



## PLANNING REPORT

# Board of Zoning Appeals

Thursday, May 30, 2024

## 27 N. RIVERVIEW STREET 24-062V

<https://dublinohiousa.gov/bza/24-062>

### Case Summary

Address	27 N. Riverview St, Dublin, OH 43017
Proposal	Request for a Variance to allow a maximum building footprint to exceed the permitted amount, and to reduce 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	HD-HR, Historic Residential District
Planning Recommendation	<u>Approval of the 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 is required to meet the ARB Minor Project Review Conditions of Approval prior to applying for building permits.
Applicant	Richard Taylor, RTA Andrew Sarrouf, Haffar Group, LLC
Case Manager	Taylor Mullinax, AICP, Planner I (614) 410-4632 <a href="mailto:tmullinax@dublin.oh.us">tmullinax@dublin.oh.us</a>

Site Location Map

24-062V | 27 N. Riverview St



**Site Features**

- 1 27 N. Riverview St
- 2 Highway easement



## 1. Background

### Site Summary

The 0.21-acre site is located southwest of the intersection of Wing Hill Lane and N. Riverview Street and is zoned HD-HR, Historic Residential District. The single-family home is a two-story gabled-ell house with an original decorative porch. The survey indicates the lot area is 9,170 square feet with +/- 70 feet of frontage on N. Riverview Street and 125 feet of frontage on Wing Hill Lane. The property is adjacent to single-family homes to the north and south, Dublin Springs Park to the east, and commercial businesses to the west.

The subject parcel along with seven other ones along N. Riverview Street were acquired by the City of Dublin in 2021 with the goal of facilitating improvements to the area. Two development proposals were subsequently received in response to a request for proposals issued by the City, one of which was submitted by COhatch and selected for further consideration. The proposal included all eight parcels and envisioned the creation of a mixed-use walkable community including the construction of an additional COhatch building on the east side of the street and the establishment of the company's headquarters on the site, along with small businesses, a restaurant, event spaces, and active outdoor plazas.

Through further discussion with COhatch, and consistent with their proposal, which indicated an option for others to own the three parcels south of Wing Hill Lane (including the subject site), City Council authorized the sale of those parcels through an auction in 2023. The sale incorporated performance stipulations, including maintenance and construction due dates. The subject parcel and the one to the south (17 N. Riverview Street) were acquired by the same buyer, who then sold them to the current owner/applicant. All sale stipulations remain in effect.

The development context along N. Riverview Street is rapidly changing. The COhatch project to the north is currently going through the planning/approval process, which will include a rezoning from Historic Residential to Historic Core. Development of parcels to the west is also intensifying, leaving the three parcels south of Wing Hill Lane (including the subject site) as the only ones north of Bridge Street under the Historic Residential zoning.

This variance request is concurrent with two ARB requests for this residence: a MPR for a remodel and construction of an addition to the existing residence, and Demolition of a Landmark accessory structure. The ARB determines the character and appropriateness of buildings in the Historic District when making determinations on applications. The surrounding context of this site and the adjacent 27 N. Riverview Street and 40 E. Bridge Street properties are an important part of Historic Dublin. The residential character of N. Riverview Street is changing and has a big vision for the future.

### Process and Case History

The Architectural Review Board (ARB) is responsible for determining the character and appropriateness of building mass and design in the Historic District. As part of its review, ARB has the authority to grant waivers of up to 20% of numeric or architectural standards.

The applicant presented an application for Minor Project Review (MPR) to the ARB on March 27, 2024. The request included deviations from the Code standards pertaining to maximum building

footprint and minimum rear yard setback (Section 153.173). The figures also exceeded the 20% waiver that could be granted by ARB (per Section 153.176(L)(5)(h)), thus requiring the approval of variances by BZA. The application was tabled, but Board members indicated support for a maximum building footprint of 2,757 square feet and a minimum rear yards setback of 20 feet subject to application to and approval by BZA.

Concurrent with this variance application, the applicant has submitted an updated MPR application to ARB, which will be considered on May 29, 2024. That application includes the waiver requests reflected in the table below, and notes the additional variance requests that BZA is asked to consider.

Waivers and Variances have different procedures and review criteria. The Planning Report to ARB includes a recommended condition that if BZA does not approve the variance, the applicant is to adjust the proposal to meet Waiver criteria and present the changes to the ARB for approval. An update on ARB’s determination will be provided at the BZA hearing.

Below is a summary of the Waivers and variances:

<b>27 N. Riverview</b>	<i>Permitted by Code</i>	<i>20% Waiver per ARB</i>	<i>Requested Amount</i>
<i>Building Footprint</i>	2,292 SF	2,751 SF* Waiver Requested	2,754 SF* Variance Req’d
<i>Rear Setback</i>	26.97’	21.57’ Waiver Requested	20’ Variance Req’d

*\*Board established maximum building footprint of 2,757 SF in March 2024*

**Site Information**

*Lot Layout and Natural Features*

The site contains two Landmark buildings: a single-family residence and an outbuilding at the rear of the property, which is planned to be demolished. The house is sited near the middle of the lot with frontage on N. Riverview Street and set back approximately 38 feet. The lot is level with the street and no grade change. There are minimal natural features on site including one 10-inch DBH multi-trunked river birch tree proposed to be removed. It’s location is within the highway easement along Wing Hill Lane.

Prior to the auction, the City added easements for public highway and road purposes, including pedestrian facilities, utilities, storm drainage, and grading to the perimeter of the lots at 17 and 27 N. Riverview Street and 40 E. Bridge Street. A description is found in the reference materials folder of the packet, Appendix E. The easements are located on the west, north, and east sides of this property. Private parking is not permitted within the easements, but an access drive is allowed. Vehicular access is proposed off of N. Blacksmith Lane. Discussions between the applicant and staff from Planning and Engineering, resulted in an agreement that the rear building setback would be acceptable at a minimum distance of 5 feet east of the highway easement.

**Historic District Code Requirements**

The site is regulated by the Historic District Code requirements of the Historic Residential District. The intent of the Historic Residential District is to “encourage the preservation and development of homes on existing or new lots that are comparable in size, mass, and scale, while maintaining and promoting the traditional residential character of the Historic District.” All residential properties within the district are required to meet the following requirements:

Maximum Building footprint	25% of the lot area
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	3 feet per side / 6 feet total
Minimum Rear Yard Setback	25% of the lot depth (not to exceed 50 feet)

The Historic District Code was adopted in 2021 to address concerns that the size and scale of new residential homes in the district were negatively impacting the original character and charm of Historic Dublin. The intent section of the Historic Code, 153.173(E)(2), provides specific requirements for additions: that they shall be subordinate to, and clearly separated from, the original structure. This applies to all zones within the district.

**2. Proposal Summary**

The applicant proposes a 1,775-square-foot building addition to the existing 975-square-foot single-family home. This is a request to allow Variances to the maximum building footprint and minimum rear yard setback summarized in the table below.

Variance #	Code Section	Requirement	Variance Request
#1	Historic District Code, Site Development Standards, Section 153.173(A), General Development Standards	Maximum building footprint shall not exceed 25% in the Historic Residential District. (2,292.5 SF)	To allow a maximum building footprint of 2,754 square feet.
#2	Historic District Code, Site Development Standards, Section 153.173(B), Setbacks	For structures fronting onto North Riverview Street (west side), the minimum rear yard setback for a primary structure shall be 20% of lot depth, not to exceed 50 feet. (26.97 ft.)	To allow a 20 foot rear yard setback from the property line.

Per Code, the maximum building footprint for this site is 2,292.5 square feet. The applicant is requesting a variance to allow a maximum building footprint of 2,754 square feet to construct the proposed addition.

Per Code, the required rear yard setback is 26.97 feet given the lot depth is 134.89 feet. The proposed building addition would encroach approximately 6.98 feet into the required rear yard setback. The applicant is requesting a variance to allow a rear yard setback at 20 feet to permit the building addition within the developable area of the lot. The building addition is located outside the 15-foot highway easement along N. Blacksmith Lane and meets the required front and side yard setbacks. The proposed rear yard setback is consistent with the agreement between the applicant and staff agreed that there shall be 5 feet between the rear highway

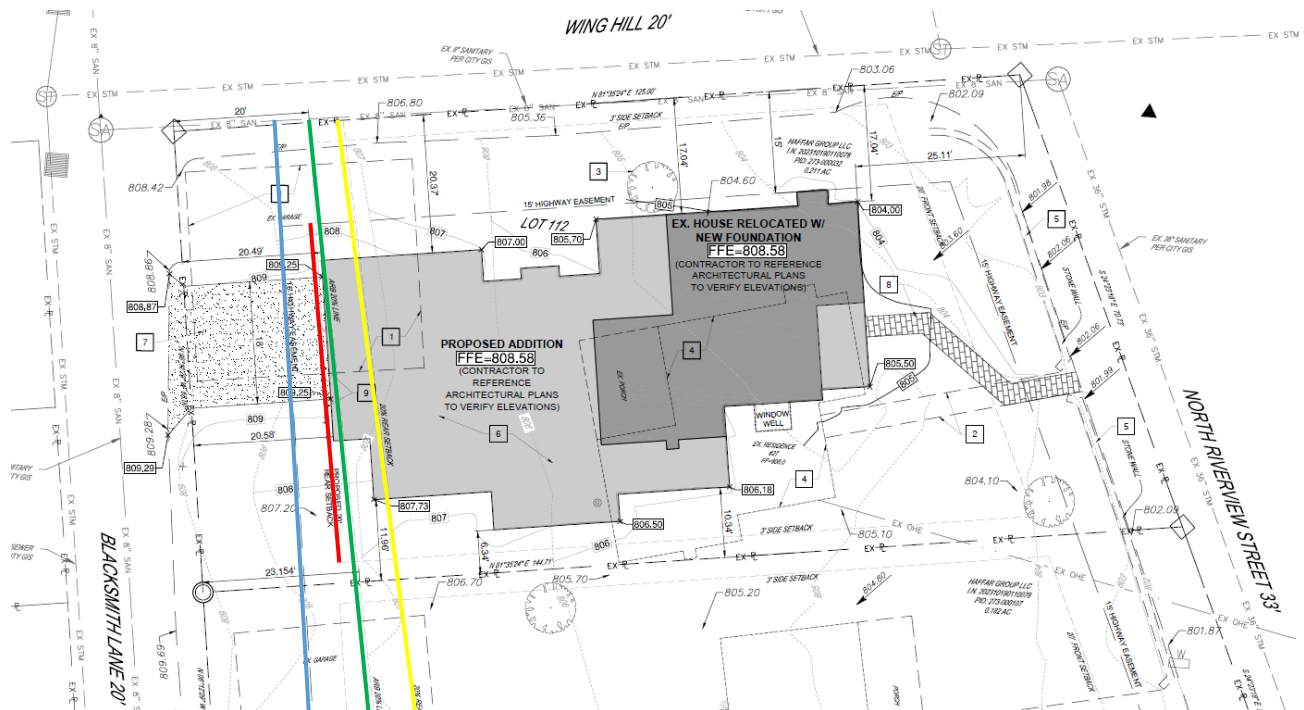
easement and the proposed building addition. The demolition of the outbuilding and construction of the new building addition will set back the building further away from the right-of-way, bringing the building setback closer to compliance with Code.

The applicant is required to demonstrate the special circumstances and conditions specific to the land, not applicable to similar structures or land in the same zoning district; to describe how the proposed use will not alter the essential character of the adjacent properties and neighborhood; and to illustrate how the property cannot be reasonably used without the variances. The applicant has provided a Variance Statement describing existing on-site conditions and reasoning for the requests:

- The location of the existing home and the highway easements leave a limited area to develop the lot
- Certain spaces and uses (attached garage, driveway, first-floor living spaces) are necessary to make the property financially viable
- Historic District Code requirements make it challenging to add additions to an existing house

### 3. Site Plan

In the site plan below: the yellow line is the Code-required setback, the green line is the 20 percent ARB Waiver, the red line is the variance request for the 20-foot rear yard setback, and the blue line is the 15-foot highway easement.



### 4. Plan Review

Zoning Code Section 153.231(H)(2) allows the BZA 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>            Footprint: This is one of only three parcels that will be subject to Historic Residential zoning north of Bridge Street. The changing character in the immediate area is creating a different context from that of other residential structures further south. The adjacent Historic Core zoning allows larger building footprints, so granting the request would be consistent with the surrounding context.</p> <p>Rear Setback: Due to the historic nature and location of the existing single-family home at a relatively large setback from N. Riverview Street, there is limited developable area to the rear of the house for building additions and site improvements. The Historic District Code and Guidelines place a high priority on locating additions behind historic houses. There are also various structures in the immediate vicinity with similar or smaller rear yards setbacks.</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 has not created the current conditions of the site, which include an outbuilding within close proximity to N. Blacksmith Lane. The new construction would result in a greater rear yard setback than the existing. ARB is charged with determining the appropriate character, scale and massing within the Historic District and has concluded that a maximum building footprint of 2,757 square feet is appropriate for this site.</p>
<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 three single-family residences within this block are isolated from the rest of the Historic Residential District. The proposal is consistent with the vicinity given the changes to the surrounding context and density should be considered. Development proposals west of the site will bring buildings closer to the right-of-way to encourage walkability. The proposed footprint square footage was also deemed appropriate to the area by ARB.</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
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 - Criteria Met:</b> The applicant can choose to construct a smaller building addition within the buildable area of the lot; however, the spaces and uses necessary to make the property financially viable for the owner would be limited. If this variance were granted, the applicant would not receive special privilege over properties of a similar context in the district.
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 - Criteria Met:</b> The Code regulations are appropriate. The unique context of this site warrants the proposed variances.
3. The variance would not adversely affect the delivery of governmental services.	<b>#1, 2 - Criteria Met:</b> The requested variances would not affect the delivery of governmental services. The rear yard setback was determined to be appropriate for expected street improvements along N. Blacksmith Lane.
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 - Criteria Not Met:</b> Practical difficulty could be eliminated if the size of the proposed addition were reduced to meet the maximum building footprint and rear yard setback; however, the applicant would sacrifice necessary spaces and uses, so the solution would be less convenient.

**5. Recommendation**

**Planning Recommendation: #1 (Maximum Building Footprint)**

Planning Staff recommends **Approval** of the Non-Use (Area) Variance to Zoning Code Section 153.173(A) to allow a maximum building footprint of 2,754 square feet.

**Planning Recommendation: #2 (Rear Yard Setback)**

Planning Staff recommends **Approval** of the Non-Use (Area) Variance to Zoning Code Section 153.173(B) to allow a rear yard setback of 20 feet from the property line.