

19-022V – 6775 CORNA COURT VARIANCE

Site Location

West of Corna Court, approximately 750-feet west of the intersection of Timble Falls Drive.

Proposal

A request for a Variance (V) to the required 6-foot side yard setback for a single-family home.

Zoning

PUD, Planned Unit Development District - Riviera

Property Owner

M/I Homes of Central Ohio LLC

Applicant/Representative

Jason Francis, M/I Homes of Central Ohio, LLC

Applicable Land Use Regulations

Zoning Code Section 153.231(H)(2)

Staff Recommendation

Disapproval of a Variance for the following provision:

1. Section 153.020(C)(3) – Side Yard Setback

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Summary

The applicant is requesting a variance to the side yard setback for a single-family home. The request is to bring the property into compliance to transfer to the future owner. The property is zoned PUD, Planned Unit Development District.

Zoning Map



Next Steps

Upon approval from the Board of Zoning Appeals for the requested variance, the site would be brought into compliance with the approved variance.

1. Context Map

The site is located west of Corna Court, approximately 750-feet west of the intersection with Timble Falls Drive.



| | | | |
|---|--|---------------------------|---|
|  <p>City of Dublin</p> | <p>19-022V Variance 6775 Corna Court Variance 6775 Corna Court</p> | <p>0 155 310 Feet</p> |  |
|---|--|---------------------------|---|

2. Overview

A. Background

City Council approved the plats for the first two sections of the Riviera Subdivision on October 24, 2016.

The Planning and Zoning Commission approved a Final Development Plan and recommended approval to City Council of the Final Plats on April 21, 2016 for the first two sections of development in Riviera, including 85 lots and for the third section (51 lots) on May 19, 2016.

City Council approved Ordinance 35-15 for the rezoning of approximately 152 acres from R: Rural District and R-1: Restricted Suburban Residential District to PUD: Planned Unit Development District, Riviera, in June of 2015. Council also approved a Preliminary Plat for 185 single-family lots for the Riviera development. The Planning and Zoning Commission approved a Rezoning with Preliminary Development Plan and a Preliminary Plat on April 9, 2015.

B. Site Characteristics

1) Natural Features

No natural features are present on the site.

2) Historic and Cultural Facilities

There are no historic or cultural features on the site.

3) Surrounding Land Use and Development Character

- North: R, Rural (Single-family residential)
- East: PUD, Planned Unit Development District-Riviera (Single-family residential)
- South: PUD, Planned Unit Development District – Dublin Jerome High School (Educational Institution)
- West: R, Rural (Vacant)

4) Road, Pedestrian and Bike Network

The site has frontage on Corna Court (± 105 feet) with a single exit from the cul-de-sac onto Timble Falls Drive. A residential sidewalk is present on Corna Court.

5) Utilities

The site is served by public utilities including sewer and water from Corna Court.

3. Proposal

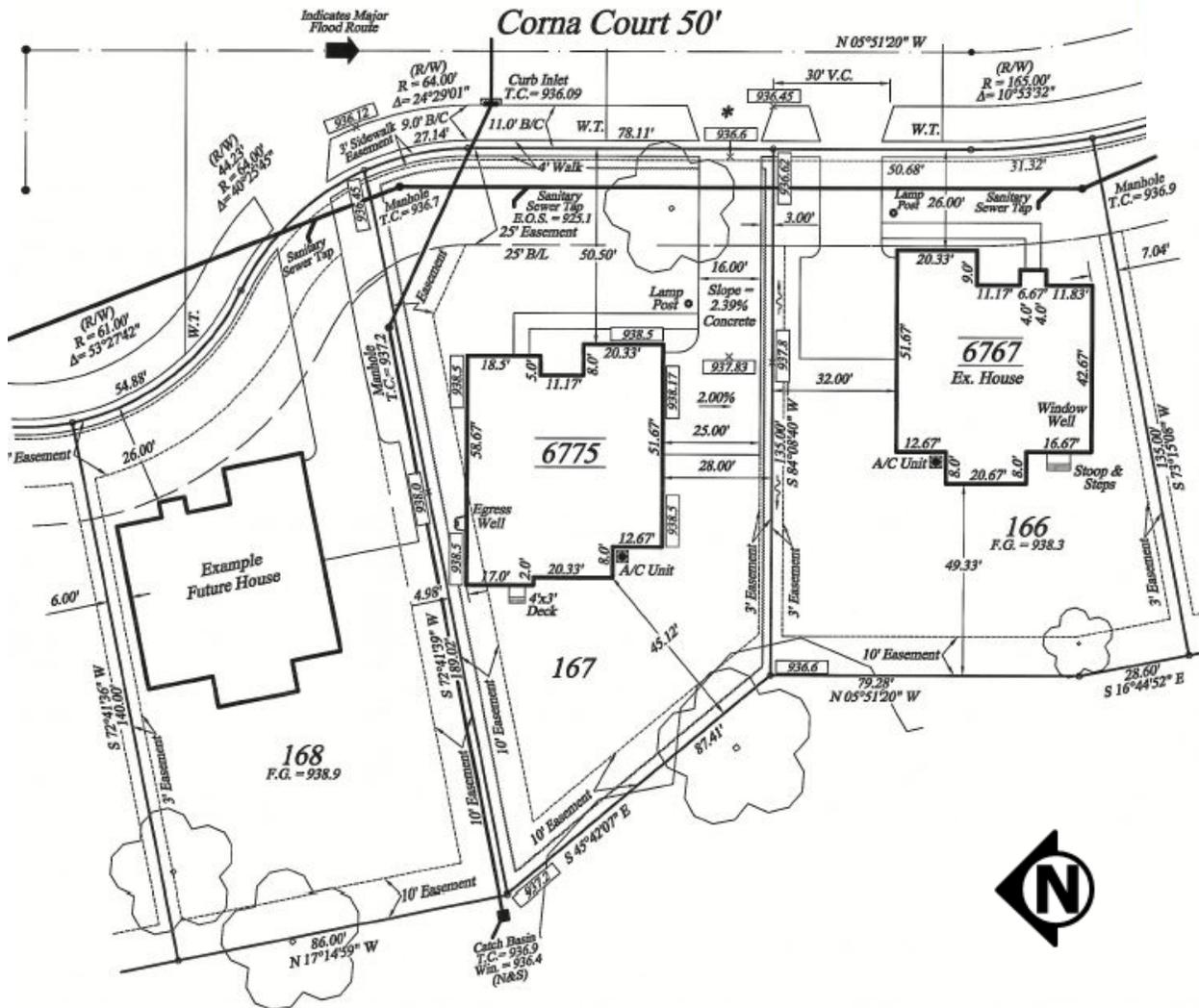
Summary

The applicant is requesting a variance for the side yard setback listed in the Riviera development text. The request is to allow the newly constructed single-family house to encroach one-foot into the required six-foot side yard setback. The variance would bring the property into compliance with the development standards of the Riviera PUD and would allow the developer to transfer the property.

1) Side Yard Setback

The PUD, Planned Unit Development District - Riviera requires a minimum side yard setback of six feet. The applicant is requesting a side yard setback of five feet, for the northern property line setback based on the existing lot line configuration. At the time of the mortgage survey (as built survey) it was discovered that the home was built closer to the side lot line than required. The home was constructed in the location staked by the surveyors, but was staked 25 feet further back on the lot than intended, resulting in the one-foot encroachment. All future additions or accessory structures would be required to comply with the six-foot setback as established in the development standards.

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 Not Met. The requested variance does not meet any special conditions or circumstances that exist that are peculiar to the land or structure involved. This is a newly developed subdivision that was recently platted, removing any unique site conditions. The applicant is also seeking the variance as a result of an error made by the surveyor with no other alternative proposed for rectifying the issue.

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

Criteria Not Met. The applicant is the developer of the property and the variance is necessitated due to an error occurring during the construction of the single-family house on the site. The cause of the encroachment is a direct result of the construction of the home and the surveyor error.

- 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. Granting the variance will bring the property into compliance and will not cause substantial adverse effects to the property or surrounding neighborhood. A five-foot setback would be established for the single family home and the six-foot setback would be required for any future additions or accessory structures on the site.

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 Not Met. This variance request would provide the applicant the special privilege of a one-foot encroachment into the required side yard setback for the single-family home. As this is a new development, all other properties have been required to construct to all setback regulations and the granting of this variance would provide a special privilege of a reduced setback to this property.

- 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 Not Met. The requested variance is general and recurrent in nature as they are related to the setback requirements established for all lots in this particular subsection of the PUD, Planned Unit Development District – Riviera.

- 3. The variance would not adversely affect the delivery of governmental services (e.g. water, sewer, garbage).**

Criteria Met. The requested variance is to allow for a newly constructed home to encroach into the side yard setback, and require only a five-foot side yard setback. The variance would not adversely affect the delivery of any private or public services to the individual properties or surrounding community.

- 4. The practical difficulty could be eliminated by some other method, even if the solution is less convenient or most costly to achieve.**

Criteria Not Met. The other available method to rectify the non-compliance item would be to adjust the lot line between the subject property and the adjacent property. The adjacent lot to the north is currently under the ownership of the developer, who is the applicant, and construction on the adjacent site has not commenced. Through a lot line adjustment, the site could be brought into compliance with the side yard setback without the need for a variance.

6. Recommendation

Non-Use (Area) Variance

The proposal does not comply with all applicable review standards of the zoning code.

Disapproval is recommended.