dublin in 2021 with the goal of facilitating improvements to the area. Two development proposals were subsequently received in response to a request for proposals issued by the City, one of which was submitted by COhatch and selected for further consideration. Through further discussion with COhatch, and consistent with their proposal, which indicated an option for others to own the three parcels south of Wing Hill Lane (including the subject site), City Council authorized the sale of those parcels through an auction in 2023. The sale incorporated performance stipulations, including maintenance and construction due dates. The subject parcel and the one to the south (17 N. Riverview Street) were acquired by the same buyer, who then sold them to the current owner/applicant, [Andrew Sarrouf, Harrar Group]. All sale stipulations remain in effect. The development context along N. Riverview Street is rapidly changing. The COhatch project to the north is currently going through the planning/approval process, which will include a rezoning from Historic Residential to Historic Core. Development of parcels to the west is also intensifying, leaving the three parcels south of Wing Hill Lane (including the subject site) as the only ones north of Bridge Street under the Historic Residential zoning

Ms. Mullinax stated that this variance request is concurrent with two ARB requests for this residence: a Minor Project Review (MPR) for a remodel and construction of an addition to the existing residence and demolition of a landmark accessory structure. The applicant presented an MPR application to the ARB on March 27, 2024. The request included deviations from the Code standards pertaining to maximum building footprint and minimum rear yard setback. The figures also exceeded the 20% waiver that could be granted by ARB, thus requiring the approval of variances by BZA. The application was tabled, but Board members indicated support for a maximum building footprint of 2,757 square feet and a minimum rear yard setback of 20 feet subject to application to and approval by BZA. The applicant submitted a revised MPR application to ARB on May 29, 2024. The Board approved the waiver requests, expressed support for the additional variance requests for BZA consideration, and tabled the MPR and Demolition requests to their July 24 ARB meeting to resolve remaining design issues. Should the variances not be approved for this property, the applicant is required to redesign their project within the limits of the waivers granted by ARB to be reviewed by ARB at their July meeting. The purview of the BZA is strictly for the two variance requests, since ARB determines the character and appropriateness of buildings in the Historic District.

Ms. Mullinax stated that the applicant proposes a 1,775-square-foot building addition to the existing 975-square-foot single-family home. This is a request to allow two Variances: (1) to allow

a maximum building footprint of 2,754 SF, where the HD Code permits 2,292 SF, and (2) to allow a minimum rear yard setback of 20 feet, where the HD Code requires a 26.97-foot setback. In other cases with residential properties that come before BZA, the footprint is governed by the maximum lot coverage. However, in the HD, the maximum building footprint regulates the size and appropriateness of buildings and additions within their historic context. Staff has reviewed the application against the applicable criteria and determined that all the criteria in Criteria A and two of the four criteria in Criteria B are met. Therefore, staff recommends approval of both variance requests.

Board Questions for Staff

Mr. Kretz requested clarification of the two different square footages, 2,757 SF versus 2,754 SF. Ms. Mullinax responded that ARB indicated that they would support a maximum SF of 2,757 SF. The applicant's revised proposal and variance request is slightly under that, a total of 2,754 SF.

Mr. Deschler inquired if there are any substantial differences with this property other than what has already been stated of which the Board should be aware.

Ms. Mullinax stated that the requests are similar. The only difference is the numbers. 27 N. Riverview Street is slightly larger than the 17 N. Riverview Street property. ARB recommended that the maximum building footprint of both homes could not exceed the 2,757 SF.

Applicant Presentation

Mr. Taylor, Richard Taylor Architects, 48 S. High Street, Dublin, representative for the applicant, stated that he had nothing additional to add to the presentation. The only minor detail he would mention is that there are highway easements on three sides of this property. Although it is a larger lot, there is less usable space due to the highway easements.

Board Questions

Mr. Kretz inquired if the applicant had already started the process of moving the foundation for this site.

Mr. Taylor responded that they have not. They will need to obtain a building permit to do so. He invited Board members to come and observe the house-moving process.

Public Comment

No public comments were received for this case.

Board Discussion

Board members indicated their positions on the two variance requests for 27 N. Riverview Street are consistent with their positions on 17 N. Riverview Street.

Mr. Garvin noted that he would recommend that these three homes be within their own zoning district.

Mr. Nigh reiterated that having three highway easements makes 27 N. Riverview unique from 17 N. Riverview Street, which has two highway easements.

Mr. Nigh moved, Mr. Garvin seconded approval of the Non-Use (Area) Variance to Zoning Code Section 153.173(A) to Allow a Maximum Building Footprint of 2,754 Square Feet.

Vote: Mr. Kretz, yes; Mr. Garvin, yes; Mr. Murphy, yes; Mr. Nigh, yes; Mr. Deschler, no.
[Motion carried 4-1.]

Mr. Nigh moved, Mr. Murphy seconded approval of the Non-Use (Area) Variance to Zoning Code Section 153.173(B) to Allow a Rear Yard Setback of 20 Feet from the Property Line.

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

COMMUNICATIONS

Mr. Hounshell reported that:

- This will be BZA member Jason Deschler's last BZA meeting. Mr. Deschler has completed the allowable terms on the board. His dedication, work and his service as Chair of the Board are much appreciated.

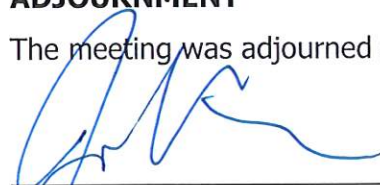
Mr. Deschler thanked City Council for his opportunity to serve on the BZA. He has enjoyed his 6 years on the Board and looks forward to serving the City in other areas in the future.

Mr. Hounshell reminded members that:

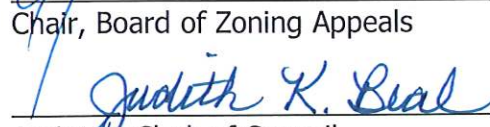
- There will be a Board and Commission recognition for outgoing members and swearing in ceremony for new and re-appointed members next Monday, June 3, in Council Chamber, 5:30-6:30 p.m.
- The next regular BZA meeting is scheduled for Thursday, June 27, 2024.

ADJOURNMENT

The meeting was adjourned at 8:27 p.m.



Chair, Board of Zoning Appeals



Assistant Clerk of Council