



PLANNING REPORT

Board of Zoning Appeals

Thursday, April 25, 2024

PENCHALA RESIDENCE 24-039V

<https://dublinohiousa.gov/bza/24-039>

Case Summary

Address	4094 Domnall Drive, Dublin, OH 43017
Proposal	Request for a variance to allow a patio to encroach approximately 14 feet into the required rear yard setback.
Request	Request for review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code Section 153.231(H).
Zoning	PUD, Planned Unit Development District – NE Quad (Wyandotte Woods)
Planning Recommendation	<u>Disapproval of the Non-Use (Area) Variance</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.
Applicant	Maruthi Penchala, Property Owner
Case Manager	Zach Hounshell, Planner II (614) 410-4652 zhounshell@dublin.oh.us

Site Location Map

24-039V | PENCHALA RESIDENCE - PATIO



Site Features

1 Rectangular lot with no natural features



1. Background

Background

The 0.28-acre site is zoned PUD, Planned Unit Development District and is located approximately 600 feet west of the intersection of Domnall Drive and Kelly Drive. The site is located within Section 10 of the Wyandotte Woods neighborhood, which is a subarea of the NE Quad District. Sections 9 and 10 of Wyandotte Woods were approved in 2016 as the final sections of the neighborhood. The Final Plat for Section 10 was approved by City Council in 2019.

Site Information

Lot Layout

The site is rectangular, with a lot width of approximately 100 feet along Domnall Drive. The site is slightly larger than other typical lots on the street, but smaller than lots along the corners of Domnall Drive. The site is not adjacent to any public open space or reserve, and backs up to the rear yard of a lot in Section 9. The site currently features a 2-story home with a side loaded garage. Most of the homes on Domnall Drive and within Wyandotte Woods are front-loaded, but some homes throughout the Wyandotte Woods neighborhood are side-loaded. There are no natural features located on the site.

Neighborhood Background

In September 2023, Planning Staff had the opportunity to meet with a representative of the neighborhood to discuss the Section 10 lots, and the complaints from residents regarding the lack of outdoor amenity space on their lots. Planning Staff has received several calls from residents unable to adequately build a patio or deck in the rear yards of their lots. Several lots were maxed out without consideration for rear yard setbacks, and how patios would be required to meet them. During the meeting, Staff recommended to the representative to engage in an Amended Final Development Plan (AFDP) application to modify the development text to address the requirements for patio space on these lots. This modification would address all properties in Section 10. Since the meeting, Staff has not received an application for this request, but will continue to advocate for this application process for the neighborhood.

The neighborhood is still under construction and owned by the developer, and the Home Owners Association will not be created until the development is complete. The HOA would be permitted to submit for the AFDP application once ownership of the neighborhood has been transferred. Planning Staff would work with the neighborhood to identify an appropriate setback requirement that is generally consistent with other communities in Dublin.

Zoning Requirements

Wyandotte Woods is regulated by the development requirements of Subarea 2 of the NE Quad PUD District. All properties within Subarea 2 are required to meet the following requirements:

Front Yard Setback	35 feet
Minimum Side Yard Setback	8 feet per side / 18 feet total
Rear Yard Setback	25% of the lot depth (max 50 feet)

The rear yard setback for this property is approximately 32 feet, given the average depth of the lot is 127.6 feet.

2. Proposal Summary

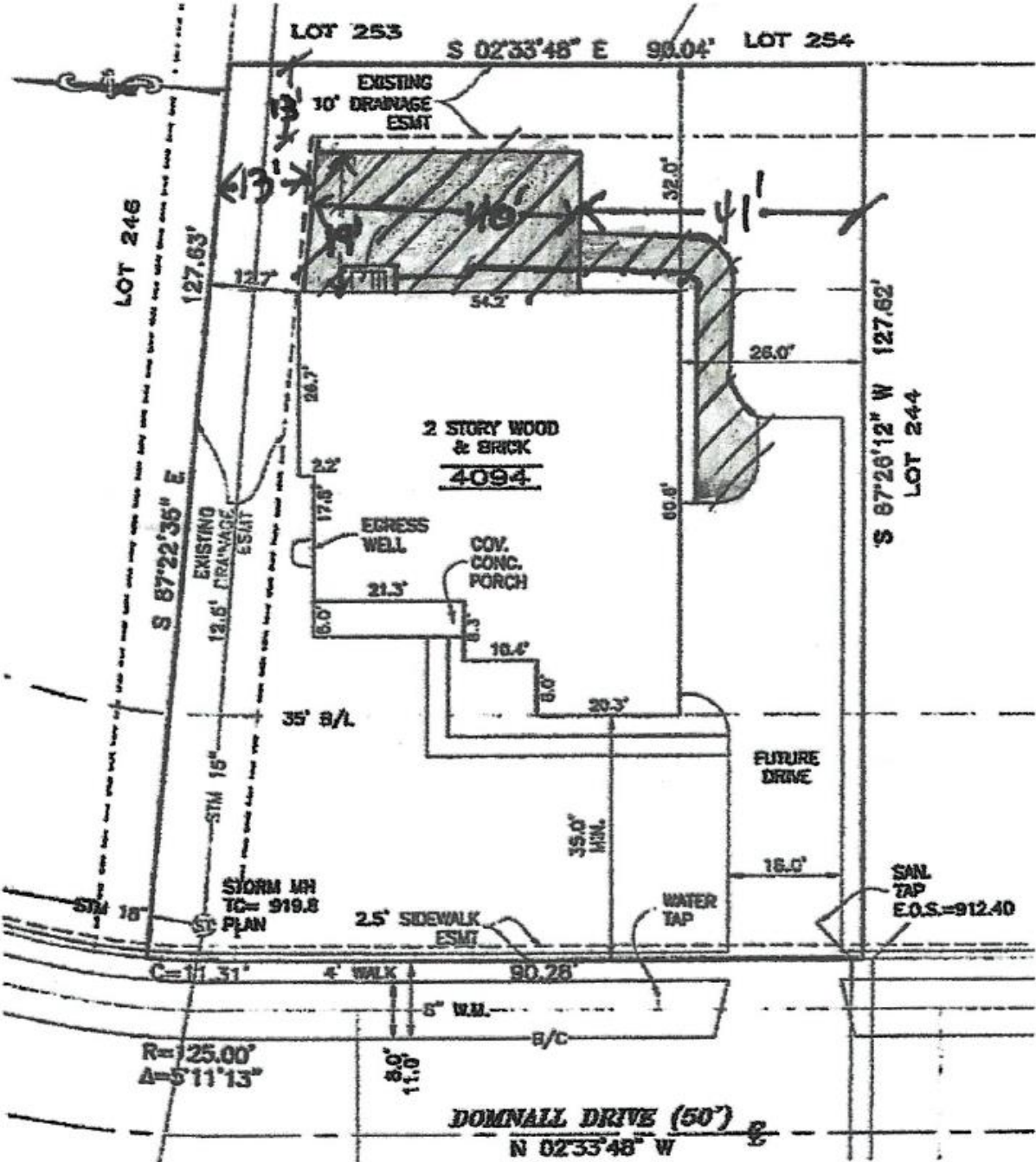
The applicant is requesting the following Variances for a new single-family residential dwelling:

Variance #	Code Section	Requirement	Request
#1	NE Quad Development Text, Subarea 2, Yard and Setback Requirements	<p>Rear yard setback shall be 25% of lot depth or a maximum of 50 feet.</p> <p>(32 feet setback – 27 feet setback for patios)</p>	<p>to allow a patio to encroach approximately 14 feet into the required rear yard setback</p> <p>(13-foot setback requested)</p>

This request is for a new approximately 760-square-foot patio to be constructed approximately 13 feet from the rear property line. The rear setback for the property is approximately 32 feet. Per the Zoning Code, at-grade patio structures are permitted to encroach 5 feet into the required rear yard setback, which would permit a patio for this site up to 27 feet from the rear property line. The proposed patio would encroach up to 14 feet into the reared rear yard setback. The proposed patio is located outside of a 10-foot drainage easement to the north and east of the patio, and meets the required side yard setbacks.

The applicant has provided a Variance Statement addressing the reasoning for the request. The applicant explains that they were not aware of the setback limitations of the site when buying, and that the orientation of the house with the side loaded garage is unique compared to the rest of the neighborhood.

3. Site Plan



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.	#1: Criteria Not Met. The site generally resembles a typical rectangular shape, similar to adjacent properties in Section 10 of the development. Additionally, the site does not feature any natural features limiting the development of the site. The placement of the home is generally consistent with other properties in the neighborhood. Although the home does have a side-loaded garage that is unique to this street, this orientation is replicated in similar lots within the Wyandotte Woods neighborhood. Based on the findings, there are no special conditions that are applicable to this site, that are not applicable to neighboring properties.
2. That the variance is not necessitated because of any action or inaction of the applicant.	#1: Criteria Not Met. The applicant purchased the lot and built the home in 2023. Since the applicant built the home in its current configuration, the home was built with a lack of consideration for rear yard setbacks and buildable patio space. The variance is being necessitated by the applicant.
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: Criteria Not Met. The property is encroaching the rear property line setback, which is shared within an adjacent property line. Additionally, Zoning Code already allows for a deviation to the rear yard setback for at-grade patios to encroach 5 feet. Rear setbacks are intended to allow natural undisturbed space between houses and properties. Encroaching more into the setback without a special condition applicable to the site would impair the intent of the setback requirement.

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	#1: Criteria Not Met. Although Staff would agree that the available space for a patio would be inadequate, approval of this variance would confer a special privilege to the applicant, as this condition is

Criteria	Review
<p>deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter.</p>	<p>consistent throughout the neighborhood. Based on previous conversations between Staff and neighbors, several properties have maxed out the living area of the house with minimal considerations for rear yard setbacks and patio spaces.</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: Criteria Not Met. Planning Staff has been made aware of several properties that suffer the same situation regarding the lack of rear patio space. Staff has engaged a representative of the neighborhood to submit for a text modification to the development standards. Although this is the first variance request of this sort for the neighborhood, approval of this Variance would allow subsequent variance requests for patios when a text modification would address the situation more holistically.</p>
<p>3. The variance would not adversely affect the delivery of governmental services.</p>	<p>#1: Criteria Met. The requests will not impact the delivery of governmental services including emergency services, postal delivery or refuse collections.</p>
<p>4. The practical difficulty could not be eliminated by some other method, even if the solution is less convenient or most costly to achieve.</p>	<p>#1: Criteria Met. The home is built to the 32-foot rear setback line, allowing only 5 feet along the rear of the home for a patio, which would be considered inadequate space for a usable patio.</p>

5. Recommendation

Planning Recommendation: #1 (Patio – Rear Yard Setback Encroachment)

Planning Staff recommends **Disapproval** of the Non-Use (Area) Variance to the NE Quad Development Text, Subarea 2, Yards and Setback Requirements to allow a patio to encroach approximately 14 feet into the required rear yard setback.