

20-157V – SHEWRING RESIDENCE

Summary

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

Site Location

East of Fulmar Drive, approximately 100 feet south of the intersection with Enke Court.

Zoning

R-3, Suburban Residential District – Hawk's Nest

Property Owner

Josef & Jennifer Shewring

Applicant/Representative

Steve Foisy, JSB Home Solutions

Applicable Land Use Regulations

Zoning Code Section 153.231(H)

Case Manager

Zachary C. Hounshell, Planner I
(614) 410-4652
zhounshell@dublin.oh.us

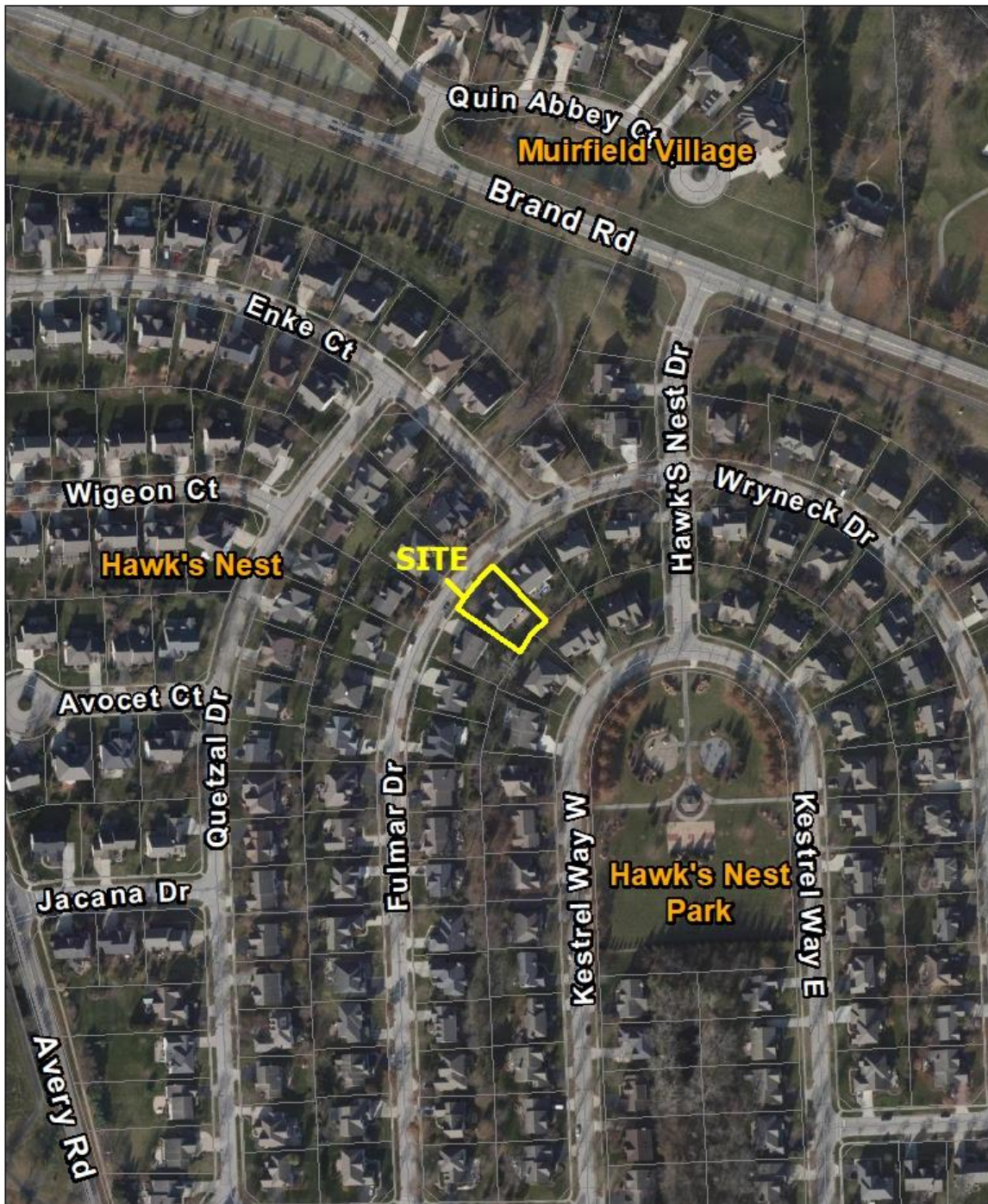
Next Steps

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

Zoning Map



1. Context Map



City of Dublin

20-167V
Variance
Shewring Residence
7740 Fulmar Drive

0 95 190
Feet



2. Overview

Background

Hawk's Nest is a neighborhood located west of Muirfield Drive, south of Brand Road, and east of Avery Road. The property at 7740 Fulmar Drive is located on Lot 143 of the Hawk's Nest subdivision, which was accepted by City Council in 1999.

Site Characteristics

Natural Features

The site has a line of trees that runs along the rear property line, which screens the rear yard from the adjacent properties to the rear.

Surrounding Land Use and Development Character

North: PUD, Planned Unit Development District (Muirfield Village)

East: PLR, Planned Low Density Residential District (Lakes of Dunmere)

South: PLR, Planned Low Density Residential District (Dublinshire)

West: R-1, Restricted Suburban Residential District (Avery Park)

Road, Pedestrian and Bike Network

The site has vehicular and pedestrian access on Fulmar Drive to the west.

Utilities

The site is serviced by public utilities.

Proposal

The applicant is requesting a Variance to the Dublin Zoning Code Section 153.022(C)(4) to encroach within the required rear yard setback for the construction of a new approximately 140-square-foot sunroom addition to the rear of the existing home.

Proposal

The applicant is proposing a new sunroom addition to the rear of the existing home. The home has a patio that was approved through a Certificate of Zoning Plan Approval in 2002. The proposed sunroom is proposed where a portion of the existing patio is located. The rear yard setback for the R-3 zoning district is required to be 25 percent of the lot depth, not to exceed 50 feet. In cases where the two side property lines are not the same length, the average of two distances is multiplied by 25 percent to determine the required rear yard setback. Due to this, the property has a rear yard setback of approximately 32 feet – 2 inches. The proposed sunroom addition encroaches approximately 7 feet – 2 inches into the rear yard setback. This variance would avoid extending into the required 25-foot no build zone to the rear of the property.

Applicant Statement

The applicant has provided a statement explaining the reason for the request. The applicant states that they are proposing this sunroom addition to utilize their existing patio space during inclement weather seasons. The applicant has requested the variance due to the limited space to the rear of the site for additions to the home. The applicant has stated that the addition would not be visible to the two adjacent properties to the rear of the home due to a line of trees along the rear property line. The applicant also states that due to the orientation of the rear lot line, the rear yard setback extends

further towards their home and occupies a majority of their rear yard, limiting any additions to the building within the permitted space.

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 garage located at the northeast corner of the house pushes the footprint of the home further into the rear yard. In addition, the unique orientation of the rear property line establishes a small area of permitted development for rear yard amenities. The site also has a 25-foot no build zone along the rear of the property, in addition to the rear yard setback. These conditions are unique 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 residence was built in 2000 before the current owner bought the property. The constraints of the site were not created by the applicant and a Variance is required to make any meaningful improvements in building footprint to the rear of the home.

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. 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 no build zones. If approved, this action will not offer special privileges to the property owner and the 25-foot no-build zone will still be maintained.

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. The constraints of this property are unique, making the request not 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 modification of the sunroom to meet zoning code would severely limit the available space for a sunroom addition to the house. A variance to allow more space but avoid expanding into the no build zone is the best method for the applicant.

4. Recommendation

Planning Staff recommends **approval** of the Non-Use Variance to the Dublin Zoning Code Section 153.022(C)(4) to encroach within the required rear yard setback by approximately 7 feet – 2 inches.