

20-128V – BHOGULA RESIDENCE

Summary

Review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code Section 153.231(H) to allow an uncovered patio to encroach into the rear yard setback.

Site Location

Approximately 90 feet southwest of the intersection of Pleasant Drive and Oak Meadow Drive.

Zoning

PUD, Planned Unit Development – Oak Park

Property Owner

Sangamesh Hubballi

Applicant/Representative

Sangamesh Hubballi

Applicable Land Use Regulations

Zoning Code Section 153.231(H)

Case Manager

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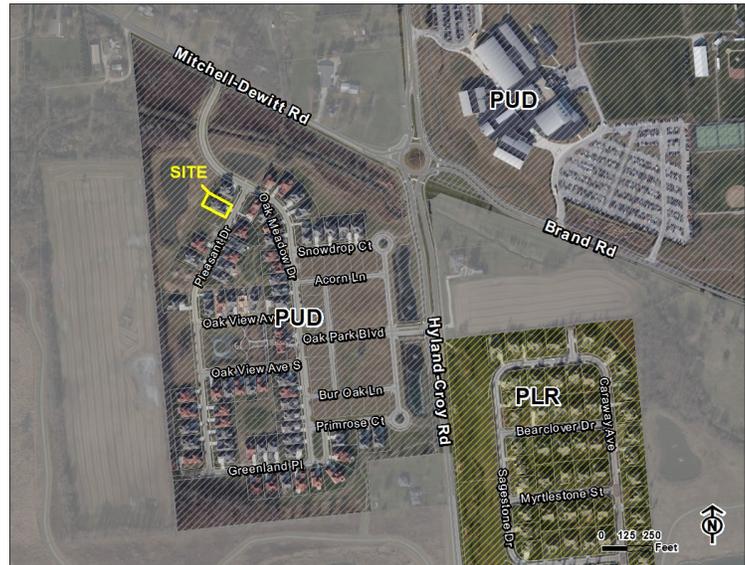
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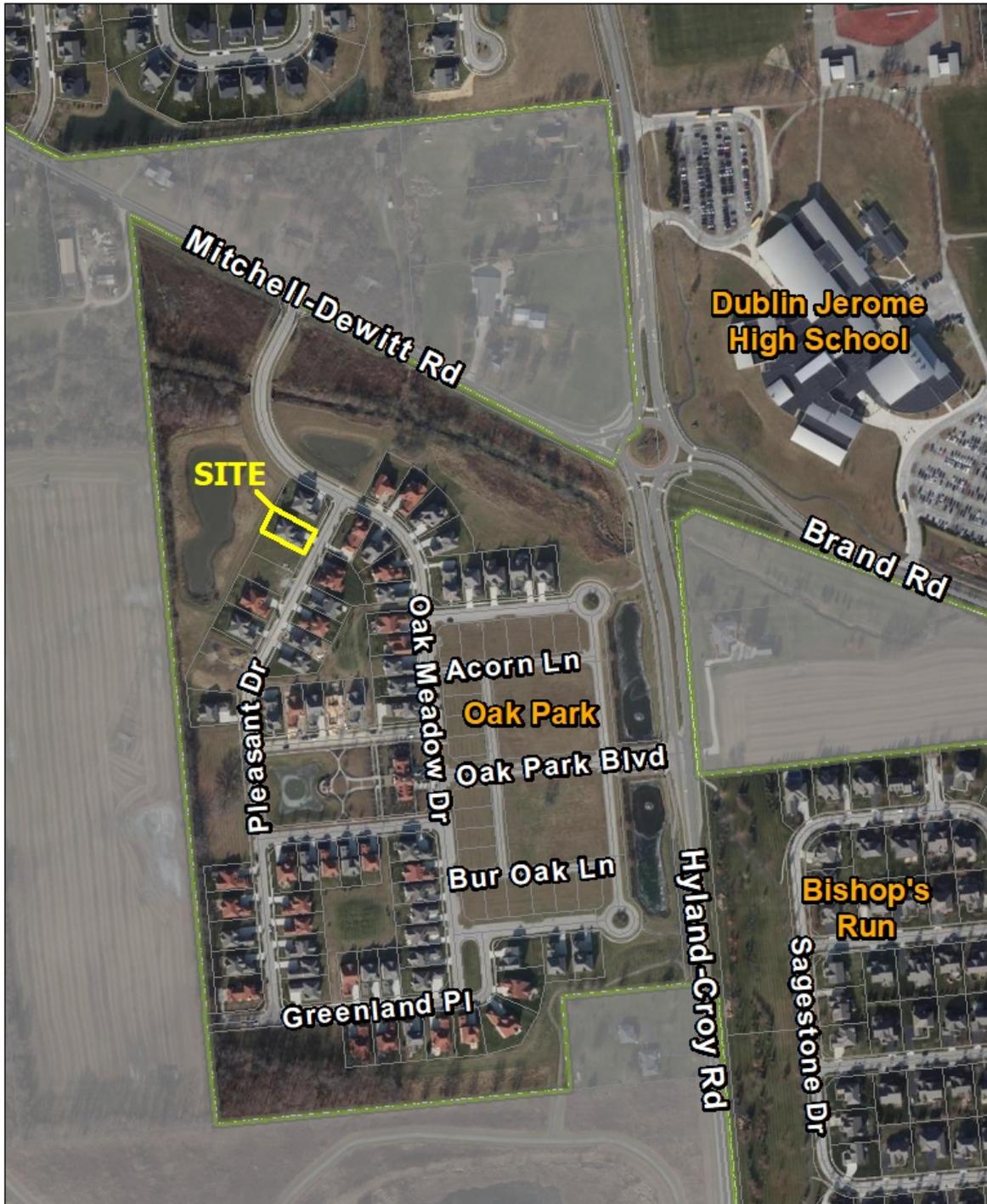
Next Steps

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. If denied, the applicant will need to revise the patio location to conform to all setbacks.

Zoning Map



1. Context Map



 <p>City of Dublin</p>	<p>20-135V Variance Hubballi Residence 8065 Pleasant Drive</p>	<p>0 155 310 Feet</p> 
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2. Overview

Background

Oak Park is a neighborhood located west of Hyland-Croy Road, southwest of Dublin Jerome High School. The property at 8065 Pleasant Drive is located on Lot 23 of the Oak Park subdivision, which was accepted by City Council in August 2007.

Site Characteristics

Natural Features

The site is adjacent to a reserve maintained by the City of Dublin to the west of the property. The reserve space is a buffer between Oak Park and the unincorporated land west of the area.

Surrounding Land Use and Development Character

North: Rural residential homes in unincorporated Jerome Township (across Mitchell-Devitt Road)

East: PUD, Planned Unit Development District (Bishop's Run, across Hyland Croy Road)

South: Glacier Ridge Metro Park (Jerome Township)

West: Vacant/Farmland (Jerome Township)

Road, Pedestrian and Bike Network

The site has vehicular and pedestrian access on Pleasant Drive to the east.

Utilities

The site is serviced by public utilities.

Proposal

The applicant is requesting a Variance to the Oak Park Development Text – Subarea A: "Park Homes" (III)(C) to encroach within the required 20-foot rear yard setback for uncovered patios by 9.1 feet.

Proposal

The applicant is proposing a new approximately 510-square-foot patio located to the rear (west) of the principal structure. Although the rear yard setback within the Oak Park Development Text states that Park Homes shall maintain a 25-foot rear yard setback, at-grade patios are permitted to encroach 5 feet into the required setback per the Zoning Code. This allows for a minimum 20-foot setback for patios within this subarea. The applicant is proposing to encroach farther into the rear yard setback, to construct a patio, by approximately 9.1 feet, up to a 10-foot easement that runs along the rear property line.

Applicant Statement

The applicant has provided a statement explaining the reason for the request. The applicant states that to accommodate the three-car garage on the front of the building, the house was pushed back, limiting the developable space to the rear of the home. The request of the additional 9 feet allows for a more usable and functional patio space for the home.

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 side-loaded three-car garage located at the southeast corner of the house sites the house farther into the lot, which affects the usable amount of space that the applicants have to the rear of the house. The lot is adjacent to an open space reserve that prohibits development of the rear adjacent site. Furthermore, the house was constructed with minimal side yard space which makes relocating the patio space impractical. These result in unique conditions for the site.

2) Applicant Action/Inaction

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

Criteria Met. The existing home on the lot occupies much of the buildable space on the site, eliminating the opportunity for adequate and meaningful patio space, and thus requiring a variance to construct a functioning patio that can accommodate simple patio amenities.

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 area adjacent to the proposed patio is located contiguous to a large reserve area to the west of the property. Although there are adjoining side yards to this property, no rear yards are adjacent to this property and the improvements will not expand further towards either adjoining neighbors. This proposal should not create adverse effects.

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. The Board has granted variances for lots with similar conditions based on the design of the site and its proximity to land that is undevelopable, such as open space reserves. Previous cases have been approved to allow accessory structures such as patios

and decks to encroach into the rear yard setback. If approved, this action will 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 Not Met. The Board has reviewed and approved requests to extend accessory structures/uses into the rear yard setback for two neighbors within the Oak Park development. All requests have been similar in asking for a rear yard setback variance for functional space of a patio. Staff has determined that this application would be recurrent in nature.

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 applicant could modify the plan to meet Code but it would result in a patio with as little as 5 feet in width of usable patio space. Staff has determined with previous Variance applications that 5 feet is too narrow for a patio space and would result in an area that would be impractical for the applicant.

4. Recommendation

Planning Staff recommends **approval** of the Non-Use Variance to the Oak Park Development Text – Subarea A: “Park Homes” (III)(C) to encroach within the required 20-foot rear yard setback for uncovered patios by 9.1 feet.