



MEETING MINUTES

Board of Zoning Appeals

Thursday, January 28, 2021

CALL TO ORDER

Ms. Cooper called the meeting to order at 6:30 p.m. and made the following comments:

“Good evening and welcome to the January 28, 2021 virtual meeting of the City Board of Zoning Appeals. The Ohio Legislature passed several emergency laws to address the pandemic, including the ability for public entities to have virtual meetings. For the present time, we are holding our meetings online and live streaming those meetings on YouTube. You can access the livestream on the City’s website. To submit any questions or comments during the meeting, please use the form under the streaming video on the City’s website. These questions and comments will be relayed to the Board by the meeting moderator.

ROLL CALL

Board Members present: Mr. Deschler, Ms. Herbert, Ms. Cooper, Mr. Nigh, Ms. Miller
Staff present: Mr. Hounshell, Ms. Noble

ACCEPTANCE OF DOCUMENTS AND APPROVAL OF MINUTES

Ms. Herbert moved, Mr. Nigh seconded acceptance of the documents into the record and approval of the November 19, 2020 meeting minutes.

Vote: Ms. Miller, yes; Mr. Nigh, yes; Mr. Deschler, yes; Ms. Cooper, yes; Ms. Herbert, yes.
(Motion carried 5 – 0)

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

CASES:

1. Park Residence at 5196 Red Oak Lane, 20-209V, Non-Use (Area) Variance

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 R1, Restricted Suburban Residential District, located east of Red Oak Lane, approximately 225 feet north of Olde Dublin Woods Drive.

Staff Presentation

Mr. Hounshell stated that this is a 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 within the Dublin Woods subdivision, a neighborhood located on the southern corporation limit of Dublin, west of Hirth Road. 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, which 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. Dublin Woods was platted in 1979, replatted in 1985, and annexed into the City of Dublin in 1990.

The property at 5196 Red Oak Lane, Lot 15, was developed in 1986, well before it was annexed into the City. Because the site was developed under different development standards than the City's zoning requirements, any future applications regarding this property are required to be reviewed per the R-1 zoning district standards. The applicant is proposing a new 576-square-foot detached garage to the southeast of their existing house, and is requesting a variance to Zoning Code Section 153.020(C)(4), which is related to the rear yard setback for the R-1 Restricted Suburban Residential Zoning District. The rear yard setback for this site is 50 feet, and the applicant is requesting a 25-foot encroachment into the setback. They have provided a statement explaining how the request addresses the required criteria. They have indicated that the location of the garage to the west would not be possible due to an existing well, as well as being a low area that floods often because of the stream and the waterway easement. It would be challenging to locate a detached garage forward of the home, which also would require a variance. The applicant has stated the garage would be located in an area that would require minimal modifications to the landscaping and the existing driveway. Meeting the 50-foot rear yard setback would make access to the existing attached garage impractical and require the removal of at least two large mature trees that are located to the south of the home within the driveway island. There are several unique features on the site, including the existing stream and associated flooding issues in the western portion of the site. The intent is to retain the natural vegetation on the site. Staff has reviewed the application against the applicable criteria and recommends approval with no conditions.

Applicant Presentation

Anthony Huelsman, Harper Architectural Studio, 105A Commerce Park Dr., Westerville, OH, stated that his client would like to construct an additional garage on his property for the purpose of vehicle and lawn equipment storage. They have attempted to keep the garage approximately the same distance from the rear property line as the existing house, per zoning requirements. The intent was to avoid placing the garage in front of the home and avoid removal of trees. The proposed location is essentially the only location on the property where the garage could be placed.

Board Questions/Discussion

Mr. Deschler inquired the size of the existing garage on the property.

Mr. Huelsman responded that it is a two-car garage.

Mr. Deschler inquired if vehicles or other equipment currently are stored within the existing garage.

Robert Parks, 5196 Red Oak Lane, Dublin, OH, responded that the existing garage does not accommodate their increased needs. His daughter and grandson now are living with them, and the total number of vehicles has increased to four. In addition, he has equipment that needs to be stored inside. There are no street lights, sidewalks or curbs in their neighborhood, and there has been a theft and car break-in in their neighborhood. For security purposes, the additional garage is needed to secure all the vehicles and equipment. The architecture of the proposed structure will resemble the existing structures and will appear to have been in place for some time.

The Board had no additional questions and expressed support for the variance.

Public Comment

Dave Martz, 5193 Betonywood Place, Dublin, OH:

"My family and I live directly east of 5200 Red Oak Lane, where there is currently a zoning variance pending for the Park place. We built a garage on our property in 2019 without a variance that is very similar in placement to what the Parks would like to do on theirs. We spent a great deal of time

considering the impact of that project on our neighbors, as have the Parks with their project. Our new garage affects them almost exactly as theirs will affect us - which is in a way that hopefully increases our property values and safety, and does not decrease anyone's ability to enjoy the neighborhood. I was surprised to learn that a variance would be needed for their garage. We fully support this project. The Parks have been great neighbors over the years, the garage will be well-executed, and this is really no different than what we did on our property with no variance."

Ms. Herbert moved, Ms. Miller seconded 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.

Vote: Ms. Cooper, yes; Ms. Herbert, yes; Mr. Deschler, yes; Ms. Miller, yes; Mr. Nigh, yes.
[Motion carried 5-0.]

2. Beckman Residence at 7047 Greenland Place, 20-219V, Non-Use (Area) Variance

Request for a Non-Use (Area) Variance to allow an at-grade patio to encroach 5 feet, 3 inches into the 20-foot rear yard setback for patios on a 0.24-acre site located south of Greenland Place, approximately 375 feet east of the intersection with Pleasant Drive.

Mr. Hounshell stated because the applicant is not present, this case would need to be tabled.

Ms. Herbert moved, Mr. Nigh seconded to table the Beckman Residence application, Case 20-219V, Non-Use (Areal) Variance.

Vote: Mr. Nigh, yes; Ms. Cooper, yes; Ms. Herbert, yes; Mr. Deschler, yes; Ms. Miller, yes.
[Motion carried 5-0.]

3. Haas Residence at 7099 Old Prose Court, 21-001V, Non-Use (Area) Variance

Request for a Non-Use (Area) Variance to allow a swimming pool to encroach two feet into the rear yard setback and a second Non-Use (Area) Variance to permit a pool that does not meet the minimum setback from the primary structure on a 0.28-acre site zoned R-4, Suburban, located west of Old Prose Court, approximately 150 feet northwest of the intersection with Fitzgerald Road.

Mr. Hounshell stated that the applicant has requested that this case be tabled.

Mr. Deschler inquired if there is a distinction between this request to table, which was initiated by the applicant, and the previous request, where, because the applicant was not present, the Board chose to table the case. Also, what requirements control when the tabled request must be rescheduled?

Mr. Hounshell responded that when the variance is requested for a proposed project, there is no associated timeline. In that case, the applicant could table their request for a year, as there are no Code compliance issues. However, if the application is due to existing Code compliance issues, staff must be diligent about moving the case forward to ensure compliance occurs.

Mr. Deschler inquired when the applicant would initiate the request to table, and when would the Board do so. What precipitates the motion?

Ms. Herbert stated that she assumes the Board must do so because the community has received notice of the application.

Ms. Noble responded that is correct. If the need to table was recognized before the public notice was sent, it could have been postponed without Board action to table. In this case, she determined to move the case forward with a request for tabling, in the hope of achieving a better resolution of the

case details. If the Board were to refuse to table, particularly if the applicant was present, the case would proceed. It is preferable to have the applicant present, in the event there are questions staff is unable to answer for the applicant.

Ms. Cooper stated that tabling enables the case to remain open when staff and the applicant recognize it is not ready for a final decision by the Board. She believes it is understandable that the applicant does not need to be present to make their request publicly.

Mr. Deschler moved, Ms. Miller seconded to table the Haas Residence application, Case 21-001V, Non-Use (Area) Variance.

Vote: Ms. Herbert, yes; Mr. Nigh, yes; Ms. Cooper, yes; Mr. Deschler, yes; Ms. Miller, yes.
[Motion carried 5-0.]

COMMUNICATIONS

- The next regular BZA meeting is scheduled for February 25, 2021.

ADJOURNMENT

The meeting was adjourned at 7:10 p.m.

Martha Cooper
Chair, Board of Zoning Appeals

Judith K. Beal
Assistant Clerk of Council