



PLANNING REPORT

Board of Zoning Appeals

Thursday, April 27, 2023

ALER RESIDENCE 23-026V

<https://dublinohiousa.gov/bza/23-026>

Case Summary

Address	5474 Dublin Road, Dublin, OH 43016
Proposal	Variations to allow a detached accessory structure: to be forward of the principle structure; to allow taller garage door heights than permitted by Code; to exceed the maximum square-footage for an accessory structure; and to allow a taller accessory structure than permitted on a 2.99-acre zoned Restricted Suburban Residential District. The site is located southeast of the intersection of Tuttle Road with Dublin Road.
Request	Review and approval for Non-Use (Area) Variations under the provisions of Zoning Code Section §153.231(H).
Zoning	R-1, Restricted Suburban Residential
Planning Recommendation	Planning recommendations for the requested Variations can be found on pages 9-10.
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 building permit. If denied, the applicant will need to revise the garage to conform to all development standards.
Applicant	Kevin Koch, Corinthian Fine Homes
Case Manager	Elizabeth Fields, AICP efields@mcbrieddale.com

Site Location Map

23-026V | Aler Residence



Site Features

- 1 Negative grade change from W to E on site
- 2 New single-family residence
- 3 Demolished single-family residence



1. Overview

Background

The site is a 2.99-acre lot which was created through the combination of two single-family lots. The previously existing homes on both lots have been demolished, and a new single-family dwelling was constructed in 2022. The newly-constructed home has one permanent access point stemming from Dublin Road to the dwelling. The site is zoning R-1, Restricted Suburban Residential and is located southeast of the intersection of Tuttle Road and Dublin Road.

Site Information

Lot Layout

The site is largely rectangular in shape, with a maximum lot depth of approximately 504 feet and a lot width of 240 feet, at the front property line. The recently constructed single-family dwelling is set back approximately 300 feet from Dublin Road (west property line), 15 feet from the north property line, 100 feet from the rear (east) property line, and 110 feet from the south property line.

Natural Features

The site features a row of mature trees along the north and south property lines, providing buffering between the single-family dwelling and proposed garage to the adjacent properties. The Scioto River runs along the east (rear) property line with the floodplain extending into the western portion of the site. The property continually slopes from Dublin Road to the Scioto River. There is an approximate 64 feet of grade change across the entire property, and the single-family dwelling is approximately 35 feet below the level of Dublin Road which is located 300 feet away from the dwelling.

2. Proposal

Per the submitted materials, the applicant is proposing to construct a detached garage located forward of the principal structure that is approximately 30 feet to the southwest of the single-family dwelling. The detached garage is two stories in height and will store the homeowner’s recreational and private vehicles on the first floor, while the second floor will contain a media room, home office, and other amenities. The design and style of the detached garage is similar to the primary structure including a stone and stucco façade, pitched roof, decorative garage doors, dormers, and a covered entry.

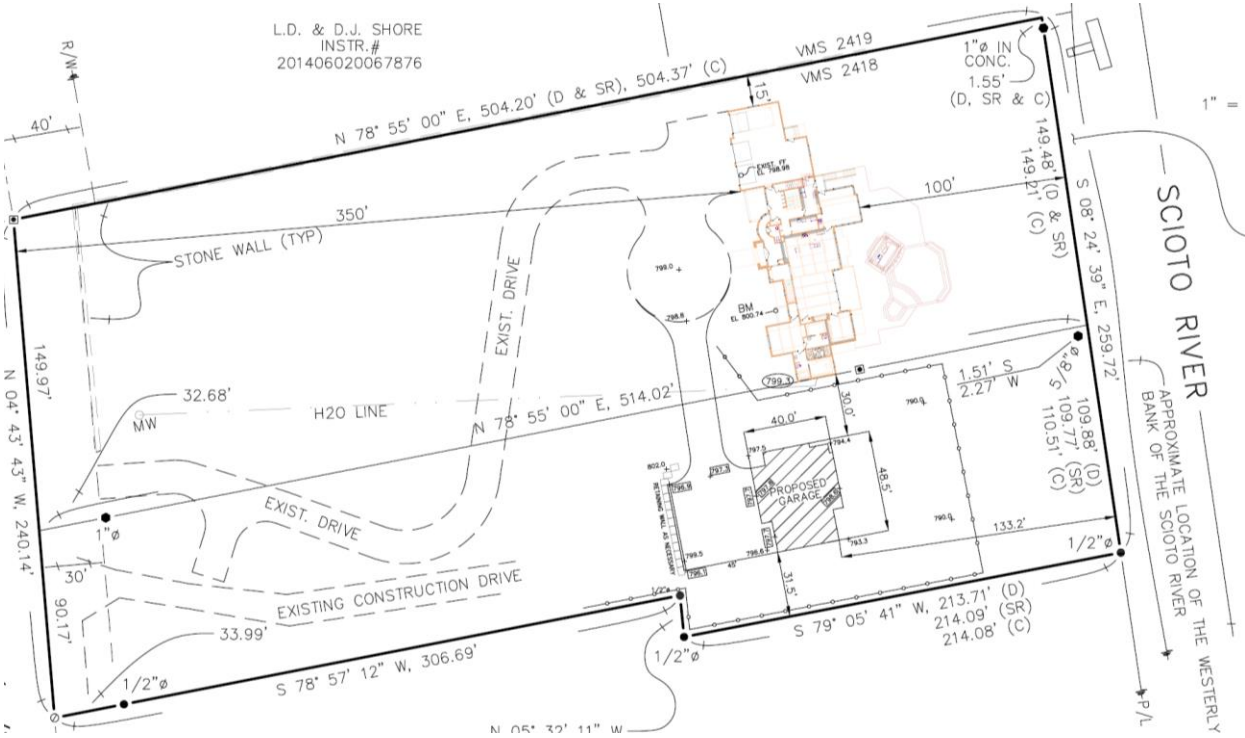
Code Requirements

The following code requirements are applicable to the application. The requirement is stated along with the request from the applicant.

Var. #	Code Section	Requirement	Request
<u>#1</u>	153.074(B)(2)(e)	For lots between one and five acres, the maximum cumulative size of accessory structures is 1,000 sq. ft. plus 250 sq. ft. or fraction thereof over one acre, up to a maximum of 2,000 square feet.	The maximum square footage for this lot is 1,750 sq. ft. The applicant is requesting a 1,717 sq. ft. detached garage. The site features an existing 175 sq. ft. boat dock shed on the property for a cumulative total of 1,892 sq. ft.

- #2 153.074(B)(2)(e) In no case shall the height of the detached accessory structure exceed 22 feet. The front elevation of the proposed detached garage is under the code limit of 22 feet in height. The rear elevation exceeds the maximum height by 2 feet - 7 inches.
- #3 153.074(B)(6)(a) All accessory uses and structures, including swimming pools and associated decking, shall be constructed within the permitted buildable area of a lot, behind all applicable setback lines, and to the rear or side of the principal structure. A detached garage located forward of the principal structure by approximately 20 feet.
- #4 153.190(E)(1)(f)(3)(d) Garage door openings shall not be higher than nine feet. A 10-foot-tall garage door to accommodate a recreational vehicle.

3. Site Plan



4. Site Photos



5. Plan Review and Recommendation

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.	<p>#1, 2, 3, 4 - Criteria Met: The site is rectangular in shape, but is impacted by significant grade change moving towards the Scioto River to the east. The site also features mature vegetation along the north and south property lines that provide additional screening for the property. The grade change is shared amongst adjacent properties, but is a special condition for the area.</p>
2. That the variance is not necessitated because of any action or inaction of the applicant.	<p>#1 (Maximum Square Footage) – Criteria Not Met: The Variance is requested due to the action of the applicant pursuing a larger than permitted accessory structure. The Variance could be avoided if the structure were attached to the home or reduced in size to meet the Zoning Code Requirements.</p> <p>#2 (Accessory Structure Height) – Criteria Met: The Variance is required due to the slope of the property. If the property were flat, the structure would meet the height requirements on all elevations. The slope of the site is a condition not created or enhanced by the applicant.</p> <p>#3 (Accessory Structure Location) – Criteria Not Met: The Variance is required due to the location that the new home was built. A Variance would not be required if the home were built in a location that allowed for a detached structure to the side or rear of the building. The structure could move approximately 20 feet to the east and not require a Variance.</p> <p>#4 (Garage Door Height) – Criteria Met: The size or condition of the lot has no bearing on the Variance.</p>
3. Granting the variance will not cause a substantial adverse	<p>#1 (Maximum Square Footage) – Criteria Not Met: The request would have an adverse effect on the</p>

Criteria	Review
effect to the property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied.	<p>intent and purposes of the requirement being varied from. The formula for accessory structures is consistently applied throughout the neighborhood and City. The request for the larger accessory structure would hinder the requirement in Code.</p> <p>#2 (Accessory Structure Height) – Criteria Met: The height of the structure is proportionate to and consistent with the newly-constructed residential home. The Variance request is only required due to the slope of the site.</p> <p>#3 (Accessory Structure Location) – Criteria Not Met: The Variance is required due to the location that the new home was built. A Variance would not be required if the home were built in a location that allowed for a detached structure to the side or rear of the building. The structure could move approximately 20 feet to the east and not require a Variance.</p> <p>#4 (Garage Door Height) – Criteria Met: The garage is proposed to be set back approximately 300 feet from Dublin Road, and is sloped significantly towards the river, which will help screen the site from the road. Visibility of the garage doors will be minimal, and will be designed to appear residential in scale.</p>

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.	<p>#1 (Maximum Square Footage) – Criteria Not Met: The Zoning Code allows for a limited number and size of accessory structures for properties, calculated through standardized formulas. The site is permitted, per these calculations, a total of 1,750 square feet of detached accessory structures. The applicant can, without hardship, construct a detached building that meets these requirements. Granting the Variance would allow a special privilege to this property over adjacent properties of a similar size and shape.</p>

Criteria	Review
	<p>#2 (Accessory Structure Height) – Criteria Met: The applicant is proposing a structure that meets the height requirements along the front façade of the building, which would be permitted on a flat site. The request for the Variance, which is due to the grade of the site, does not give special privileges to the applicant.</p> <p>#3 (Accessory Structure Location) – Criteria Not Met: Allowing the garage forward of the principal structure would allow special privileges to the property owner. The newly-created home was built and sited on the site, and could have been modified to allow for the detached garage to meet zoning code requirements.</p> <p>#4 (Garage Door Height) – Criteria Met: The regulation restricting the height of the garage doors is intended to ensure the doors are proportional to the house and not out of scale. Based on the size of the lot, setback from Dublin Road, proximity to the Scioto River, and the mass of the house and proposed garage, the request does not provide a special privilege to the property owner.</p>
<p>2. The variance request is not one where the specific conditions 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>#1 (Maximum Square Footage) – Criteria Met: Variance requests for exceeding maximum square footage do occur, but do not occur enough to require amendments to the Code.</p> <p>#2 (Accessory Structure Height) – Criteria Met: The request is unique to the site due to the change in grade throughout the site.</p> <p>#3 (Accessory Structure Location) – Criteria Met: Variance requests for garages forward of the building do occur, but are sporadic through the City and do not require amendments to the Code.</p> <p>#4 (Garage Door Height) – Criteria Met: The request is not one where a change to the Code is required. The request is unique and appropriate given the size of the lot, size of the principal structure and garage, and setback from Dublin Road.</p>

Criteria	Review
3. The variance would not adversely affect the delivery of governmental services.	#1, 2, 3, 4 – Criteria Met: The requested Variances would not affect the delivery of governmental services.
4. The practical difficulty could not be eliminated by some other method, even if the solution is less convenient or most costly to achieve.	#1 (Maximum Square Footage) – Criteria Not Met: The size of the proposed structure could be reduced to meet the total square footage requirements amongst all detached structures on the site. #2 (Accessory Structure Height) – Criteria Not Met: The height of the structure could be decreased to meet the height requirements along the rear elevation. #3 (Accessory Structure Location) – Criteria Not Met: The garage could be relocated 20 feet to the east to meet the requirements for detached structures, or connect to the home to classify as an attached structure. #4 (Garage Door Height) – Criteria Not Met: The recreational vehicles could be stored off-site, giving an alternative method to storing the vehicle.

6. Recommendations

Planning Recommendation: #1 (Maximum Square Footage)

Planning Staff recommends **Disapproval** of the Non-Use (Area) Variance to Zoning Code Section 153.074(B)(2)(e) to permit a detached structure that exceeds the maximum square footage for detached structures by approximately 142 square feet.

Planning Recommendation: #2 (Accessory Structure Height)

Planning Staff recommends **Approval** of the Non-Use (Area) Variance to Zoning Code Section 153.074(B)(2)(e) to permit a detached structure that exceeds the maximum height for detached structures by approximately 2 feet – 7 inches.

Planning Recommendation: #3 (Accessory Structure Location)

Planning Staff recommends **Disapproval** of the Non-Use (Area) Variance to Zoning Code Section 153.074(B)(6)(a) to permit a detached structure forward of the principal structure by approximately 20 feet.

Planning Recommendation: #4 (Garage Door Height)

Planning Staff recommends **Approval** of the Non-Use (Area) Variance to Zoning Code Section 153.190(E)(1)(f)(3)(d) to permit a garage door located on the detached garage at a height of 10 feet.