



PLANNING REPORT
Board of Zoning Appeals
Thursday, September 26, 2024

**7031 Greenland Place – Sunroom
24-123V**

<https://dublinohiousa.gov/bza/24-123/>

Case Summary

Address	7031 Greenland Place, Dublin, OH 43016
Proposal	Request for a Variance to allow a sunroom to encroach into the rear yard setback.
Request	Review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code Section 153.231(H).
Zoning	Planned Unit Development District – Oak Park
Planning Recommendation	<u>Approval 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	Prasad Vempati, Property Owner
Case Manager	Zach Hounshell, Planner II (614) 410-4652 zhounshell@dublin.oh.us

Site Location Map

24-123V - Greenland Place Sunroom



Site Features

- 1 Open Space Reserve
- 2 Glacier Ridge Metro Park



1. Background

Site Summary

The 0.38-acre site is zoned PUD: Oak Park and is located on a corner lot approximately 50 feet east of the intersection of Greenland Place and Oak Meadow Drive. The property at 7031 Greenland Place is located on Lot 5 of the Oak Park subdivision, which was accepted by City Council in 2007. The property is located in Subarea A, which is considered the 'Park Homes' subarea. Subarea A includes all the perimeter lots of the development, which back up to separate open space reserves.

Process

A *Non-Use (Area) Variance* is an application intended for properties where making a strict enforcement of the applicable development standard (ex. Rear yard setback) is unreasonable, and there is evidence of practical difficulty to meet the requirement present on the property. Variance applications should be reviewed on a case-by-case basis and based on the merits of the subject property/structure. This application is reviewed and determined upon by the BZA, which is the final determining body. Criteria is split between 2 different categories: A and B. All criteria of Category A are required to be met, while 2 of the 4 criteria in Category B are required to be met.

Should a Variance be approved, the applicant would be required to submit a building permit prior to construction. Should a Variance be disapproved, the applicant would be required to meet the requirements of the zoning code.

Site Information

Lot Layout

The site has a unique geometry, as the property is located at the outside corner of Greenland Place. The property is the largest 'Park Home' property in the Oak Park development due to the 64 feet of frontage on Greenland Place and location around the curve of the street. The property is 130 feet deep at the side property lines (consistent with adjacent properties) but is approximately 145 feet deep at the center of the site. The home is centrally located on the lot and has a 3-car side-loaded garage setback approximately 16 feet from the front property line. The home is as close as 31.8 feet to the rear property line but varies in its distance based on the deeper middle section of the rear yard. The home has a patio located 20 feet from the rear property line. The property backs up to an open space reserve south of the home.

Zoning Requirements

Oak Park is regulated by the development requirements of the Oak Park development text. All residential properties within Subarea A are required to meet the following setback requirements:

Front Building Line	13-20 feet building zone
Minimum Side Yard Setback	6 feet
Minimum Rear Yard Setback	25 feet

~~At grade patios in Dublin are permitted to encroach the rear yard setback by 5 feet. However, any additional accessory structure or building addition would be required to meet the 25-foot rear yard setback.~~

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2. Project

Summary

The applicant is requesting the following Variance for an existing single-family home:

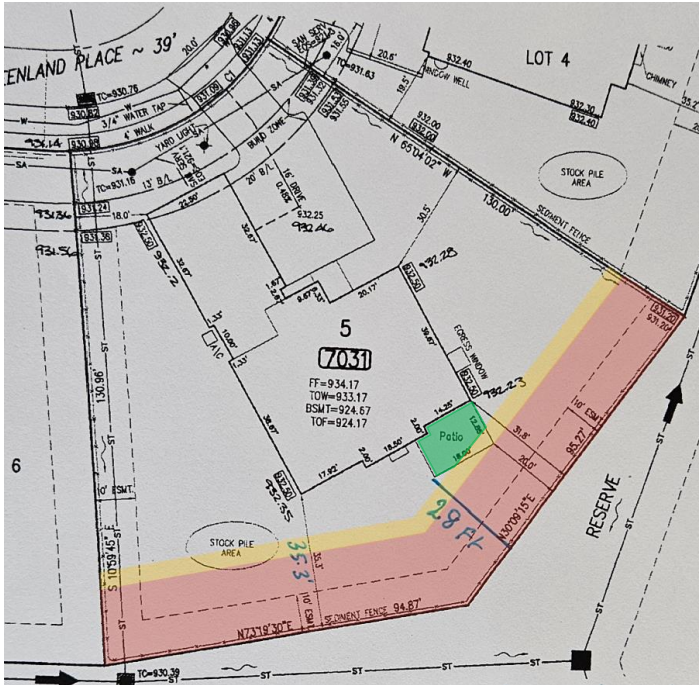
Variance #	Code Section	Requirement	Request
#1	Oak Park Development Standards– Subarea A (III)(C)	The minimum rear-yard setback of all homes in Subarea A shall be twenty five (25) feet.	To allow a sunroom to encroach 5 feet into the 25-foot setback.

The new approximately 220-square-foot sunroom is proposed to be constructed approximately 20 feet from the rear property line requiring a variance of five feet. The sunroom is proposed in place of the existing approved patio on the site. The existing patio was approved with the development of the home, as patios are permitted to encroach 5 feet into the rear yard setback (20 feet from property line). Should a variance not be approved, all proposed improvements would be required to meet the 25-foot setback.

The applicant has provided a statement addressing the reasoning for the request. The applicant states that the lot is of an unusual shape, making it difficult to meet the required rear setback in certain areas of the site. The applicant states that the patio was in place when the property was purchased, which was approved with the development of the home.

3. Site Plan

The site plan below highlights the permitted buildable area of the sunroom (green), the 25-foot rear yard setback (orange), and the 20-foot requested setback / setback for at-grade patios (red).



4. Plan Review

Non-Use (Area) Variance

All three criteria are required to be met:

Criteria A	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.	Criterion Met: This lot is unique in its configuration compared to all other lots in the development. Although this is the largest lot, the location of the home in proximity to the rear property line creates portions of the rear yard that limit development. This specifically impacts the location of the proposed sunroom, as the home layout dictates its location. Finally, the lot is adjacent to an open space reserve that prohibits development of the rear adjacent site. These result in unique conditions for the site compared to other properties in the neighborhood.

Recommendation

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| <p>2. That the variance is not necessitated because of any action or inaction of the applicant.</p> | <p>Criterion Met: The applicant did not contribute to the current configuration of the home or lot, or existing conditions of the 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>Criterion Met: The proposed sunroom is located contiguous to a large reserve area to the southeast of the property. Although there are adjoining side yards to this property, no rear yards are adjacent to this property and the improvements will not expand further towards either adjoining neighbor. This proposal should not create adverse effects.</p> |

At least two of the following criteria are required to be met:

Criteria B	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>Criterion Met: The Board has granted variances for lots with similar conditions based on the design of the site and its proximity to land that is undevelopable, such as open space reserves, in the Oak Park development. Previous cases have been approved to allow accessory structures such as patios and decks to encroach into the rear yard setback. If approved, this action will not offer special privileges to the property owner.</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>Criterion Met: The conditions of this site are not recurrent in nature. This lot is unique in it's layout compared the all the lots in the development.</p>
<p>3. The variance would not adversely affect the delivery of governmental services.</p>	<p>Criterion Met: This request will not affect the delivery of governmental services.</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>Criterion Met: The applicant could modify the plan to meet Code requirements, which would result in a smaller, more compact sunroom. However, the layout of the existing patio was originally built with the thought of a future building addition. Creating a structure that does not go to the full extend of this patio would require alterations to an already-approved patio structure.</p>

Planning Recommendation: Approval of the Non-Use (Area) Variance

Planning recommends approval of the Non-Use (area) Variance to allow a sunroom to encroach 5 feet into the 25-foot setback.