



MEETING MINUTES

Board of Zoning Appeals

Thursday, August 24, 2023

CALL TO ORDER

Mr. Deschler called the meeting to order at 6:30 p.m. He 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, Joseph Nigh, Patrick Murphy, Joel Kretz, Mr. Nigh
Board Members absent: Dan Garvin
Staff present: Tammy Noble, Bassem Bitar, Zachary Hounshell

ACCEPTANCE OF DOCUMENTS

Mr. Murphy moved, Mr. Kretz seconded acceptance of the documents into the record and approval of the 06-29-23 meeting minutes.

Vote on the motion: Mr. Deschler, yes; Mr. Murphy, yes; Mr. Nigh, yes; Mr. Kretz, yes.
[Motion carried 4-0.]

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

CASES

- **Case 23-078: Cotterman Residence, 6721 Dublin Road, Non-Use (Area) Variance**

An application for a Variance 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 on a 1.2-acre site located ±860-feet northwest of the intersection of Dublin Road and Indian Run Road, zoned R-1, Restricted Suburban Residential District.

Staff Presentation

Mr. Hounshell stated that this is a request for approval of a Variance to allow a new home with design elements that deviate from the Residential Appearance Standards. The 1.2-acre site is zoned R-1, Restricted Suburban Residential District and is part of a planned neighbourhood. Therefore, it is subject to the standard Code and Neighborhood Design Guidelines. The site is a large, rectangular site set back significantly from Dublin Road. 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 2023 and have since been removed. The currently vacant site contains a significant amount of mature vegetation. The Northern Fork of Indian Run runs west of the site, but the property is not within the stream protection zone. The site does feature a slight decrease in grade change from east to west. Access to the site is provided by a shared private drive along the southern boundary of the site to 4 separate properties. The site does not have right-of-way frontage, although its address is Dublin Road. The proposed residence will be modern and contemporary in nature and feature 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 four (4) 8-foot tall garage doors located along the south façade of the building. The combined width of the garage doors exceeds the maximum 36-foot width limitation in Code. The variances are related to the building massing and the roof pitch, window trim and combination of garage doors. Because this building will be set back significantly from the road frontage, staff recommends approval of the three variances.

Board Questions for Staff

Mr. Kretz referred to Item A under Criteria A, Granting the variance will not cause an adverse effect. He inquired if staff has any concerns about the design or roof pitch, such as flooding or other unintended consequences.

Mr. Hounshell responded that staff has no concerns.

Applicant Presentation

Christopher Hoying, Hoying and Hoying Builders, Inc., 13120 McCartyville Road, Anna, OH stated that their company is not from this area. They are building the home for a long-time family friend. They are requesting the variances because his client prefers a modern contemporary architectural style with shallow roof pitches and clean lines. Many of the existing homes on this private driveway do not meet the current Code. The homes have lower pitches and more modern architecture, as did the previous structure on this site that was removed earlier this year. His client has spoken with the individual who takes care of the private driveway and assured them that any damages incurred to the driveway during the home's construction, he will address appropriately. They will attempt to minimize the intrusiveness of the building process to surrounding neighbors.

Board Questions for the Applicant

Mr. Murphy inquired if the previous home was completely razed with the intent of the new structure replacing it in the same location.

Mr. Hoying responded affirmatively.

Mr. Murphy inquired if this is considered a new home construction, not a home renovation.

Mr. Hoying responded affirmatively.

Mr. Kretz inquired if the damage to the existing private driveway was not expected to be substantial.

Mr. Hoying responded that they do not anticipate any substantial damage.

Mr. Deschler inquired if the applicant is requesting approval of a 10-foot garage door width, rather than 9 feet.

Mr. Hoying responded affirmatively. It is easier to back a vehicle out of the garage if there is an extra foot on either side. The height of the garage door opening meets the required standard.

Board Discussion

Mr. Deschler stated that as the staff report mentions, BZA reviewed an earlier case on Dublin Road similar to this. It was approved without issue.

Mr. Nigh responded that based on that precedent, as well as other projects with similar design elements that the Board has approved, he is supportive of approving all three (3) variance requests.

Public Comment

Kent Kinzor, 6717 Dublin Road, Dublin stated that with a house of this size, the existing leech bed will need to be expanded. How many wells will it be necessary for the applicant to drill to have sufficient water for this house size?

Ms. Noble responded that when the applicant applies for a building permit, Board of Health approval will be required as part of the permit approval process.

Mr. Kinzor inquired if it would be required for the well.

Ms. Noble responded that it would be required for both the septic system and the well.

Mr. Deschler inquired if Mr. Kinzor had any concerns about the three (3) variances that are requested.

Mr. Kinzor responded that he did not. His only concern was that if it was necessary for the applicant to drill more than one well, it could affect his well. The City of Dublin had to provide sewer and water to the adjacent property because the construction on that property ruined their water supply. He was concerned about there being a similar impact to his property due to this construction.

Mr. Deschler responded that those concerns would be evaluated appropriately when the building permit is submitted for approval.

Mr. Kretz stated that he is supportive of approving the waivers.

Mr. Murphy stated that this request is very similar to the previous request the Board approved. That property also had a home that was essentially demolished and rebuilt, and the same aesthetic changes were made. He believes this variance request is consistent with the ordinance, which states that the purpose of the ordinance is "to provide design requirements applicable to homes that among other things encourage design flexibility and creativity and to establish an interesting and aesthetically pleasing residential environment." He believes the variances fall within the scope of the ordinance.

Mr. Deschler stated that he is supportive of all three variances, as well. He called for the vote.

Mr. Murphy moved, Mr. Kretz seconded approval of a Non-Use (Area) Variance To Zoning Code §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.

Vote: Mr. Kretz, yes; Mr. Murphy, yes; Mr. Deschler, yes; Mr. Nigh, yes.
[Motion approved 4-0]

Mr. Murphy moved, Mr. Kretz seconded approval of a Non-Use (Area) Variance to Zoning Code §153.190(E)(1)(I)(2) to Permit No Shutters or Trim on Windows for the Single-Family Residence.

Vote: Mr. Deschler, yes; Mr. Nigh, yes; Mr. Murphy, yes; Mr. Kretz, yes.
[Motion approved 4-0]

Mr. Murphy moved, Mr. Kretz seconded approval of a Non-Use (Area) Variance to Zoning Code §153.190(E)(1)(F)(3)(B) to Permit a Combination of Four (4) Garage Doors Totaling 40 Feet where a Maximum of 36 Feet is Required.

Vote: Mr. Nigh, yes; Mr. Murphy, yes; Mr. Kretz, yes; Mr. Deschler, yes.
[Motion approved 4-0]

COMMUNICATIONS

Ms. Noble provided the following updates:

- A Community Plan - Special Area Plans Open House will be held 6-8 pm, Tuesday, August 29 at the Development Building, 5200 Emerald Parkway.
- The Council-PZC-ARB-BZA joint work session is scheduled for 6-8 pm, Wednesday, August 30 in the Council Chamber wing of City Hall; dinner will be at 5:30 pm.
- The next regular BZA meeting is scheduled for 6:30 p.m., Thursday, September 28, 2023.

Mr. Hounshell introduced new Deputy Director of Planning, Bassem Bitar, who joins the City with 25 years of experience with the City of Westerville.
The Board welcomed Mr. Bitar.

ADJOURNMENT

The meeting was adjourned at 6:57 p.m.



Chair, Board of Zoning Appeals



Assistant Clerk of Council