



MEETING MINUTES

Board of Zoning Appeals

Thursday, June 26, 2025

CALL TO ORDER

Mr. Murphy called the meeting to order at 6:30 p.m. in Council Chambers, 5555 Perimeter Drive. He welcomed members of the public and 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. He reviewed the meeting procedure.

ROLL CALL

Board Members present: Patrick Murphy, Garrett Anderson, Brad Linville
Board Members absent: Bridget Tyznik; Abigail Dalesandro arrived at 6:50 p.m.
Staff present: Zach Hounshell, Anthony Severyn

EXECUTIVE SESSION

Mr. Murphy moved, Mr. Linville seconded to adjourn the meeting to Executive Session for the consideration of the appointment of public officials.

Vote: Mr. Linville, yes; Mr. Anderson, yes; Mr. Murphy, yes

The meeting was reconvened at 6:53 p.m.

ROLL CALL

Board Members present: Patrick Murphy, Garrett Anderson, Brad Linville, Abigail Dalesandro
Board Members absent: Bridget Tyznik

ELECTION OF OFFICERS

Mr. Linville moved, Mr. Anderson seconded the election of Mr. Murphy as Chair.

Vote: Mr. Anderson, yes; Mr. Linville, yes; Ms. Dalesandro, yes; Mr. Murphy, yes.

[Motion carried 4-0]

Mr. Murphy moved, Mr. Linville seconded the election of Mr. Anderson as Vice Chair.

Vote: Ms. Dalesandro, yes; Mr. Linville, yes; Mr. Anderson, yes; Mr. Murphy, yes.

[Motion carried 4-0]

APPROVAL OF MINUTES/ACCEPTANCE OF MEETING DOCUMENTS

Mr. Murphy moved, Mr. Anderson seconded acceptance of the documents into the record and approval of the 04-24-25 regular BZA meeting minutes.

Vote: Mr. Anderson, yes; Mr. Murphy, yes; Mr. Linville, abstain; Ms. Dalesandro, abstain.
[Motion carried 2-0 with 2 abstentions.]

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

CASE REVIEWS

Case #25-053V

Zobel Residence - Deck, Non-Use (Area) Variance

Request for review and approval of a Non-Use (Area) Variance to allow a deck to encroach into the rear yard setback. The 0.22-acre site is zoned PLR, Planned Low Density Residential District, Post Preserve, and is located at 6809 Holbein Drive.

Staff Presentation

Mr. Hounshell stated that this application is for a non-use (area) variance for a proposed deck at the Zobel residence, 6809 Holbein Drive. The variance process is a one-step process that requires a determination by the Board of Zoning Appeals. The purpose of a non-use (area) variance is to consider deviations to development standards where there is evidence of a practical difficulty or special condition that would make meeting the development standards challenging or impractical. Considerations include unique circumstances of the site or building, topography that makes development challenging, character of the surrounding area, and impact on adjacent properties. Mr. Hounshell stated that the site was 0.34 acres in size, zoned PLR, Planned Low Density Residential District, Post Preserve. This site backs up to an open space reserve to the south, as do several other properties on the south side of Holbein Drive. This property is a corner lot with frontage on Holbein Drive and Royal Plume Drive. This lot is one of the largest lots in Section 3 of the neighborhood, as it is approximately 149 feet wide at the rear property line and 120 feet deep. Although it is one of the larger lots, it has additional restrictions due to its frontage on two public streets. There are two front building setbacks that limit the location of the building. This property also slopes from Holbein Drive on the north to the rear of the property, approximately 10 feet. This is a two-story house with a basement walkout. There are two sets of doors, one on the main level and one at the walkout. As constructed, the house has a required egress stairway to the backyard. It encroaches into the rear yard setback, which today would not have been permitted. Adjacent to the rear yard is an open space reserve and a walking path. There are no homes within several hundred feet south of this property. The front of the home is approximately 31 feet from Holbein Drive to the north, and the nearest part of the home is located approximately 33 feet from the rear property line. The area where the deck is proposed backs up to the main-level door, which is set back 37 feet from the rear property line. The request is for a deviation from the rear-yard setback requirement of 30 feet. The applicant is requesting a 20-foot setback, encroaching 10 feet into the setback for the deck. The deck would extend into the rear yard with a depth of 13 feet and width of 15 feet. If this application were to be denied by the Board, the applicant would be required to meet the development standards, which would mean they would have approximately 7 feet to build both the deck and egress from the main-floor egress door. All three criteria in Criteria

Group A are required to be met for a variance to be approved. Staff has reviewed the application against the criteria and finds that all three of the criteria are met. Staff has determined that similar conditions exist with the properties along the south side of Holbein Drive, in terms of abutting the open space, the grade change to the rear of the property and the main level egress from the home. The situation is unique to only a few properties in this section of the development. The required main-level egress provides a means of exiting the building to access the ground level of the property. The limited available space restricts the amount of amenity space that can be constructed per Code. This home is one of the closest to the rear property line along this side of the street. These conditions contribute to a special circumstance applicable for this lot. Additionally, the criteria related to applicant action or inaction and the impairment of the intent and purpose of the requirements are met. Two of the four criteria in Criteria B are required to be met; staff finds that all four of the criteria are met. Therefore, staff recommends approval of this variance permitting the 10-foot encroachment.

Board Questions

Mr. Anderson inquired if the limited area is unique to the houses on this side of the road, and the rest of the development has more room for outdoor amenity space.

Mr. Hounshell responded affirmatively. In 2014, one other of the properties on the south side of Holbein Road requested a variance for a deck. The variance was approved by the Board at that time. All other decks that have been constructed within the development have been able to meet the development standards as they had more space with which to work. In this case, what staff considered was the minimum amount of space between the door location and the rear property line, approximately 7 feet. They looked at the width of the egress (staircase) and the available amenity space. Staff determined that to be a challenge with the current building and lot conditions.

Mr. Anderson referred to Criterion B-2 and inquired if the situation was not recurrent because it exists with only a few houses.

Mr. Hounshell responded that with this criterion, staff looks at whether there is an alternative measure the City could take that would address all those issues. An example would be if there are multiple properties in a neighborhood with the same issue. Perhaps a variance is not the proper way to handle all those issues; it might be better addressed with an amendment to the development standards. In this case, because the issue exists only within a limited location and the issue is not recurrent in nature, a variance would be the appropriate remedy.

Mr. Linville referred to Criterion A-3 and inquired the basis on which staff determined there was no adverse impact to the surrounding community. Is it based on the fact that there are no other homes behind this property, only an open reserve area?

Mr. Hounshell responded that is one of the primary reasons staff found the criterion to be met. The deck would not be encroaching close to an adjacent property. There is only open space that will never be developed.

Mr. Murphy referred to the variance granted in 2014 to another Holbein Drive property and inquired if staff knew how far into the rear setback that deck encroached.

Mr. Hounshell looked up the case and indicated that Case 14-055V involved an encroachment of six feet into the 30-foot rear yard setback. The deck proposed was 10 feet by 20 feet.

Applicant Presentation

Mark Zoebel, 6809 Holbein Drive, Dublin stated that he has no additional information. The proposed deck will enable them to better enjoy their residence and improve the aesthetics of the neighborhood, as well as the value of their home. The key factor is that there is no other home behind his site. Rather, there is an expansive amount of space, which mitigates the need for the rear setback. As referenced, one of his neighbors also built a deck, so there is existing precedent. Finally, the egress staircase that the builder constructed with the house already encroaches into the setback and is not an attractive feature. Replacing it with something more aesthetic will improve the value of their home and the neighborhood. When the home was built, MI Homes did not disclose the setback requirements to them.

Mr. Murphy requested the applicant to describe the proposed deck.

Mr. Zoebel responded that the deck would extend 15 feet from the downspout on the corner to where the bumpout is located. The egress staircase will extend the same distance as it does currently.

Mr. Murphy inquired about the applicant's intent with the walkout door on the lower level.

Mr. Zoebel responded that in the future, they might apply for a variance for a lower-level walkout area, as well.

Mr. Anderson inquired if decks were common in this neighborhood.

Mr. Zoebel responded affirmatively. All seven homes before the new Virginia Homes development area have decks. On the Royal Plume side, every house has a deck.

Public Comments

There were no public comments.

Board Discussion

Mr. Anderson stated that he was in agreement with staff's assessment that the application meets all criteria in Group A, including Special Circumstances. He also agrees that the application meets all criteria in Group B, except criterion #4.

Ms. Dalesandro stated that she concurs with staff that all the criteria in Group A have been met. Because there is existing open space behind the home, the proposed deck will block no one's view and there is precedent within the area.

Mr. Linville stated that this lot is in a high visibility area with frontage on two public streets and the walking path to the rear. He agrees that the proposed deck will be an improvement over the existing staircase. He agrees that the application has met all the required criteria.

Mr. Murphy stated that he concurs with staff's assessment that the required criteria have been sufficiently met to justify the requested variance. The open space and the fact that the deck would not hinder the sight line or aesthetics of the area is noteworthy.

Mr. Murphy moved, Ms. Dalesandro seconded approval of a Non-Use (Area) Variance to the Post Preserve development standards I (1) to allow a deck to encroach 10 feet into the 30-foot setback.

Vote: Mr. Linville, yes; Mr. Murphy, yes; Mr. Anderson, yes; Ms. Dalesandro, yes.
[Motion carried 4-0.]

COMMUNICATIONS

No communications were shared.

ADJOURNMENT

The meeting was adjourned at 7:20 p.m.


Chair, Board of Zoning Appeals


Assistant Clerk of Council