

17-113V – YODER RESIDENCE

Site Location

On the south side of Rings Road, approximately 400 feet west of the intersection with Wilcox Road.

Proposal

A Non-Use (Area) Variance to increase the allowable accessory structure height from 12 feet to 21 feet for construction of a two-story detached accessory building.

Zoning

R-1B, Limited Suburban Residential District (Washington Township).

Property Owner

Nelson and Elizabeth Yoder

Applicant/Representative

Gary Bruck, Sullivan Bruck Architects

Applicable Land Use Regulations

Zoning Code Section 153.231(H)

Staff Recommendation

Disapproval of a Non-Use (Area) Variance

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Case Manager

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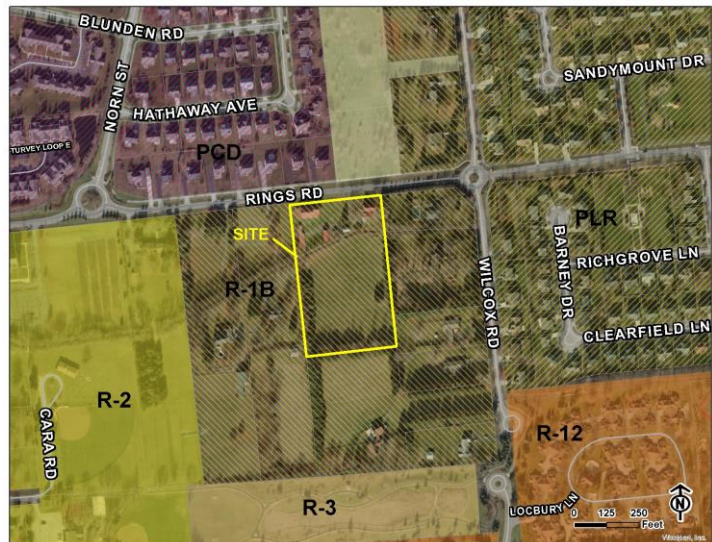
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Summary

The application is proposing to increase the maximum permitted height of an accessory structure from 12 feet to 21 feet for an existing residential property. The proposed structure is shown as 20-feet, 5-inches in height. For purposes of this request, staff has rounded this number to 21 feet.

Zoning Map



Next Steps

Upon approval from the Board of Zoning Appeals of the Non-Use (Area) Variance, the applicant will be eligible to file for a building permit for the construction of the detached accessory building. Any changes to the site plan or design of the structure would require approval from ARB.

Upon disapproval, the applicant would revise the structure to meet the required height.

1. Context Map

The site is located on the south side of Rings Road, approximately 400 feet west of the intersection with Wilcox Road.



City of Dublin

17-113V
Non-Use Variance
Yoder Residence
5927 Rings Road

0 150 300
Feet



2. Overview

A. Background

The site contains an existing single-family residential structure that is on the Historic Register. The property contains several detached structures that have been used in association with the existing home. The single-family residential structure has had several additions to the original homestead. The applicant received approval from the Architectural Review Board to build additional living space, as well as a single story garage in order to accommodate their living needs. The detached accessory building was shown on the plans reviewed by the ARB, with staff noting that the height is taller than zoning requirements would permit.

The site is one of several properties that maintained Washington Township Zoning Code. This was under past practices of the City of Dublin to annex properties, into the City of Dublin, and maintain the zoning district assigned by the township. In an attempt to remedy these conflicts, the City has changed their annexation policies to require that all properties that are annexed to the City of Dublin be assigned the "Rural" district" designation under the City of Dublin Zoning Code and rezone to the district that is comparable to their specific use. The City also sponsored several area rezonings approximately ten years ago to rezone all of these "pockets" of township zoning to a zoning district designated by the City of Dublin. Previous property owners in this area requested that the City of Dublin remove their properties from the area rezoning process based on their desire to maintain township zoning. City Council granted their requests and these area continue to maintain township zoning. Planning consulted with our law director to determine that the property would be reviewed under the township zoning that was in effect of the time of the annexation.

The zoning requires that detached accessory buildings be limited to 12-feet in height, measured from grade to the midpoint in between the eaves. The proposed two-story structure would be 20'5" at its highest point in the rear.

B. Site Characteristics

1) Natural Features

The site is currently developed with a historic farmstead. Cramer's Creek bisects the property. FEMA designated 100-year floodplain and floodway is associated with Cramer's Creek and extends towards the existing dwelling. The site generally slopes north to south towards the creek approximately six feet over the distance from the road to the edge of the creek. There is a two-foot grade change at the site of the proposed detached accessory building.

2) Historic and Cultural Facilities

The historic farmstead built in 1855 is listed on the National Historic Register under the Washington Township Multiple Resource Area designation (see OHI file). The property contains several detached structures that have been used in association with the existing home. The single-family residential structure has had several additions to the original homestead.

3) Surrounding Land Use and Development Character

- North: Balgriffin PUD (Residential); R-1 Restricted Suburban Residential (Park)
- East: R-1 Restricted Suburban Residential District (Residential)

- South: R-1 Restricted Suburban Residential District (Residential)
- West: R-1 Restricted Suburban Residential District (Residential)

4) Road, Pedestrian and Bike Network

The site has ±345 feet of frontage on Rings Road with one driveway off Rings Road.

5) Utilities

The site is served by public and private utilities.

C. Proposal

1) Summary

The applicant is requesting a variance that would allow increasing the maximum permitted height of an accessory structure from 12 feet to 21 feet for a detached accessory building on an existing residential property.

2) Use

The property is zoned R1-B the Washington Township R-1B, Limited Suburban Residential Zoning District classification. Single-family dwellings and accessory structures are permitted uses within this zoning district.

3) Site Layout

The site contains an existing single-family residential structure and multiple accessory structures. The applicant is proposing two access points off Rings Road with a circular driveway leading to the front of the dwelling. A separate drive to the west would extend to the proposed garage and carriage house. The existing dwelling is located approximately 60-feet from the centerline of Rings Road and north of Cramer's Creek approximately 175-feet. The dwelling was constructed ca. 1855 and multiple additions to the rear of the structure were constructed over time. The property also contains several outbuildings and features, including two bridges over a small creek, a barn, a tractor shed, two garages, and a small rectangular building with an exterior brick chimney.

The applicant is proposing a two-story ±1,500-square-foot detached accessory building that is 21-feet in height.

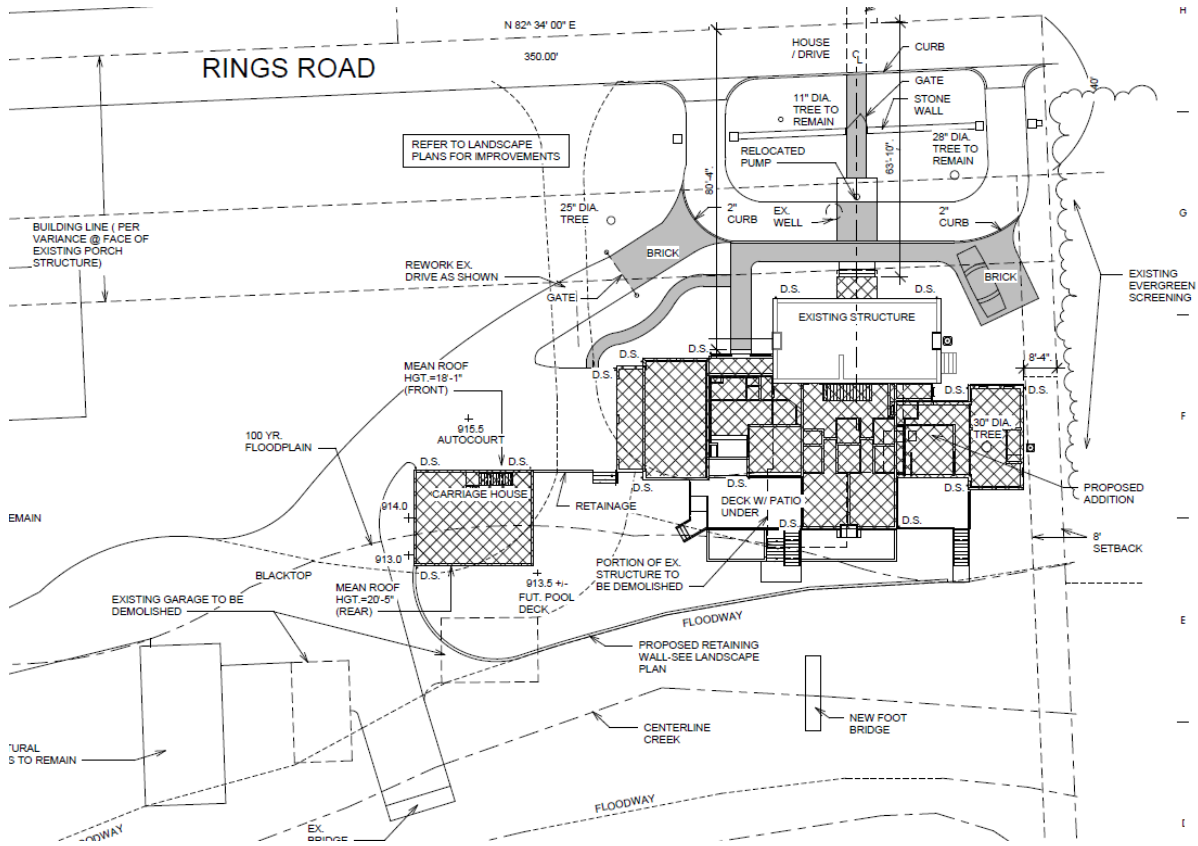
D. Previous Reviews and Approvals

The Board of Zoning Appeals reviewed and approved a front yard setback request from 125 feet to 63 feet on July 27, 2017 to allow for construction of an addition to an existing single family residence. The applicant had also requested a side yard variance request from 8 feet to 5 feet. The side yard variance was tabled and the applicant has since revised the plans to meet the required setback.

The Architectural Review Board (ARB) reviewed and approved the site plan and elevations of the proposed addition and carriage house on September 27, 2017, with the understanding that the carriage house would require approval of the height from the BZA.

3. Site Plan

The site contains an existing single-family buildings and multiple accessory structures. The detached accessory building is proposed to the west of the residence.



4. Criteria Analysis

Zoning Code Section 153.231(H)(2) allows the Board of Zoning Appeals 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 Sections 153.231(H)(2)(a) & 153.231(H)(2)(b) have been satisfied.

Section 153.053(G)(2)(a) requires that all lots located within planned districts to request a variance for all construction that does not meet the required development standards of the approved final development plan.

A. Non-Use (Area) Variance Analysis [153.231(H)(2)(a)] All three of the following criteria must be met:

1) Special Conditions

Criteria Not Met. The applicant would be able to adhere to the height requirement without extenuating circumstances of the site. The applicant has the option to construct a one-story structure to meet the zoning requirements. There is an approximate 1.5 foot grade change at this portion of the site which impacts the overall height. However, the applicant could move the building further to the west and meet the overall height

requirement. A single story structure would meet the 12-foot height requirement. Therefore, the current site conditions would not warrant a special condition designation for this property.

2) Applicant Action/Inaction

Criteria Not Met. The applicants developed the site plan with the proposed structure in this location. The site could accommodate a single story garage that meets the height requirements, therefore this condition resulted from the applicants' own actions.

3) No Substantial Adverse Effect

Criteria Met. The overall height of the detached accessory building does not impact the environment. The existing structures are at a similar or greater height to the proposed structure. For consideration of this request, the height would not have an adverse effect on the surrounding environment.

B. Non-Use (Area) Variance Analysis [153.231(H)(2)(b)] At least two of the following four criteria must be met:

1) Special Privileges

Criteria Not Met. Other properties impacted by these requirements are not afforded the same opportunity to build above the maximum height. By granting variances to these sections of the Code, it does constitute special privileges the applicants and owners of the property.

2) Recurrent in Nature

Criteria Met. Non-conforming lots and/or structures are not uncommon. The Zoning Code allows for legally non-conforming lots, structures, and uses to continue to exist with no significant impacts. Variance requests to height are not common in the City of Dublin.

3) Delivery of Government Services

Criteria Met. The delivery of governmental services will not be impacted by the request and essential services such as emergency service and daily mail services will not be impacted.

4) Other Method Available

Criteria Not Met. The applicant is requesting to increase the height of the detached accessory building to allow for a two-story garage. Detached accessory structures within this zoning district currently meet the height requirement. The applicant would have options, including other areas on the site with less of a grade change, to meet the required 12 foot height limit.

5. Recommendation

Staff Recommendation

The proposed Non-Use (Area) Variance is not consistent with all applicable review criteria. **Disapproval** is recommended for the request to permit a 21 foot high detached accessory building.