



PLANNING REPORT

Board of Zoning Appeals

Thursday, June 29, 2023

MILLER RESIDENCE 23-043V

<https://dublinohiousa.gov/bza/23-043/>

Case Summary

Address	3165 Lilly Mar Court, Dublin, OH 43017
Proposal	A Non-Use (Area) Variance to Zoning Code Section 153.210(B)(4)(a) to allow a driveway to exceed the maximum width for front-loaded garages; and a Variance to Zoning Code Section 153.021(C)(3) to permit a concrete pad to encroach into the required side yard setback on an 0.9-acre site. The site is located east of the intersection of Braxmar Place and Lilly Mar Court.
Request	Review and approval for Non-Use (Area) Variances under the provisions of Zoning Code Section §153.231(H).
Zoning	R-2, Limited Suburban Residential
Planning Recommendation	<u>Disapproval of the Non-Use (Area) Variances.</u> Planning recommendations for the requested variance can be found on page 6.
Next Steps	The Board of Zoning Appeals (BZA) is the final reviewing body for this application. If approved by the BZA, the applicant may submit a CZPA to keep the driveway in its current location. If denied, the applicant will need to modify the driveway to meet the zoning requirements and obtain approval of a CZPA.
Applicant	John and Jane Miller, Property Owners
Case Manager	Elizabeth Fields, AICP McBride Dale Clarion

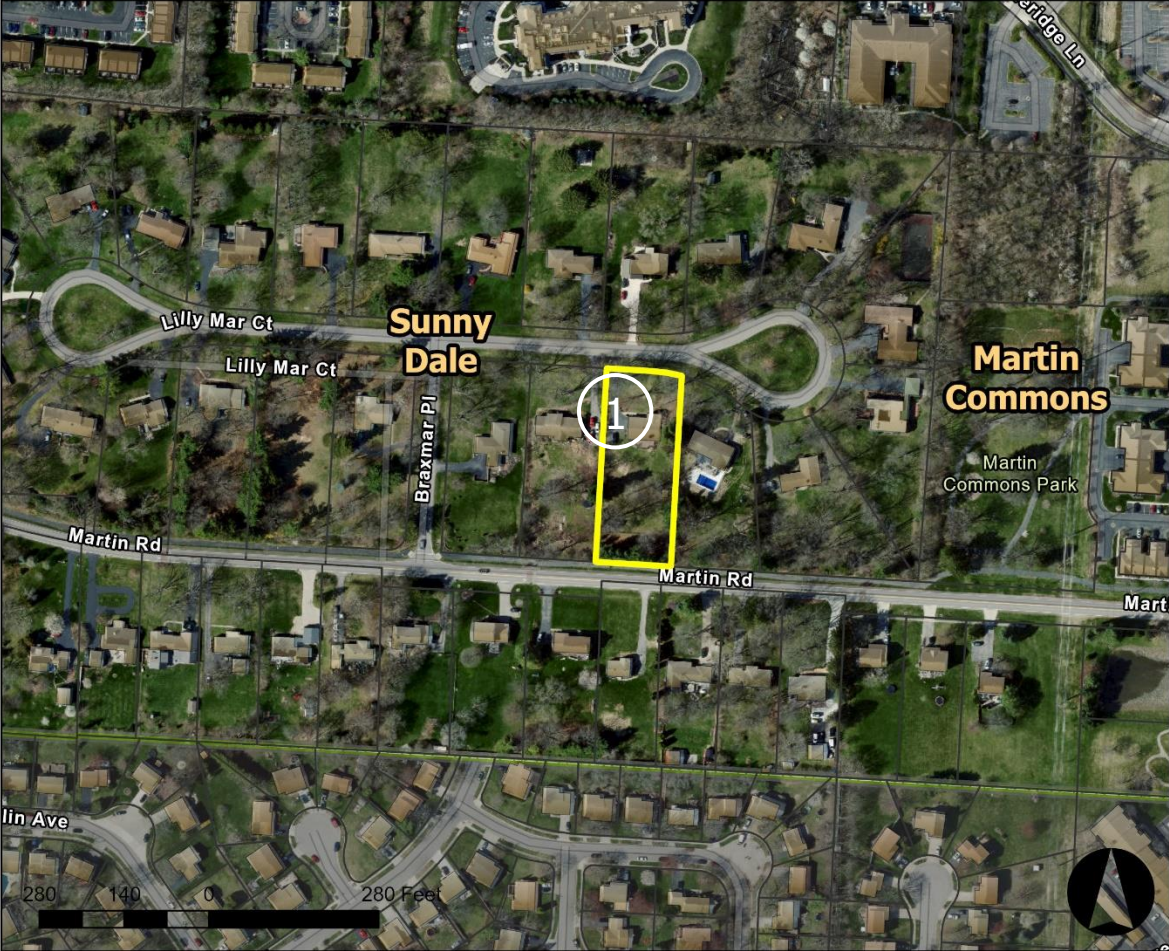
Site Location Map

23-043V
Lilly Mar Court - Driveway



Site Features

1 Proposed Driveway



1. Overview

Background

The site is a 0.94-acre lot located in the Sunny Dale Estates neighborhood bordered to the north by Lilly Mar Court and to the south by Martin Road. The site has one permanent access point stemming from Lilly Mar Court to the existing single-family dwelling. The site is zoned R-2, Limited Suburban Residential and is located east of the intersection of Braxmar Place and Lilly Mar Court.

Site Information

Lot Layout

The site is rectangular in shape with ±125 feet of frontage on Lilly Mar Court. The existing single-family property is set back approximately 70 feet from Lilly Mar Court (north property line), 21 feet from the east property line, 190 feet from the south property line, and 12.6 feet to the west property line.

Natural Features

The site has a significant amount of open space, and the rear of the site has numerous mature trees that screens the house from Martin Road.

Code Requirements

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

Variance #	Code Section	Requirement	Request
#1	153.021(C)(3)	For dwellings or associated buildings there shall be a total of side yards of 20 feet or more with a minimum of eight feet on one side.	A 3.9-foot setback for the concrete pad in the side yard.
#2	153.210(B)(4)(a)	Driveways for front-loaded garages shall not exceed 30 feet in width between the right-of-way line and the nearest portion of the front facade of the garage.	An approximately 49-foot wide driveway between the right-of-way line and front façade of the garage.

2. Proposal

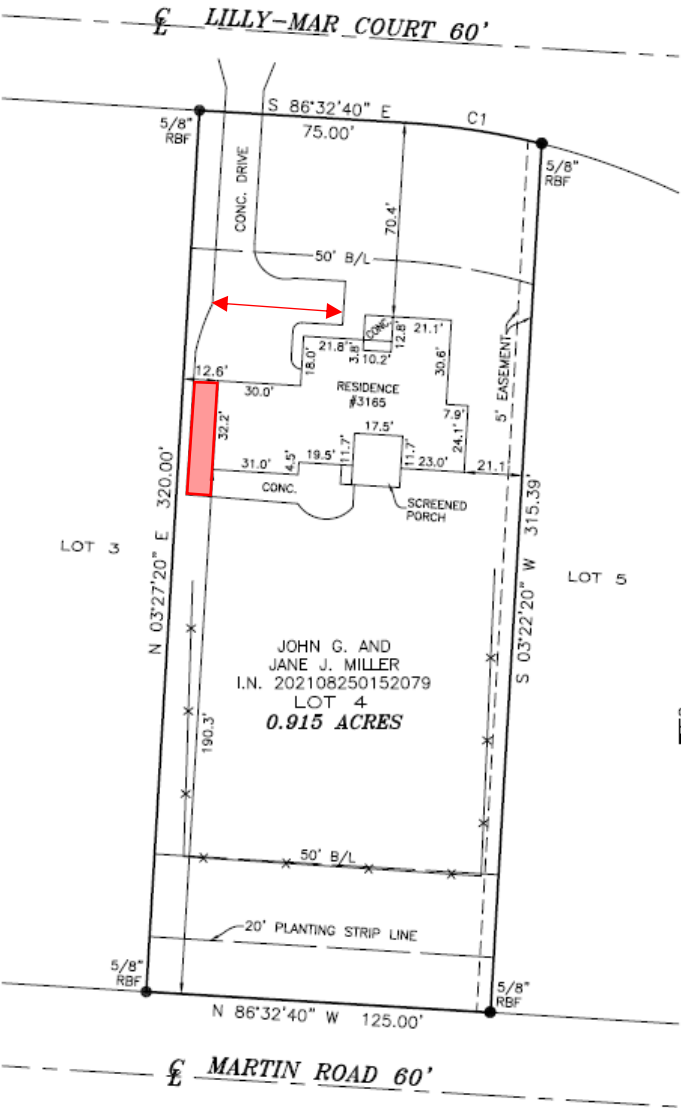
Per Section 153.210(B)(4)(a), no driveway pavement shall be permitted to extend beyond the front façade of the garage. Therefore, the pavement located in the side yard must meet the side yard setback as it is not considered to be part of the driveway. Section 153.021(C)(3) states that the minimum side yard setback is 8 feet, with a total of 20 feet between side yards.

The current property owners received approval from Building Standards in July 2022 to put an addition onto the house which expanded the house towards the west property line and changed the garage from a side-load garage to a front-load garage. During the construction of the addition, a new driveway and concrete pad were poured that extended around to the back of the house, which resulted in pavement in the side yard that is 3.9 feet from the property line.

These additional driveway improvements were not a part of the approved building permit, and were later discovered by a final inspection of the approved permit and reported to Planning in March 2023. These improvements also included new parking spaces forward of the building, which creates a driveway at a width of up to 49 feet in portions of the driveway, which exceeds the 30-foot maximum for front-loaded garage driveways.

When the house previously had a side-load garage, the property did have pavement in a similar location along the side of the house to what is requested with the Variance. However, different standards apply for side-load and front-load garages. Driveways associated with side-loaded garages are permitted to be up to 30 feet in width beyond the front building setback line into the side yard of the property. Once the garage changes to a front-loaded garage, this allowance no longer applies and the site is required to comply with the front-loaded garage requirements.

3. Site Plan



4. Plan Review

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.	#1 & 2 - Criteria Not Met: The site is of typical size and layout to many of the houses in this neighborhood, with no significant natural features prohibiting development in accordance with the zoning requirements. Due to this, no special conditions would apply to the site.
2. That the variance is not necessitated because of any action or inaction of the applicant.	#1 & 2 - Criteria Not Met: The Variances are necessitated due to the addition to the house, which changed the garage from a side-loaded garage to a front-load garage.
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.	#1 & 2 - Criteria Not Met: The purpose of the requirement that front-loaded garage driveways are only permitted in the front yard is to dissuade property owners from having driveways extend to the side and rear yard. This request is in direct opposition to that purpose.

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.	#1 & 2 - Criteria Not Met: The request would confer a special privilege to the property owner that would not be available to other properties in that zoning district.
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.	#1 & 2 - Criteria Met: The variance request meets this requirement as variances are not general or recurring in the surrounding area for relief of side yard setback requirements.
3. The variance would not adversely affect the delivery of governmental services.	#1 & 2 - Criteria Met: The requested variance 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 & 2 - Criteria Not Met: The driveway extension could be reduced in order to meet the code requirements.

5. Recommendation

Planning Recommendation: #1 (Side Yard Setback)

Planning Staff recommends **Disapproval** of the Non-Use (Area) Variance to Zoning Code Section 153.021(C)(3) to permit a 3.9-foot setback for the concrete pad in the side yard.

Planning Recommendation: #2 (Driveway Width)

Planning Staff recommends **Disapproval** of the Non-Use (Area) Variance to Zoning Code Section 153.210(B)(4)(a) to permit an approximately 49-foot wide driveway between the right-of-way line and front façade of the garage.