



PLANNING REPORT

Board of Zoning Appeals

Thursday, November 21, 2024

Baxter Residence

24-139V

<https://dublinohiousa.gov/bza/24-139/>

Case Summary

Address	4200 Deer Run Court, Dublin, OH 43017
Proposal	Request for a variance for the construction of a single-family home that does not meet two sections of the Residential Appearance Standards.
Request	Review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code Section 153.231(H).
Zoning	PUD, Planned Unit Development – Deer Run Estates
Planning Recommendation	<u>Approval of 2 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	Talia Friedman, BSD Architects
Case Manager	Tammy Noble, Senior Planner (614) 410-4649 tnoble@dublin.oh.us



Community Planning and Development



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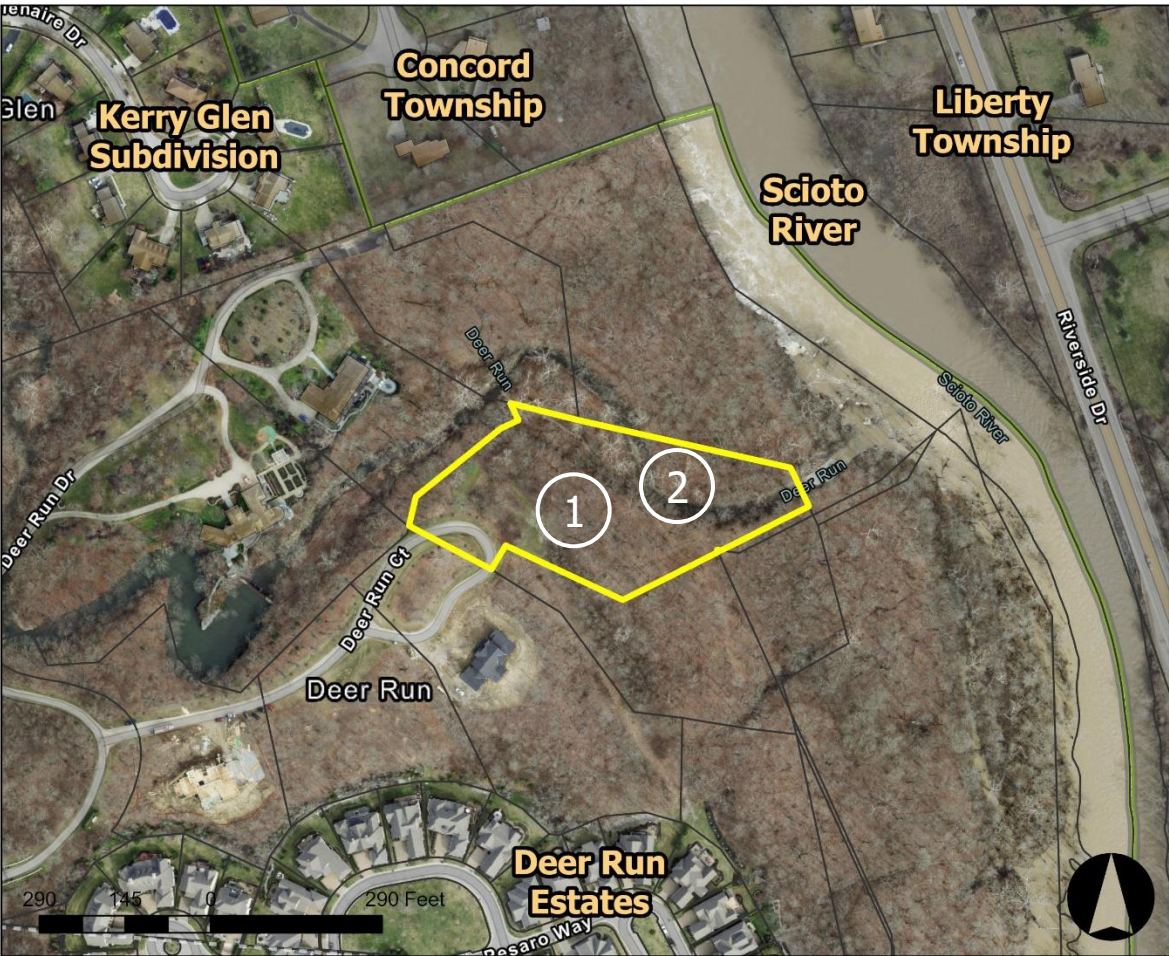
Site Location Map

24-139V - Baxter Residence



Site Features

- 1 Proposed House Location
- 2 Deer Run and Start of 100-year Floodplain



1. Background

Site Summary

The 3.09-acre site is zoned PUD, Planned Unit Development – Deer Run Estates and is located east of Deer Run Court, centrally located between Dublin Road and the Scioto River. Deer Run Estates has a smaller residential subdivision with three phases. The subdivision contains larger lots to the north and smaller lots to the south. This lot is Lot #19 of Subarea B.

The site is currently undeveloped and heavily wooded. Access is provided by a curved roadway, Deer Run Court and the site is surrounded by natural features included the Deer Run waterway which is a tributary of the Scioto River located directly to the east. The site contain 100-year floodplain on the eastern portion of the site.

Site Information

The site is irregular in shape, with a majority of the developable area of the lot located on the west side of the Deer Run Creek. The applicant has provided a site plan which shows the new home located centrally on the southern portion of the site, ±110 feet from Deer Run Court to the west. The site features a significant amount of mature vegetation through the entirety of the lot. The site has a major slope change on the eastern half of the site, sloping towards the creek. The 100-year floodplain extends through the northeast corner of the site, but does not impact the proposed home.

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/driveway widths. These requirements are intended 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.

Process

A *Non-Use (Area) Variance* is an application intended for properties where making a strict enforcement of the applicable development standard 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.

The Board of Zoning Appeals has the authority to approve, disapprove or approve with modifications all applications. If the Board approved the application, the applicant would be required to submit a building permit prior to construction. If the Board disapproves the application, the applicant would be required to meet the requirements of the zoning code. All

modifications that the Board would require, as part of an approved application, would be required to be met through the building permit process.

2. Project

Summary

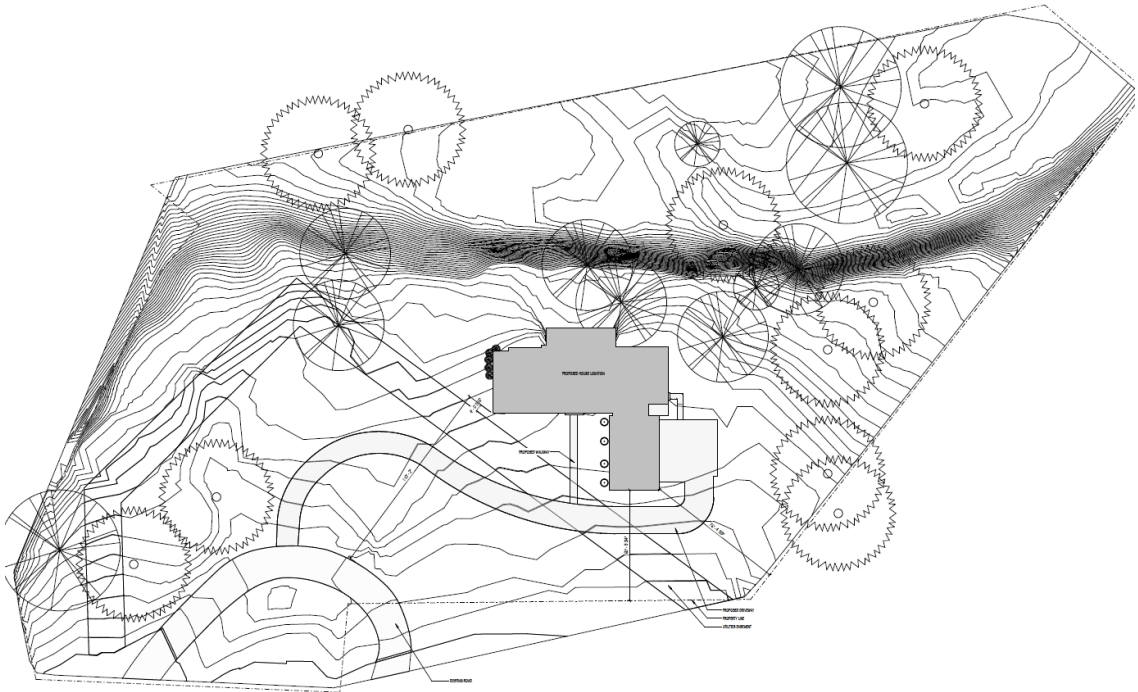
The applicant is requesting the following Variances for a new single-family residential dwelling:

Variance #	Code Section	Requirement	Request
#1	153.190(E)(1)(c)	There shall be no exposed, unfinished foundation walls.	To allow a smooth concrete finish foundation walls.
#2	153.190(E)(1)(i)	Shutters or trim will be required with all windows on any elevation.	To allow minimal trim and no shutters around the windows of a residential building.

Appearance Variances

The applicant is requesting variances to the requirements of the Residential Appearance Code. The first variance is to permit exposed and unfinished concrete foundation walls along the base of the home. The foundation will be minimally visible at the front of the house, and features more prominently at the back of the house where there will be a walkout basement and the topography falls towards the river. The second variance is to permit no shutters and minimal trim that will be narrower than 3½” 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 variances would help accomplish an elevated Rural Modernist home design.

3. Site Plan and Elevations





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	Criterion Met: This development is more rural in character than a typical suburban subdivision including large lots and long driveways to set back

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.

homes. The area is heavily wooded and the homes have customized architectural themes that are more modern than most suburban architecture. The character of the area and the unique modern architecture is the basis for proposal. Therefore, Planning has concluded there are special conditions associated with this site.

2. That the variance is not necessitated because of any action or inaction of the applicant.

Criterion Met: The architectural style warrants the variance and this is not indicative of any action or inaction of 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.

Criterion Met: 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.

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

Criteria B	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.	<p>Criterion Met: Similar variances have been granted with conditions consistent with the applicant’s proposal and in very limited circumstances. Granting the variance will not confer special privileges to the applicants.</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>Criterion Met: Variance requests to the Residential Appearance Code are not common and is not recurrent in nature.</p>
3. The variance would not adversely affect the delivery of governmental services.	<p>Criterion Met: The requests will not impact the delivery of government services including emergency services, postal delivery or refuse collections.</p>

Criteria B	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.	Criterion Met: The design components that the applicant is proposing is indicative to the architectural style and the success of the style proposed.

Recommendation

Planning Recommendation: #1 (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: #2 (Window Trim and Shutters)
Planning Staff recommends **Approval** of the Non-Use (Area) Variance to Zoning Code Section 153.190(E)(1)(i) to allow no shutters and trim of less than 3½” around the windows of a residential building.