

20-209V – PARK RESIDENCE

Summary

Request for a Non-Use (Area) Variance to allow a detached garage to encroach 25 feet into the rear yard setback on a 1.04-acre site zoned R-1, Restricted Suburban Residential District.

Site Location

The site is located east of Red Oak Lane, approximately 225 feet north of Olde Dublin Woods Drive.

Zoning

R-1, Restricted Suburban Residential District

Property Owner

Robert Park

Applicant/Representative

Anthony Huelsman

Applicable Land Use Regulations

Zoning Code Section 153.231(H)

Case Manager

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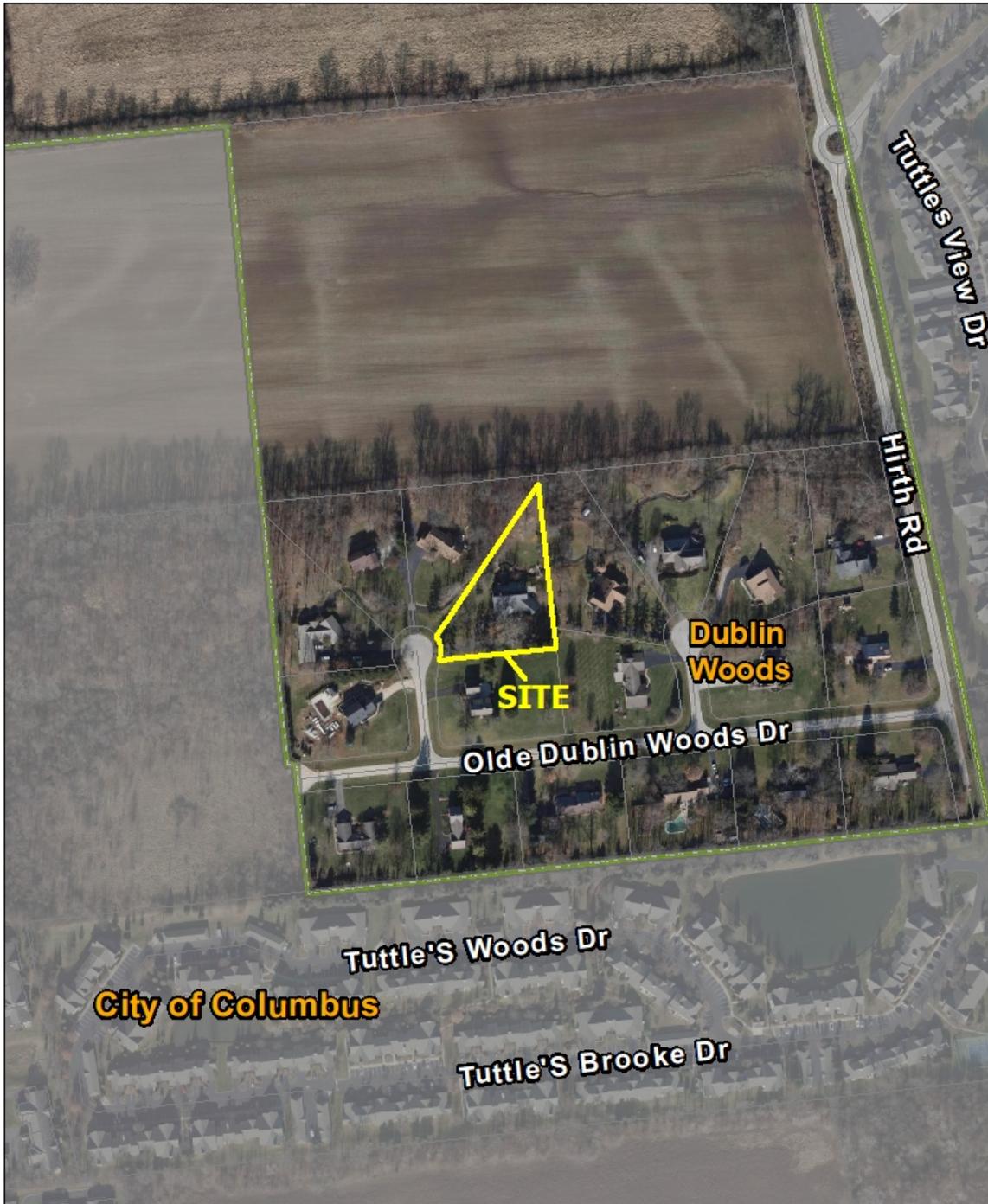
Next Steps

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

Zoning Map



1. Context Map



 <p>City of Dublin</p>	<p>20-209V Variance Park Residence 5196 Red Oak Lane</p>	<p>0 115 230 Feet</p> 
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2. Overview

Background

Dublin Woods is a neighborhood located on the southern corporate limit of Dublin, west of Hirth Road. The property at 5196 Red Oak Lane was developed in 1985 and is Lot 15 of the Dublin Woods subdivision. Dublin Woods was platted in 1979, replatted in 1985, and later annexed into the City of Dublin in 1990.

Site Characteristics

Natural Features

A stream runs from east to west just north of the principal structure on the site. A 50-foot watercourse easement is platted on the site that surrounds the stream and prohibits development of any kind within its boundaries. The stream also has a Stream Corridor Protection Zone that is located around the stream.

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: City of Columbus

Road, Pedestrian and Bike Network

The site has frontage on Red Oak Lane to the west. The site has no pedestrian access.

Proposal

The applicant is requesting a Variance to Zoning Code Section 153.020(C)(4) to permit an approximately 576-square-foot detached garage to encroach 25 feet into the 50-foot rear yard setback.

Proposal

The applicant is proposing a new 576-square-foot detached garage to the southeast of their existing house. The rear yard setback for the R-1 zoning district is required to be 20 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 20 percent to determine the required rear yard setback. Due to this, the property has a rear yard setback of 50 feet, as 20 percent of the average of the two side yards exceeds the 50-foot maximum which is approximately 61 feet. The proposed detached garage encroaches approximately 25 feet into the rear yard setback.

Applicant Statement/Planning Analysis

The applicant has provided a statement explaining how the request addresses the required criteria. The applicant built the home in 1986. The proposed location of the new garage is in the southeast corner of the property. The applicant has stated that locating the garage to the west of the home would be problematic based on grading issues and current flooding. The applicant also states that the garage is located in an area of the site that provides minimal modifications to the existing site. The garage would be placed consistent with the placement of the home, while still meeting addition zoning requirements. Meeting the 50-foot rear yard setback would make access to the existing attached garage impractical and more importantly, require the removal of at least two large mature trees that are located to the south of the home within the driveway court.

Planning agrees with the several unique features of the site including the existing stream and associated flooding issues in the western portion of the site, as well as the desire to retain the natural vegetation on the site. Planning would add the unusual shape of the site further complicates where the garage is located and therefore identify unique characteristics of the site.

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 natural features that are present on the property are considered special conditions. The creek that runs north of the home has a 50-foot waterway easement which prohibits development. The lot also has a low graded area to the west of the home, which would be problematic for potential flooding. The unique size and layout of the property creates a large rear yard setback that was not applicable at the construction of the site, which was developed prior to adopting Dublin Zoning Code requirements. All of these items would be considered special conditions.

2) Applicant Action/Inaction

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

Criteria Met. The site was developed in 1986, prior to being annexed into the City of Dublin in 1990. The natural features of the site including the existing stream and the mature vegetation are environmental components of the site and do not relate to actions of either the applicants.

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 proposed garage would be screened to the south by a row of mature trees existing on the site. No adverse effects would occur as a result of granting the variance.

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. Previous cases have been approved to allow accessory structures such as detached garages to encroach into a required setback based on natural features that impact the developable area on a site. 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 Met. The conditions of this site are unique only to this site. The request for a variance in this case is 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 only method of omitting the need for the Variance would be to meet the 50-foot rear yard setback. However, locating the garage within the required setback would potentially eliminate large mature trees, increase the modifications to the existing driveway and landscape, and impact access to the existing attached garage. A variance is the proper method to eliminate these additional site modifications.

4. Recommendation

Planning Staff recommends **approval** of the Non-Use Variance to Zoning Code Section 153.020(C)(4) to permit an approximately 576-square-foot detached garage to encroach 25 feet into the 50-foot rear yard setback with no conditions.

