

PLANNING REPORT

Planning and Zoning Commission

Thursday, June 26, 2025

Zobel Residence 25-053V

www.dublinohiousa.gov/BZA/25-053

Case Summary

Address	6809 Holbein Drive Dublin, OH 43016
Proposal	Request to allow a deck to encroach into the 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	PLR, Planned Low Density Residential District, Post Preserve
Planning Recommendation	<u>Approval of the Non-Use (Area) Variance</u>
Next Steps	The Board of Zoning Appeals is the final reviewing body for this application. If approved by the BZA, the applicant may apply for a building permit.
Applicant	Mark Zobel, Property Owner
Case Manager	Zach Hounshell, Planner II (614) 410-4652 zhounshell@dublin.oh.us



Community Planning and Development



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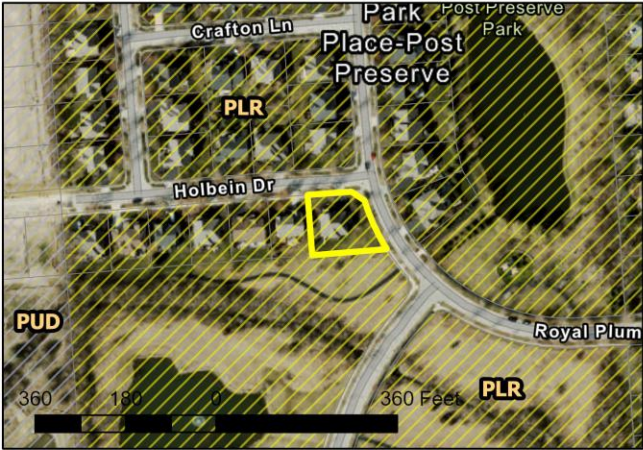
Site Location Map

25-053V - Zobel Residence Deck



Site Features

1 Proposed Deck



1. Background

Project Request

This is a request for a Variance to the rear yard setback requirements for a deck. The variance is required as the improvements would exceed the minimum setback requirements for Post Preserve. The Board of Zoning Appeals is the determining body for this application.

Site Summary

The .34-acre site is zoned PLR, Planned Low Density Residential District, Post Preserve and is located at 6809 Holbein Drive, southwest of the intersection of Holbein Drive and Royal Plume Drive. The site contains a single-family home built in 2007. The property is located on Lot 100 of Post Preserve Section 3 and is a perimeter lot, which backs up to an open space reserve.

Site Features

The property is a corner lot with frontage on both Holbein Drive and Royal Plume Drive. The 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 development restrictions for being a corner lot with a 30-foot building line along both street frontages. The property slopes from Holbein Drive (north) to the rear property line approximately 10 feet, exposing the lowest level of the home.

The home is a 2-story residence with a basement walkout to the rear yard. The main-level floor has a rear walkout which extends over the walkout basement doors. The existing landing and stairway are required for proper egress from the main level of the home. The front of the home is located approximately 31 feet from Holbein Drive, and the rear of the home is located approximately 33 feet from the rear property line. The main level door is set back approximately 37 feet from the rear property line. A 20-foot no-build zone extends along the rear of the property to provide separation from an open space reserve to the south of the lot.

Process

A *Non-Use (Area) Variance* is an application intended for properties where strict enforcement of the applicable development standard (ex. rear yard setback) is unreasonable, and there is evidence of practical difficulty in meeting the requirement. Variance applications should be reviewed on a case-by-case basis and based on the merits of the subject property/structure. This type of application is reviewed and determined upon by the BZA, which is the final determining body. Criteria are 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 application and receive approval prior to construction. Should a Variance be disapproved, the applicant would be required to meet the requirements of the zoning code.

Neighborhood Variance History

In 2014, 6849 Holbein Drive received approval of a Variance to construct a second-story deck and patio that encroached into the 30-foot rear yard setback. This property is located on the south side of Holbein Drive and is near the subject property. The meeting materials have been provided in the packet for reference only.

Zoning Requirements

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

Front Yard Building Line	30 feet (staggered between 25-30 across neighborhood)
Minimum Side Yard Setback	15 feet total, minimum 7 feet per side
Minimum Rear Yard Setback	30 feet

3. Project

Summary

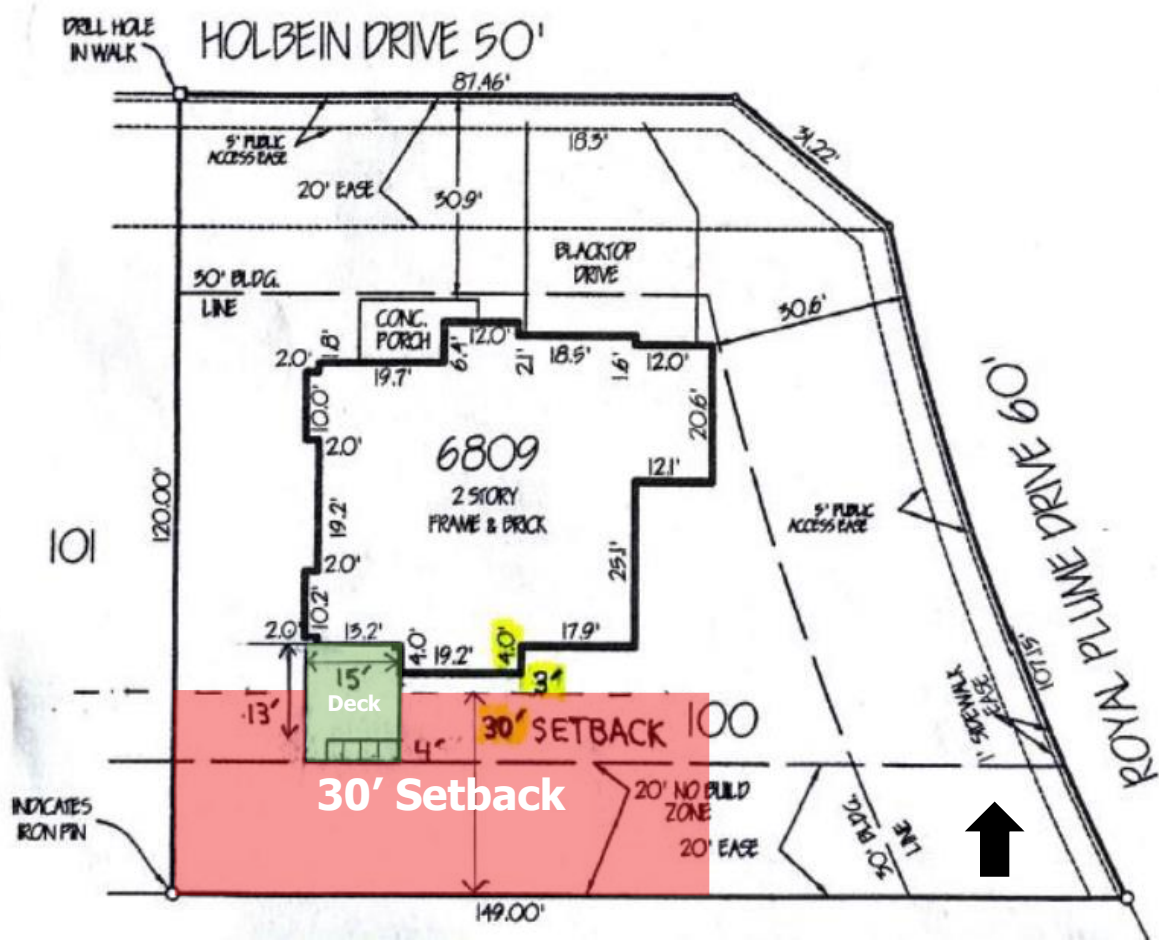
The applicant is requesting the following Variance for an existing single-family home:

<u>Variance #</u>	<u>Code Section</u>	<u>Requirement</u>	<u>Request</u>
#1	Post Preserve Development Standards (I)(1) – Rear Yard Setback	30 feet	To allow a deck to encroach 10 feet into the 30-foot setback.

The approximately 195-square-foot deck is proposed to be constructed 20 feet from the rear property line, requiring a variance of 10 feet. The deck is proposed to be 13 feet deep and 15 feet wide. A 4-foot-wide staircase is proposed at the southern end of the deck to access the backyard. Decks are required to meet the same development standards as the principal structure on the site. Should the application be disapproved, the applicant would be required to amend their request to meet the 30-foot setback for the deck.

The applicant has provided a statement addressing the reasoning for the request. The applicant states that due to the abutting open space to the rear of the home, the encroachment into the rear setback will not impact any adjacent properties. Additionally, the applicant states that to meet the zoning requirements, they would have approximately 7 feet to fit both the deck and stairway. The applicant is the original owner of the lot, but states that the builder did not disclose the setback requirements for the lot. Finally, the applicant states this request is similar to a previously approved variance request for a neighboring property, referenced earlier in the report.

Site Plan



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: Although the property shares similar conditions in terms of open space abutment, grade change to the rear of the property, and main level egress with adjacent lots, these conditions are unique to only a handful of properties in the neighborhood. The main level egress requires a means of exiting the building to access the ground level of the property. The home is set back the closest to the rear property line compared to other homes on the street, minimizing the available area for a deck. These conditions create a special circumstance applicable to the lot.

Non-Use (Area) Variance

All three criteria are required to be met:

Criteria A	Review
2. That the variance is not necessitated because of any action or inaction of the applicant.	Criterion Met: The property owner did not attribute to the circumstances of the lot, and did not make the conditions for meeting the zoning criteria worse.
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 purpose of a rear yard setback is to create uninterrupted view sheds and unilateral common space amongst properties, and provide minimum buffers between properties. In this instance, the property abuts a dedicated park that will enhance any open view sheds provided by the Post Preserve subdivision and creates buffering that mitigates the needs for rear yard setbacks. Therefore, Planning is concluding that this request would not have an adverse impact on the surrounding community or be contrary to the intent of the regulation.

At least two criteria are required to be met:

Criteria A	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.	Criterion Met: The buildable area, to the rear of the house, is extremely limited. Requiring the applicants to meet this provision of the Code would make the outdoor space “unusable” and therefore deprive them a right commonly enjoyed by other property owners.
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.	Criterion Met: This request is not recurrent in nature to the point of needing alternative modifications to Code requirements for rear yard setbacks in the neighborhood.
3. The variance would not adversely affect the delivery of governmental services.	Criterion Met: This request would not impact the delivery of governmental services.
4. The practical difficulty could not be eliminated by some other method, even if the solution is	Criterion Met: The purpose of the main level deck is to allow access to the rear yard from one of the main entrances of the house. Limiting the deck to a maximum

Non-Use (Area) Variance

All three criteria are required to be met:

Criteria A	Review
less convenient or most costly to achieve.	of 7 feet in areas adjacent to the egress door creates a narrow space that is disproportionate to the house. Although functional, this would detract from the overall appearance of the site and therefore would not be a desired alternative.

Recommendation

Planning Recommendation: Approval of the Non-Use (Area) Variance
Planning recommends approval of the Non-Use (area) Variance to allow a deck to encroach 10 feet into the 30-foot setback.