

Miller Residence
3165 Lilly Mar Court
Non-use (Area) Variance 23-043V

To the Board of Zoning Appeals,

We are respectfully requesting the review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code Section 153.231 (H).

Specifically, we are requesting a Variance to keep the recently poured pad next to our new garage in its present location. This location is essentially where the old driveway was located however due to remodel changing our garage from side pull-in to front pull- in we are not in line with code which says the driveway ends at side of garage therefore the pad must be 8 feet from the property line.

Background

We purchased this property in 8/21. We signed a contract with Dave Fox LLC to do a substantial remodel in 3/22. At the time we were not sure about whether we would redo all the driveway or portions, so this was left out of scope for the contract. The driveway that was there included a portion at top of drive that extended to within approx. 4' of our property line and approximately 8' past the end of garage (neighbor's current driveway very similar).

During the remodel time Dave Fox was responsible all the remodel permits. During this timeframe we got approval permits for a shed (21-6297) and for our fence (approved by M. Kettler on 10/27/21) so we have had a history of following permit approval process.

Background (cont'd)

We ended up choosing the same cement contractor Dave Fox used when completing inside garage cement work. We discussed with him the layout and decided last December the basic layout. When we spoke with him, we understood that we were just replacing the current driveway in front and could layout basically the same design as before. We were planning to pour in the Spring of 2023 but due to warm weather the driveway was able to be poured in the Feb/March timeframe. We returned home from Arizona stay 3/15th to move into the house, on March 23rd our Dave Fox project manager informed us that the Dublin inspector had not approved their permit due to the pad location which caught us by surprise

153.231 (H)(2)(a)(1) Special conditions and circumstances exist which are peculiar to our 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.

- Our house is in the Sunnydale Estates which consists of 24 mostly single story 1 acre lot homesites. The neighborhood has a cul-de-sac at each end resulting in a varying layout of lots and angles. Of the 24 houses 12 have driveways side by side with their neighbor, 12 have driveways by themselves. Of the 12 houses with adjacent driveways, we have the tightest space. Others have 2x plus space between their driveways/pads. We have a unique setup with both us and neighbor having driveways that extended past the house/garage and within 8' of the lot line. (See uploaded deck for pictures)

- The new pad only extends as far as the previous driveway meaning it will be approximately 47" from the lot line (neighbor's existing driveway approx. 54" from lot line).

- Based on above 2 points we feel we have stayed in line with the previous look of drive and have improved the aesthetics of the driveway

- Our neighbor Dane Ford (drive next to ours's) has no issues with our pad and is appreciative of the improved aesthetics between our drives (letter attached)

153.231 (H)(2)(a)(2) The variance is not necessitated because of any action or inaction of the applicant.

- Although in hindsight we did not confirm to the code for impact of same size drive/pad as previous driveway due to a different garage layout (side vs straight pull in) we did not deliberately take any action to not follow the code. We know this requires understanding and hopefully a commonsense view given all the circumstances.

153.231 (H)(2)(a)(3) Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied.

- The pad being requested for approval is in line with previous driveway on location and size.

- Our neighbor with driveway next to ours approves of the pad and layout

- The driveway and pad is aesthetically pleasing with a 12" border that runs from street to behind house for continuity and adds value for our house and the subdivision.

153.231(H)(2)(b)(1) A literal interpretation of the provisions of the Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

153.231 (H)(2)(b)(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.

- There are many variations of garage layouts within the neighborhood and due to lot layouts, there is not a common thread of lay
- Based on side pull in vs straight pull in driveways the side pull-ins can be closer to lot line and past the end of house allowing for more driveway/pad space

153.231 (H)(2)(b)(3) The variance would not adversely affect the delivery of governmental services (e.g. water, sewer, garbage)

- The pad in question is on the side of the garage and will not adversely affect the delivery of water, sewer, garbage and/or the delivery of other governmental services.

153.231 (H)(2)(b)(4) The practical difficulty cannot be eliminated by some other method, even if the solution is less convenient or more costly to achieve.

- Based on feedback from Tammy Noble (Senior Planner /Planning Dept) we considered several options:

- Cut out the portion of completed pad to meet 8' to lot line requirement past front of garage- This would require cutting out a approximately 50" by 30' section which means we would lose border section and potentially affect the stability of remaining pad. This would be costly and cause aesthetic issues but is of course possible.

- Purchase property from adjacent property owner to resolve setback issues. The later resolution would require both properties to meet existing codes. This is not possible due to how the driveways were installed back in 1969 when the driveways were built with approximately 8' or less between the driveways and the lot line.

-Apply for a Non-Use Variance. Due to the fact that pad is now there, is not causing any concerns for neighbor and is a big improvement from an aesthetic viewpoint we feel asking for the variance is the most logical way to proceed.

Summary

We humbly request this variance be approved. We understand that we might not perfectly address all the stipulations above, but we feel we have made a very positive change for the neighborhood with our improvements, did not intentionally try to avoid any code (past permits as evidence) and what we are requesting meets the common sense and practicality test. There are many variations of driveways so our request would not cause any appearance/usage issues for others. We also have the approval of our neighbor and from the uploaded pictures you can see the nice look we have added and don't wish to tear up.

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