

19-009V – 140 Indian Run Drive Variances

Site Location

North side of Indian Run Drive, approximately 865 feet west of the intersection with N. High Street.

Proposal

A request for Variances (V) for minimum lot size and lot width requirements for an existing single-family home.

Zoning

R-1, Restricted Suburban Residential District

Property Owner

Joseph and Sandra Connors

Applicant/Representative

Brian Newcomb, Willis Law Firm LLC

Applicable Land Use Regulations

Zoning Code Section 153.231(H)(2)

Staff Recommendation

Approval of Variances for the following provisions:

1. Section 153.020(C)(1) – Lot Size
2. Section 153.020(C)(2) – Lot Width

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Case Manager

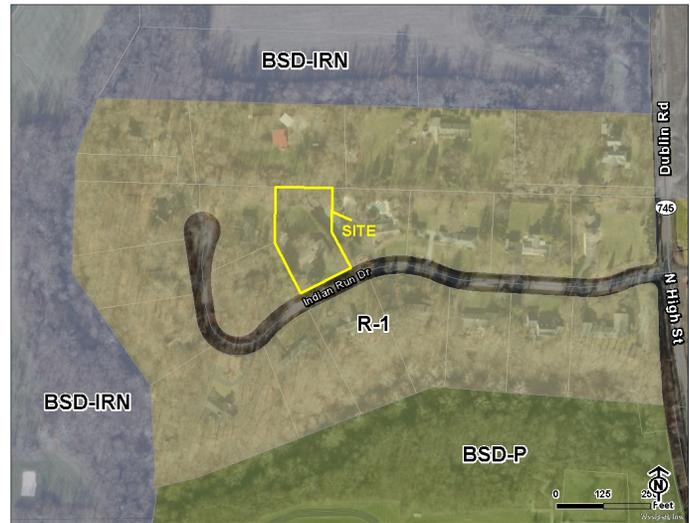
Logan Stang, Planner II
(614) 410-4652
lstang@dublin.oh.us

Chase Ridge, Planner I
(614) 410-4656
cridge@dublin.oh.us

Summary

The applicant is requesting variances to the minimum lot size and lot width requirements for an existing single-family home. The request is to allow for a future lot line adjustment with the adjoining neighbor at 110 Indian Run Drive. The property is zoned R-1, Restricted Suburban Residential District.

Zoning Map



Next Steps

Upon approval from the Board of Zoning Appeals for the requested Variances, the applicant would be eligible to continue with the proposed lot line adjustment. Upon approval of the lot line adjustment, the sites would be brought into compliance with the approved variances.

1. Context Map

The site is located on the north side of Indian Run Drive, approximately 865 feet west of the intersection with N. High Street.



 <p>City of Dublin</p>	<p>19-009V Non-Use Variance 140 Indian Run Drive</p>	<p>0 115 230 Feet</p> 
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2. Overview

A. Background

The property at 140 Indian Run Drive is an R-1 zoned, 0.91-acre site that includes a single family house built in 1963. The home is a mid-century, ranch style structure with a cross gable roof sheathed in asphalt shingles. A two-car garage is incorporated in the west half of the building. Approximately half of a shared tennis court extends onto the east side of the property from the adjoining property at 110 Indian Run Drive.

Originally developed within the jurisdiction of Washington Township, the Indian Run Estates neighborhood was developed under an entirely different zoning code. The neighborhood was annexed into the City of Dublin in 2001 via Ordinance 100-01, and rezoned to R-1 in 2003 via Ordinance 119-03.

B. Site Characteristics

1) Natural Features

The site includes wooded patches, none of which will be affected by the requested variances.

2) Historic and Cultural Facilities

The site includes a single-family ranch style house which has been recommended to be added as a contributing structure to the National Register of Historic Places-eligible Indian Run Historic District.

3) Surrounding Land Use and Development Character

- North: R-1, Restricted Suburban Residential District (Single-family residential)
- East: R-1, Restricted Suburban Residential District (Single-family residential)
- South: R-1, Restricted Suburban Residential District (Single-family residential)
- West: R-1, Restricted Suburban Residential District (Single-family residential)

4) Road, Pedestrian and Bike Network

The site has 150 feet of frontage on Indian Run Drive to the south. There are no sidewalks along Indian Run Drive, which has a single exit from the subdivision onto N. High Street.

5) Utilities

The site is served by public utilities including sewer and water from Indian Run Drive.

3. Proposal

Summary

The applicant is requesting variances to the minimum lot size and minimum lot width requirements within the zoning code. The requests will allow for a lot line adjustment with

the adjoining property at 110 Indian Run Drive to retain the existing single-family home and accessory structures on that property. The variances and lot line configuration would allow for the properties to better align with the standards of the Dublin Zoning Code.

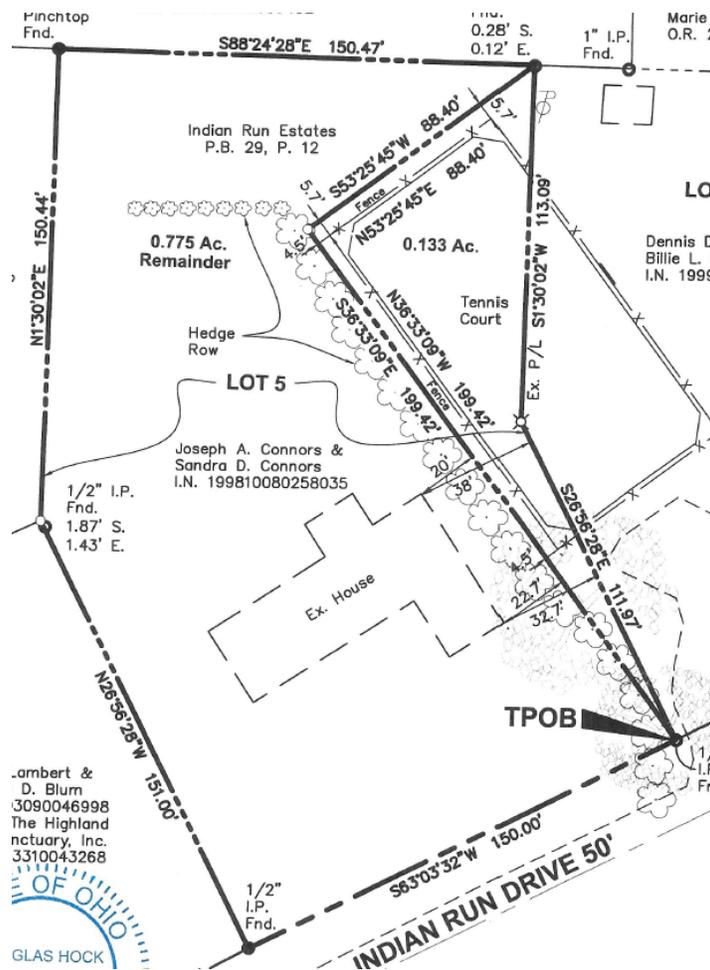
1) Minimum Lot Size

The applicant is requesting a variance to the minimum lot size requirement within Zoning Code Section 153.020(C)(1). The property is zoned R-1, Restricted Suburban Residential District. Code requires a minimum lot size for an R-1 zoned property of 40,000 square feet, or approximately 0.92 acres. The variance request would permit a reduction in the minimum lot size to 0.775 acres, or approximately 33,759 square feet.

2) Minimum Lot Width

The applicant is requesting a variance to the minimum lot width requirement within Zoning Code Section 153.020(C)(2). Code requires R-1 zoned properties to have a minimum lot width, measured at the front line of the dwelling, of 150 feet. The variance would permit a reduction in the lot width from 150 feet to approximately 140 feet.

4. Site Plan



5. Criteria Analysis

Zoning Code Section 153.231(C)(3) 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, limiting conformance to the strict requirements of the Zoning Code. The Board shall make a finding that the required review standards have been appropriately satisfied.

A. Non-Use (Area) Variance Analysis [§153.231(H)(2)(a)]. That all of the following findings are made:

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. Special conditions or circumstances may include:**
 - A. **Exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter or amendment; or**
 - B. **By reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or**
 - C. **By reason of the use or development of the property immediately adjoining the property in question.**

Criteria Met. The proposal requests variances to the zoning code to rectify an accessory structure that was constructed over the shared property line. The tennis court was developed under the purview of Washington Township, before the properties were annexed into the City of Dublin. These variances precede a lot line adjustment planned between the two properties in question, and would allow the adjoining property owners to retain ownership and responsibility of the entirety of the accessory structure.

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

Criteria Met. The variances requested are not due to any action or inaction of the applicant. The applicant purchased this property in the condition it is in, with the accessory structure in question already built. No major changes have been made to the property since its purchase by 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 or of this chapter.**

Criteria met. The variances requested are not to permit any physical changes to the site. The site will remain in its current condition and the variances will not cause a substantial adverse effect to the property or any properties in the vicinity.

B. Non-Use (Area) Variance Analysis [§153.231(H)(2)(b)]. That at least two of the following findings are made:

- 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.**
Criteria Met. No special privileges or rights will confer on the applicant because of these variances.
- 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.**
Criteria Met. These requests are being made to accommodate what is an uncommon and unique condition in the City of Dublin.
- 3. The variance would not adversely affect the delivery of governmental services (e.g. water, sewer, garbage).**
Criteria Met. The proposal does not have any impact on the provision of public or private services.
- 4. The practical difficulty could be eliminated by some other method, even if the solution is less convenient or most costly to achieve.**
Criteria Met. The difficulty is one which can only be eliminated by a lot line adjustment, which these variances will allow, or the complete removal of the accessory structure. The property has operated with the accessory structure in place for over 20 years and removing the entire structure is not a feasible method.

6. Recommendation

Non-Use (Area) Variance

The proposal complies with all applicable review standards of the zoning code. **Approval** is recommended for the following Variances:

1. To allow a lot size of 0.775-acres or 33,759 square feet from Section 153.020(C)(1) for the required 40,000-square-foot requirement.
2. To allow a lot width of 140 feet from Section 153.020(C)(2) for the required 150-foot lot width.