



## PLANNING REPORT

# Board of Zoning Appeals

Thursday, March 28, 2024

## HALLINAN RESIDENCE 24-038V

<https://dublinohiousa.gov/bza/24-038>

### Case Summary

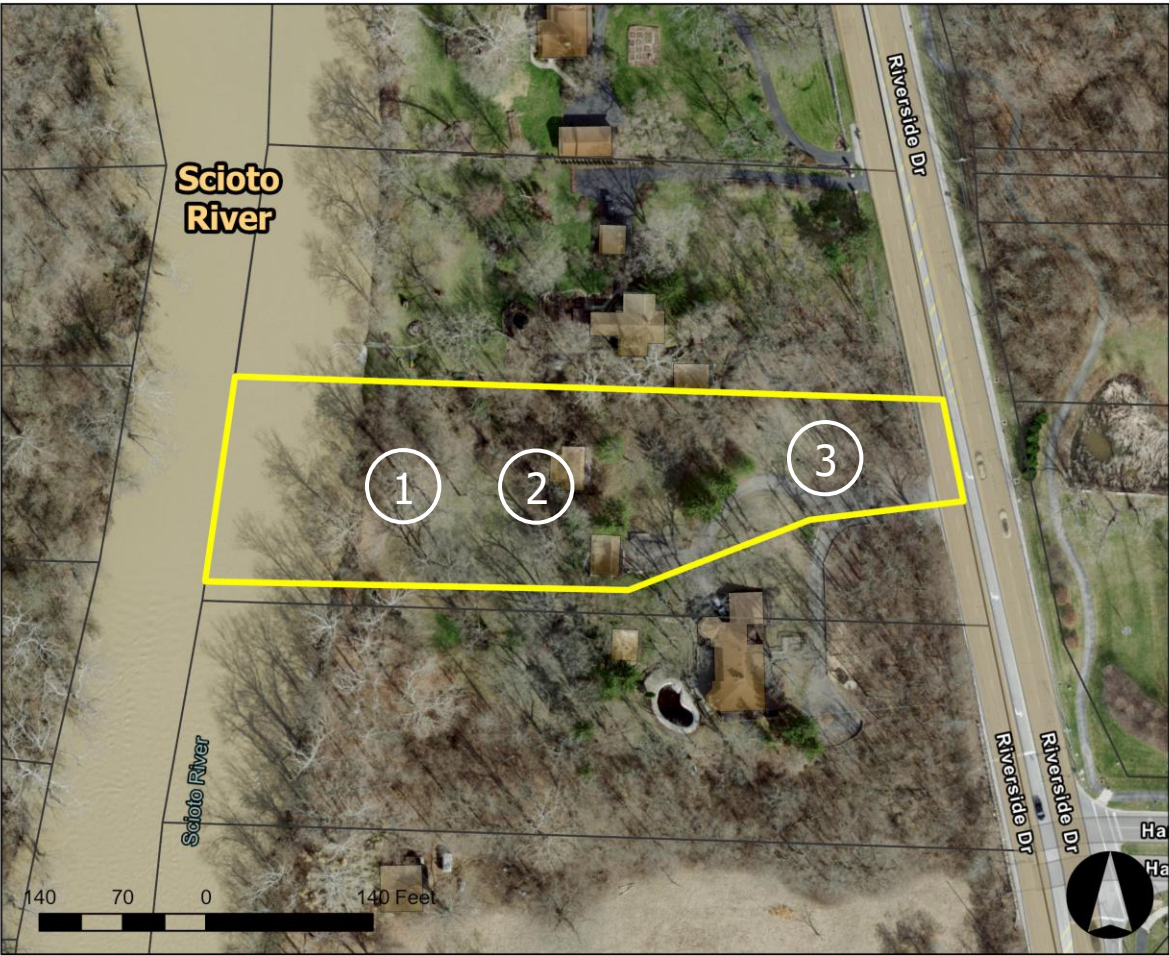
Address	7593 Riverside Drive, Dublin, OH 43017
Proposal	A Variance to Zoning Code Sections 153.020(C)(2), 153.074(B)(6), 153.190(E)(1)(c), and 153.190(E)(1)(i) for the construction of a single-family home.
Request	Request for review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code Section 153.231(H).
Zoning	R-1, Restricted Suburban Residential District
Planning Recommendation	<u>Approval of 4 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.
Applicant	Carly Maggio, Maggio Studios
Case Manager	Zach Hounshell, Planner II (614) 410-4652 <a href="mailto:zhounshell@dublin.oh.us">zhounshell@dublin.oh.us</a>

Site Location Map

24-038V | Hallinan Residence



- Site Features**
- 1 Significant grade change toward Scioto River
  - 2 Floodplain and stream corridor located on the west side of the site
  - 3 Significant vegetation screening the site



## 1. Background

### Background

The 2.09-acre site is zoned R-1, Restricted Suburban Residential District and is located approximately 300 feet northwest of the intersection of Riverside Drive and Hard Road. The site has frontage along Riverside Drive, with the Scioto River located to the west. The Washington Township Fire Department is located southeast of the site.

This parcel was recently approved for a lot split from 7591 Riverside Drive in 2023. The property owners of 7591 Riverside Drive initiated the lot split, before selling the subject site to the current property owners.

### Site Information

#### *Lot Layout*

The site is approximately 86 feet wide along Riverside Drive, before widening to 164 feet wide along the Scioto River to the rear of the lot. The lot is approximately 600 feet long with a shared private driveway along the southeast corner of the site. The access drive is shared with the adjacent southern property. The site currently features an existing 2-story structure and detached garage which will be removed with the construction of the new residence.

#### *Natural Features*

The site is defined by approximately 60 feet of grade change from Riverside Drive to the Scioto River. The western half of the site is located within the floodplain of the Scioto River, and there is a stream protection zone that surrounds a small stream along northern property line. Additionally, the site features a significant amount of mature vegetation throughout the site.

### 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.

## 2. Proposal

### Summary

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

Variance #	Code Section	Requirement	Request
#1	153.020(C)(2)	For a one-family dwelling there shall be a lot width of 150 feet or more at the front line of the dwelling.	To allow a lot width of approximately 140 feet at the front line of the dwelling.

#2	153.074(B)(6)	All accessory uses and structures, including swimming pools and associated decking, shall be constructed within the permitted buildable area of a lot, behind all applicable setback lines, and to the rear or side of the principal structure.	To allow a detached garage to be forward of the primary dwelling up to approximately 44 feet.
#3	153.190(E)(1)(c)	There shall be no exposed, unfinished foundation walls.	To allow for exposed concrete foundation walls.
#4	153.190(E)(1)(i)	Shutters or trim will be required with all windows on any elevation.	To allow no trim or shutters around the windows of a residential building.

*Site Variances*

The applicant is requesting variances for the location of the house and the location of the detached garage. The zoning code requires that within the R-1 zoning district, the width of a lot shall be 150 feet or more when measured at the front façade of the dwelling. Although the front façade of the home meets this requirement, the proposed detached garage does not meet this requirement. This requirement is intended to avoid the creation of skinny lots that do not accommodate adequate space for dwellings. In the event that a lot meets the minimum public right-of-way lot width of 60 feet along the street, this requires property owners to widen the lot to accommodate sizable homes.

The second variance is to permit an approximately 1,500-square-foot detached garage approximately 44 feet forward of the house. Detached accessory structures are required to be located to the side or rear of the principal structure on a residential site. The applicant has stated that this request is due to the several site constraints that limit the location of the garage on the site.

*Appearance Variances*

The applicant is requesting variances to the requirements of the Residential Appearance Code. The first variance is to permit exposed and unfinished foundation walls along the base of the home. The second variance is to permit no trim or shutters around the windows of the house where they are required for all homes. Both requests are to accommodate the architectural design of the home. The applicant has stated that both of these requires would help accomplish an elevated contemporary architectural design.

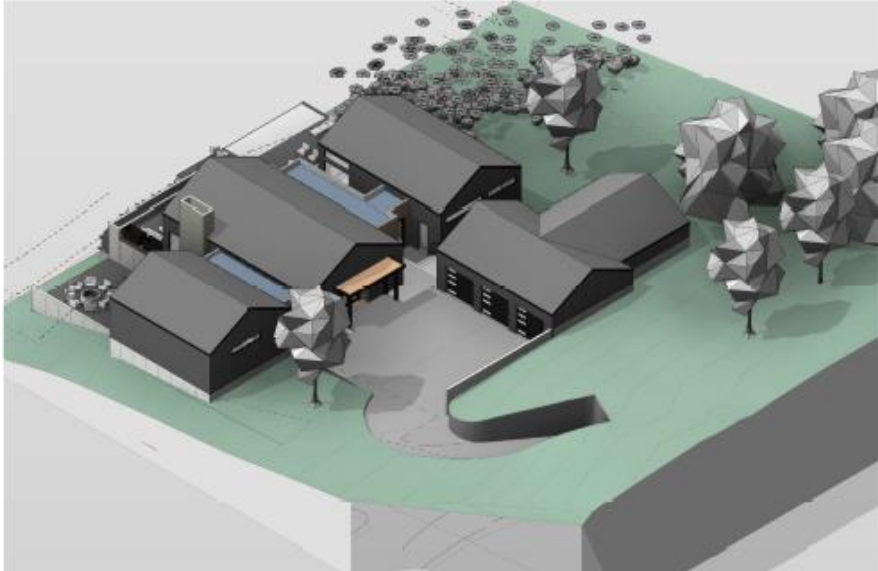
### 3. Site Plan and Elevations



Site Plan



Rear Elevation



Aerial Perspective

**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
<p>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.</p>	<p><b>#1, 2: Criteria Met.</b> The site contains natural features that limit the availability of buildable space for all structures. The principal structure is located in the center of the site, and the adjacency of the Scioto River and Stream Protection Zone make locating the structures challenging on the site. Due to the narrowness and natural constraints of the site, the only feasible and reasonable location for a detached garage is in the location shown on the site plan.</p> <p><b>#3, 4: Criteria Met.</b> The west side of Riverside Drive is more rural in character than a typical suburban subdivision including large, narrow lot sizes, long driveways to setback homes, and significant grade change that hides many of the homes along the river. The area is heavily wooded and there is not consistent architectural theme for the development. Finally, several 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.</p>
<p>2. That the variance is not necessitated because of any action or inaction of the applicant.</p>	<p><b>#1, 2: Criteria Met.</b> The applicant purchased the lot following a lot split by the seller in 2023. The applicant has not created the natural conditions of the site, and has not exacerbated the conditions of the site.</p> <p><b>#3, 4: Criteria Met.</b> There are several special conditions including the character along the river, lack of themed architectural styles, and the fact that several of the surrounding lots were not subjected to the Residential Appearance Code when built. These conditions are not indicative of action or inaction of the applicant.</p>

Criteria	Review
<p>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.</p>	<p><b>#1, 2: Criteria Met.</b> The property is adjacent to the Scioto River to the west and is heavily wooded. The proposed home and garage meet all additional zoning requirements, and the variance requests will not be creating substantial adverse effects to adjacent properties.</p> <p><b>#3, 4: Criteria Met.</b> 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.</p>

**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
<p>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.</p>	<p><b>#1, 2, 3, 4: Criteria Met.</b> Similar variances have been granted with conditions consistent with the applicant’s proposal and is granted in very limited circumstances. Granting the variance will not confer special privileges to the applicants.</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><b>#1, 2: Criteria Met.</b> There are few properties in the City with circumstances as unique as the subject property. A vast majority of properties within the City can accommodate accessory structures to the rear or side. Therefore, the request would not be recurrent in nature nor require an amendment to the regulations.</p> <p><b>#3, 4: Criteria Met.</b> Variance requests to the Residential Appearance Code are rare and only apply in areas not governed by a development text. These requests do not rise to the need for a code modification.</p>
<p>3. The variance would not adversely affect the delivery of governmental services.</p>	<p><b>#1, 2, 3, 4: Criteria Met.</b> The requests will not impact the delivery of governmental services including emergency services, postal delivery or refuse collections.</p>

Criteria	Review
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><b>#1, 2: Criteria Met.</b> The proposed location of the home and detached garage are the only reasonable and feasible locations on the site due to topography and other natural features of the site. The proposed garage could not be located to either side yard or rear yard of the principal structure.</p> <p><b>#3, 4: Criteria Met.</b> The proposed deviations are important architectural elements to the intended design of the house. Meeting the Residential Appearance Code would require the applicants to abandon this style of design. Therefore there is no other viable method available.</p>

**5. Recommendation**

**Planning Recommendation: #1 (Lot Width)**

Planning Staff recommends **Approval** of the Non-Use (Area) Variance to Zoning Code Section 153.020(C)(2) to allow a lot width of approximately 140 feet at the front façade of the dwelling.

**Planning Recommendation: #2 (Forward of the Primary Structure)**

Planning Staff recommends **Approval** of the Non-Use (Area) Variance to Zoning Code Section 153.074(B)(6) to allow a detached garage to be forward of the primary dwelling up to approximately 44 feet.

**Planning Recommendation: #3 (Foundations)**

Planning Staff recommends **Approval** of the Non-Use (Area) Variance to Zoning Code Section 153.190(E)(1)(c) to allow for exposed concrete foundation walls.

**Planning Recommendation: #4 (Window Trim)**

Planning Staff recommends **Approval** of the Non-Use (Area) Variance to Zoning Code Section 153.190(E)(1)(i) to allow no trim or shutters around the windows of a residential building.