



MEETING MINUTES

Board of Zoning Appeals

Thursday, October 17, 2019

CALL TO ORDER

Vice Chair Deschler called the meeting to order at 6:30 p.m.

ROLL CALL

Board Members present: Ms. Herbert, yes; Mr. Deschler; Mr. Nigh.

Board Members absent: Ms. Cooper and Mr. Goyal.

Staff present: Ms. Noble and Mr. Ridge.

ACCEPTANCE OF DOCUMENTS

Ms. Herbert moved, Mr. Nigh seconded to accept the documents into the record.

Vote on the motion: Ms. Herbert, yes; Mr. Deschler, yes; Mr. Nigh, yes.

(Motion carried 3 – 0)

APPROVAL OF MINUTES

Mr. Nigh moved, Ms. Herbert seconded to approve the August 29, 2019 meeting minutes as submitted.

Vote on the motion: Mr. Deschler, yes; Ms. Herbert, yes; Mr. Nigh, yes.

(Motion carried 3 – 0)

The Vice Chair briefly explained the rules and procedures of the Board of Zoning Appeals and swore in any staff or member of the public who planned to address the Board during the meeting.

CASE:

1. **Murdick Residence, 4191 Macduff Way, 19-091V, Non-Use (Area) Variance**

Vice Mayor Deschler stated that this is a request to approve a Non-Use Variance to allow the construction of a detached garage 22 feet forward of the primary structure.

Staff Presentation

Ms. Noble stated the application requests a Non-Use (Area) Variance from the requirements of Zoning Code Section 153.074(B) (5) (a) to allow the construction of a detached garage 22 feet forward of the primary structure. The Zoning Code requires all accessory structures to be located to the side or rear of primary structures. The site is a 1.8-acre tract of land located on the south side of Macduff Way, approximately 500 feet east of the intersection with Macbeth Drive, on the northwest corner of Bright Road and Emerald Parkway. This site is part of The Glenbriar

Subdivision, a residential community that is zoned R-1. Located directly north of Bright Road, the lots in this subdivision are larger than most suburban lots within the City. This particular site is heavily wooded. The wooded area is located in front of the home and a pond to the rear of the house. The single-family residential structure is located on the southern edge of the property, approximately 300 feet from the existing right-of-way, slightly angled to the edge of the property. The proposed garage would be constructed 290.57 feet from the front property line and would be 21.67 feet forward of the primary structure. Although the Code requires detached structures to be either to the rear or to the side of a house, the location of the primary structure and the angle in which it is located makes locating the detached structure to the side of the house impracticable, if not possible. The existing pond and associated floodplain to the rear prevents the detached structure from being located to the rear of the primary structure. The proposed 1,225-square-foot structure does meet size requirements; therefore, the only issue is that the proposed location does not meet Code requirements. Visibility of the detached garage will be minimal, if visible at all, and will not adversely affect the surrounding properties. The proposed Non-Use (Area) Variance meets all the required criteria, and three of the four additional criteria, while only two are required. The only criterion not met was, "Other Method." Staff determined that the detached garage could be attached to the primary dwelling; however, the floorplan of the house would require the garage to be connected to an existing bedroom. Because it does not violate building or zoning code requirements, that is an available option, but not a preferred option. Based on staff's review, the proposed variance is consistent with all the necessary review criteria; therefore, approval without condition is recommended.

Ms. Herbert requested clarification of the one criterion not met. Attaching a garage to an existing bedroom would make the house functionally obsolete, and, therefore, unreasonable.

Ms. Noble stated that she spoke with the Building Department to determine if there could be a safety component to a garage attached to a bedroom. Their response was that as long as the opening from the garage to the house was completely closed, construction would be permitted. If the opening were not closed, construction would not be permitted. However, because the variance does meet the number of criteria required, approval is recommended.

Mr. Nigh inquired if there is currently an attached garage.

Ms. Noble responded that there is.

Mr. Nigh inquired where the existing garage is. The drawing that is shown is unclear.

Mr. Deschler requested the applicant to clarify the existing garage location.

Applicant Presentation

Brian Murdick, 4191 Macduff Way, Dublin, applicant and owner of the property, clarified that the drawing depicts an addition to the existing home that has been approved and is in process at this time. The front part of that approved addition will have an attached garage. A second, detached garage is what is under consideration tonight.

Mr. Deschler inquired if the applicant would like to offer any further comments or clarifications.

Mr. Murdick responded that if the detached garage were to be located in any other location, it would not be accessible. Pulling it forward 20 feet will permit access.

There were no public comments.

Board Discussion

Ms. Herbert stated that in her opinion, all of the criteria are met for approval of the variance. She does not agree that there is another available method.

Mr. Nigh stated that he looks at it similarly. The only criterion in question is due to a literal interpretation of the Code requirement; however, it would not be a practical approach.

Mr. Deschler stated that his opinion, as well, is that the Code requirements have been met.

Mr. Nigh moved, Ms. Herbert seconded approval of a variance from the requirements of Zoning Code Section 153.074(b) (5) (a) to allow the construction of a detached garage 22 feet forward of the primary structure.

Vote: Ms. Herbert, yes; Mr. Deschler, yes; Mr. Nigh, yes.
(Motion approved 3-0)

Proposed BZA 2020-2021 Meeting Dates

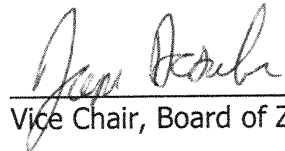
Mr. Deschler suggested approval of the Proposed BZA 2020-2021 Meeting Dates be deferred to the next meeting, as Board members have not reviewed the proposed dates.

Ms. Noble responded that the item would be rescheduled on the following BZA meeting agenda.

Mr. Deschler noted that the next BZA meeting is scheduled for November 21, 2019.

ADJOURNMENT

The meeting was adjourned at 6:45 p.m.



Vice Chair, Board of Zoning Appeals



Deputy Clerk of Council