

20-065V – CARPENTER RESIDENCE – GARAGE VARIANCE

Summary

Review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code Section 153.231(H) to allow a variance to the required location of accessory structures in residential zoning districts.

Site Location

West of Riverside Drive, approximately 350 feet north of the intersection with Summit View Road.

Zoning

R-1, Restricted Suburban Residential District

Property Owner

Jennifer Carpenter

Applicant/Representative

Jennifer Carpenter

Applicable Land Use Regulations

Zoning Code Section 153.231(H)

Case Manager

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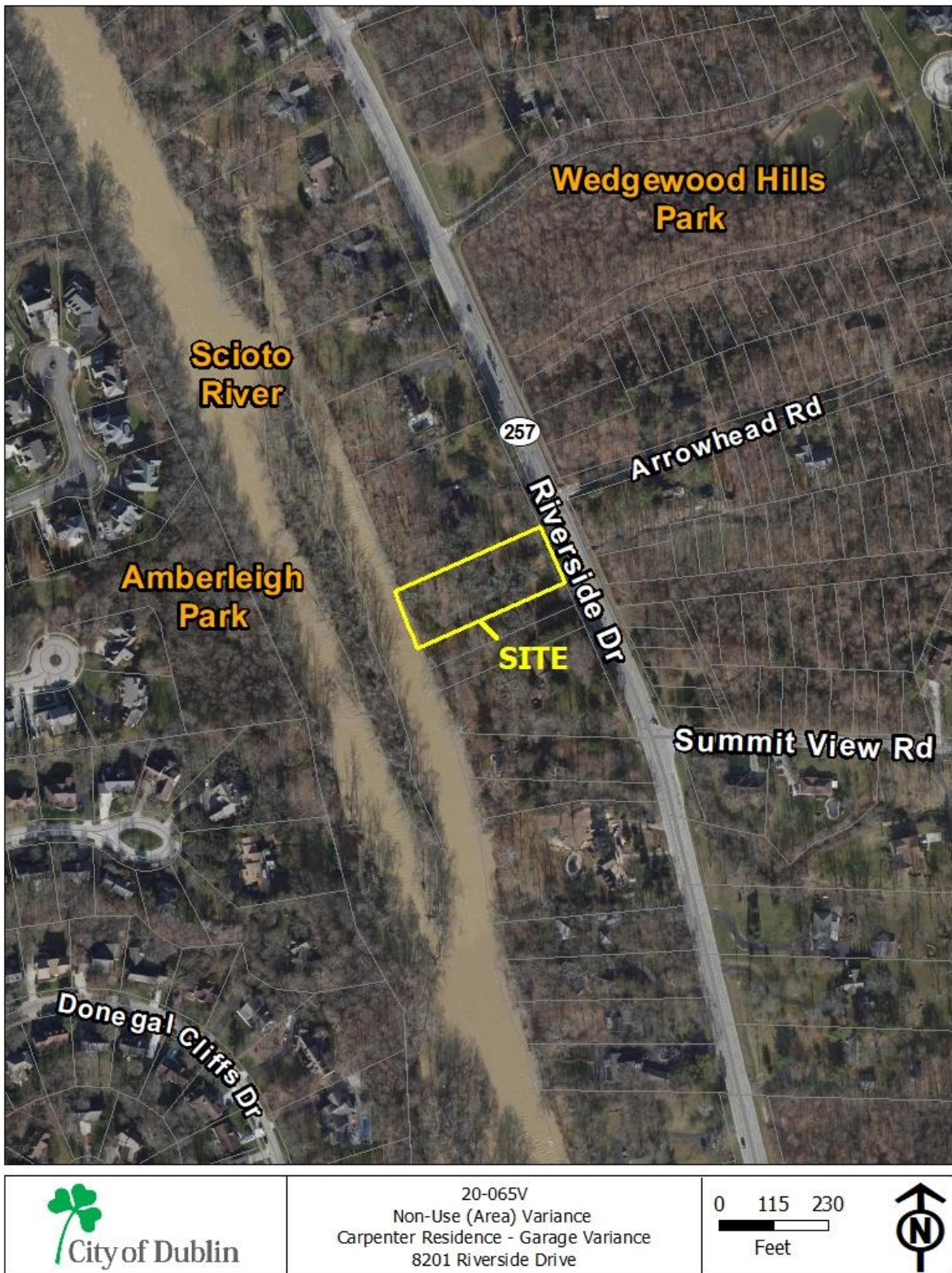
Next Steps

The Board of Zoning Appeals (BZA) is the final reviewing body for this application. Upon approval from the BZA, the applicant may apply for building permits.

Zoning Map



1. Context Map



2. Overview

Background

The property at 8201 Riverside Drive is an approximately 1-acre site that was annexed into the City of Dublin in 1974. The site is zoned R-1, Restricted Suburban Residential District.

Site Characteristics

Natural Features

The site is developed with a single-family dwelling located at the center of the property. There is a steep elevation change from the east to the west due to the Scioto River to the rear of the property. The site is heavily wooded. The site also includes a steep ravine that runs through the center of the property from east to west.

Surrounding Land Use and Development Character

North: R-1, Restricted Suburban Residential District

East: R-1, Restricted Suburban Residential District

South: R-1, Restricted Suburban Residential District

West: PUD, Planned Unit Development District (Amberleigh Subdivision)

Road, Pedestrian and Bike Network

The site has frontage on Riverside Drive. The site does not have pedestrian access along Riverside Drive.

Utilities

The site is serviced by a well and septic system.

Proposal

The applicant is requesting review and approval of a Variance to Zoning Code Section 153.074(B)(5)(a) to permit a detached garage to be constructed approximately 20 feet forward of the principal structure.

Proposal

The applicant is proposing a new 864-square-foot detached garage on the site. The applicant is proposing the garage on the north side of the principal structure, extending approximately 20 feet in front of the front façade of the building. The proposed location of the garage is in conflict with the requirements of Zoning Code Section 153.074(B)(5)(a), which states:

"All accessory uses and structures, including swimming pools and associated decking, shall be constructed within the permitted buildable area of a lot, behind all applicable setback lines, and to the rear or side of the principal structure"

The proposed garage is setback approximately 115 feet from the right-of-way, and is set back approximately 8 feet from the north (side) property line. The proposed garage meets all applicable zoning and setback criteria, barring the described Zoning Code section above.

Applicant Statement

The applicant has stated that due to the unique topography of the site, the only suitable area to build a garage is to the northeast of the house. The applicant has also stated that this request is consistent

with the multiple garages located on the west side of Riverside Drive that are set in front of the principal structure. The proposed location is one of the only flat and level areas on the lot, allowing for construction of the building.

3. 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 Section 153.231(H) have been satisfied.

A. Non-Use (Area) Variance Analysis [153.231(H)(2)]

All three of the following criteria must be met:

1) Special Conditions

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.

Criteria Met. The site contains natural features that limit the availability of buildable space for all structures. The principal structure is located in the center of the site, and the adjacency of the Scioto River to the rear of the site create special conditions. Due to the narrowness and natural constraints of the site, the only feasible and reasonable location for a detached garage is in the location shown on the site plan.

2) Applicant Action/Inaction

That the Variance is not necessitated because of any action or inaction of the applicant.

Criteria Met. The residence was constructed prior to the current owner acquiring the site. Due to the location of the house, the ravine running east to west through the site, and the limits of the Scioto River to the rear of the site, the selected location of the garage is the only possible placement on the site.

3) No Substantial Adverse Effect

Granting the Variance will not cause a substantial adverse effect to 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 property is adjacent to the Scioto River to the west. The property is heavily wooded, and the proposed garage would not cause any substantial adverse effects to the property or the surrounding residences.

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

1) Special Privileges

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. In 2019, The Board granted a variance for a detached garage to be built approximately 33 feet forward of the principal structure. The site also had natural constraints, however the subject site's adjacency to the Scioto River create additional challenges. If approved, this action would not offer special privileges to the property owner.

2) Recurrent in Nature

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. There are few properties in the City with circumstances as unique as the subject property. A vast majority of properties within the City can accomodate accessory structures to the rear or side. Therefore, the request would not be recurrent in nature nor require an amendment to the regulations.

3) Delivery of Government Services

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

Criteria Met. This request will not affect the delivery of governmental services.

4) Other Method Available

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 proposed location of the detached garage is the only reasonable and feasible location on the site. The proposed garage could not be located to either side yard or rear yard of the principal structure.

4. Recommendation

Planning Staff recommends **approval** of the Non-Use (Area) Variance to Zoning Code Section 153.074(B)(5)(a) to permit a detached garage to be constructed approximately 20 feet forward of the principal structure with no conditions.