



## PLANNING REPORT

# Board of Zoning Appeals

Thursday, August 24, 2023

## COTTERMAN RESIDENCE 23-078V

<https://dublinohiousa.gov/bza/23-078>

### Case Summary

Address	6721 Dublin Road, Dublin, OH 43017
Proposal	Variance requests to Zoning Code Sections 153.190(E)(1)(g), 153.190(E)(1)(i)(2), and 153.190(E)(1)(f)(3)(b) to allow a new residential home with design elements that deviate from the Residential Appearance Standards.
Request	Review and approval for three Non-Use (Area) Variances under the provisions of Zoning Code Section §153.231(H).
Zoning	R-1, Restricted Suburban Residential
Planning Recommendation	<u>Approval of three Non-Use (Area) Variances</u>
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 home design to conform to all development standards.
Applicant	Christopher Hoying, Hoying and Hoying Builders
Case Manager	Zach Hounshell, Planner II (614) 410-4652 <a href="mailto:zhounshell@dublin.oh.us">zhounshell@dublin.oh.us</a>

Site Location Map

23-078V | Cotterman Residence



- Site Features**
- 1 Mature vegetation and trees throughout site
  - 2 Private driveway shared by 4 residences



## 1. Background

### Background

The 1.2-acre site is zoned R-1, Restricted Suburban Residential District and is located approximately 860-feet northwest of the intersection of Dublin Road and Indian Run Road. The property is serviced by a privately owned and maintained drive that extends off of Dublin Road. To the north of the property is a vacant parcel, and the Indian Run Estates subdivision is located south of the site.

### Site Information

#### *Lot Layout*

The site is a large, rectangular site setback significantly from Dublin Road. Access to the site is provided by a shared private drive, which provides access along the southern boundary of the site to 4 separate properties. Originally, the site included a single-family dwelling and detached accessory structure located centrally on the site, with driveway access along the east side of the property. Both structures were approved for demolition in March of 2023, and have since been removed. The site currently sits vacant.

#### *Natural Features*

The site features a significant amount of mature vegetation throughout the site. The Northern Fork of Indian Run runs to the west of the site, but the property is not within the stream protection zone. The site does feature a slight decrease in grade change as the property moves from east to west.

### Code Requirements

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

<b>Variance #</b>	<b>Code Section</b>	<b>Requirement</b>	<b>Request</b>
#1	153.190(E)(1)(g)	The main architectural roof of a house must have a minimum 6:12 pitch. Flat roofs may be permitted, but not as the main architectural roof. Dormers, porches, and other similar secondary architectural features may have roofs with a minimum 4:12 pitch.	Main roofline pitch of 2/12 with flat secondary rooflines.
#2	153.190(E)(1)(i)(2)	Shutters or trim will be required with all windows on any elevation.	No trim or shutters around the windows.
#3	153.190(E)(1)(f)(3)(b)	No combination of garage door openings shall be wider than 36 feet.	Combination of 4 garage doors totaling 40 feet.

An additional Code requirements that is not being met, due to the width of the garage, is the pavement width requirement for front-loading garages. Code requires a maximum pavement

width between the right-of-way line and garage façade of 30 feet. The use of 4 garages requires the pavement width to exceed this requirement. Exceptions to this code section requires review and approval by the Director of Land Use and Long Range Planning. Should the Director decide not to approve the exception, the applicant would be able to appeal the decision to the BZA by an Administrative Appeal process. The driveway width is not a consideration with this application and is being vetted through the Planning Division.

### **Residential Appearance Code**

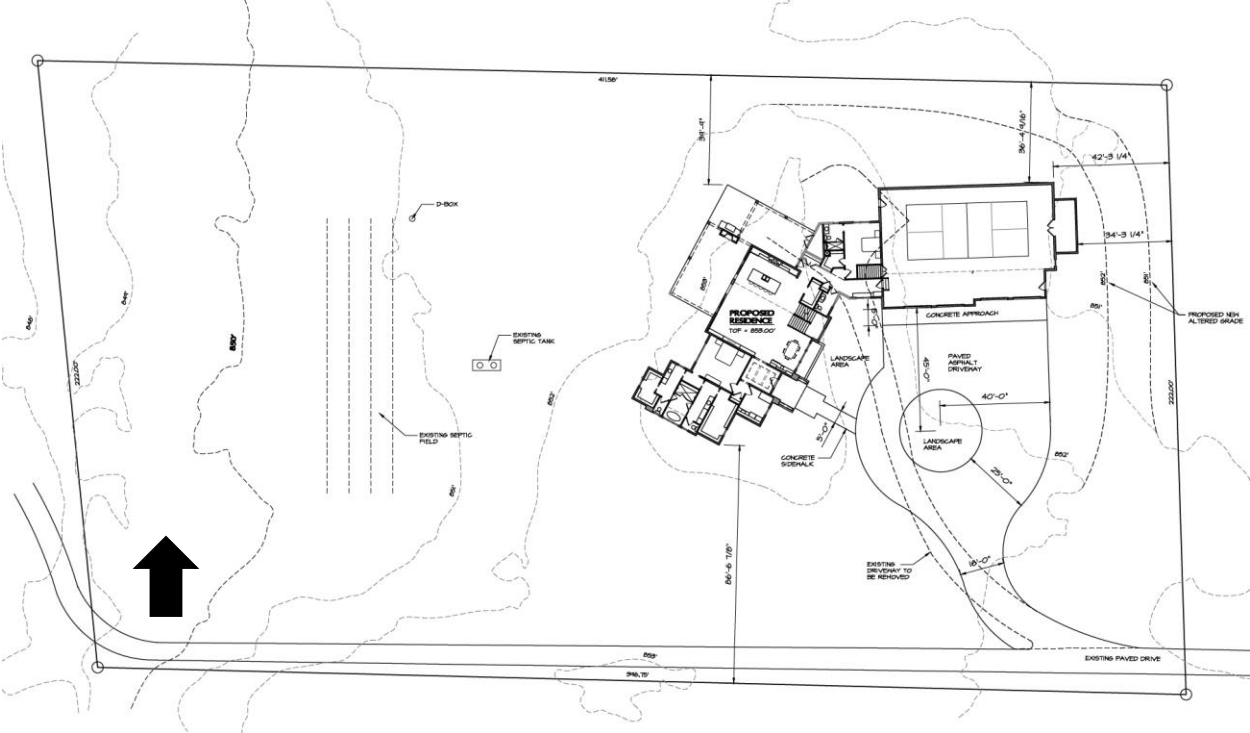
The Residential Appearance Code was adopted by City Council in March 2004 and is applicable to all residential development occurring after the effective date, with the exception of some exemptions including residential houses in the Architectural Review District. This Code was adopted by the City of Dublin to provide minimum design standards for residential development that would help foster quality development. It includes requirements that address finished building materials, minimum exterior requirements for building foundations, four-sided architecture and maximum requirements for garage door/drive way widths. These requirements are to create “visual interest” and creative design standards for all residential development. These standards are based on more traditional suburban architectural styles and staff has found conflicts with the Code when using more modern architectural design such as the applicant’s proposal.

The Residential Appearance Code was adopted in 2004 and all of the existing houses in Scioto Estates predate the requirements of the Code. Staff reviewed all of the construction dates for the houses along Trails End Drive and they range from 1955 to 2001. The applicants’ property would be the only property in the platted subdivision that would be required to meet the current regulations. Furthermore, Planning would conclude that the applicants’ proposal meets the intent of the Code which is to create creative and quality design.

## **2. Proposal**

The applicant is proposing the construction of a single-family, residential home on a vacant tract of land. The proposed residence is modern and contemporary in nature, featuring a variety of building materials, multiple rooflines of varying pitch, trim-less windows, and sharp edges throughout the building. The home also includes a large attached garage/indoor recreation space, with 4 8-foot tall garage doors located along the south façade of the building. The width of the garage doors combined exceeds the maximum 36 feet requirement in Code. The proposed home features similar design elements to the previous home located on the building, which also included unique building materials, window placements, and sharp rooflines. The homes located on this drive have a various architectural styles that range from Mid-Century architectural style, cottage style architecture, to Queen Anne architecture styles. A visual representation of the applicants proposed architecture is provided below.

### 3. Site Plan and Elevations



Site Plan



Front Façade (South-facing)



Rear Façade (North-facing)

### 4. Plan Review

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.	<b>#1, 2, 3 – Criteria Met:</b> This neighborhood is more rural and secluded in character than a typical suburban subdivision including larger lot sizes, significant mature vegetation and tree cover, and a singular private drive that provides access and frontage for 4 lots. The area is heavily wooded and there is not consistent architectural theme for the lots. The proposed home resembles features of the previous home on the lot, but is being replaced with an updated and more modern home design. Finally, all of the lots were developed prior to the adoption of the Residential Appearance Code. Based on the character of the area, the lack of consistency in architectural styles and the lots predating the adoption of the Code, Planning has concluded there are special conditions associated with this site.
2. That the variance is not necessitated because of any action or inaction of the applicant.	<b>#1, 2, 3 – Criteria Met:</b> There are several special conditions including the nature of the neighborhood, lack of themed architectural styles, and the fact that all the surrounding lots are not subjected to the Residential Appearance Code. These conditions are not indicative of action or inaction of the applicants.
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.	<b>#1, 2, 3 – Criteria Met:</b> The property is large and naturally screened from all properties in the vicinity. Should the property be seen, the architectural style proposed with the application provides visual interest and high quality design. This meets the intent of the Code and will not have adverse impacts on the surrounding community.

**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.	<b>#1, 2, 3 – Criteria Met:</b> Similar variances have been granted with conditions consistent with the applicants' proposal and is granted in very limited circumstances. Granting the variance will not confer special privileges to the applicants.
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.	<b>#1, 2, 3 – Criteria Met:</b> Variance requests to the Residential Appearance Code are not recurrent in nature. These requests are typically considered with larger lots not associated with a planned or coordinated neighborhood. These individual requests are typically not applicable with planned developments.
3. The variance would not adversely affect the delivery of governmental services.	<b>#1, 2, 3 – Criteria Met:</b> The proposed application is based on minimum design standards of the Residential Appearance Code and will not impact the delivery of governmental services including emergency services, postal delivery or refuse collections.
4. The practical difficulty could not be eliminated by some other method, even if the solution is less convenient or most costly to achieve.	<b>#1, 2, 3 – Criteria Met:</b> The proposed deviations are important architectural elements to the intended design of the house which has been classified as modern prairie architecture. Meeting the Residential Appearance Code would require the applicants to abandon this style of design. Therefore there is no other viable method available.

**5. Recommendation**

**Planning Recommendation: #1 (Roof Pitch)**

Planning Staff recommends **Approval** of the Non-Use (Area) Variance to Zoning Code Section 153.190(E)(1)(g) to permit a main roofline pitch of 2/12 with flat secondary rooflines where a main roofline pitch of 6:12 is required.

**Planning Recommendation: #2 (Window Trim)**

Planning Staff recommends **Approval** of the Non-Use (Area) Variance to Zoning Code Section 153.190(E)(1)(i)(2) to permit no stutters or trim on windows for the single-family residence.

**Planning Recommendation: #3 (Garage Door Openings)**

Planning Staff recommends **Approval** of the Non-Use (Area) Variance to Zoning Code Section 153.190(E)(1)(f)(3)(b) to permit a combination of 4 garage doors totaling 40 feet where a maximum of 36 feet is required.