



MEETING MINUTES

Board of Zoning Appeals

Thursday, March 25, 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 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. We appreciate this ability to maintain our continuity of government. 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. We want to accommodate public participation to the greatest extent possible and welcome your comments on cases. Please use a valid name and address when submitting your comments and refrain from making any inappropriate comments.”

ROLL CALL

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

ACCEPTANCE OF DOCUMENTS AND APPROVAL OF MINUTES

Mr. Deschler moved, Ms. Miller seconded acceptance of the documents into the record and approval of the February 25, 2021 meeting minutes.

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

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

Mr. Nigh was recused from the following case due to conflict of interest.

CASES

1. **Begley Residence at 6199 Dublin Road, 21-028V, Non-Use (Area) Variance**

A request for a Variance to Zoning Code Section 153.074(B)(5)(a) to permit a detached garage to be located approximately 18 feet forward of the principal structure on a 1.32-acre site located southwest of the intersection of Dublin Road with Short Street, and zoned R-2, Limited Suburban Residential District.

Staff Presentation

Mr. Hounshell stated that this is a variance request for the Begley property at 6199 Dublin Road, which is located within the boundaries of the Historic District and is zoned R-2. The site, which has a significant grade change from east to west, contains many natural features, including a large number of mature trees. A stream runs through the rear of the property, which is within a large floodplain covering the western half of the site. A historic stonewall extends along the eastern boundary of the floodplain. The site has frontage on Dublin Road, along which a sidewalk extends. Driveway access at the south end of the site leads to an existing attached garage, which will be included in some future renovations of the home. The proposed new garage would be located next to the wrap-around driveway. [Photo shown of rear, west side of the existing home.

In December 2020, the Architectural Review Board (ARB) informally reviewed a proposal for a detached garage and exterior modifications to the existing home. The Board was supportive of the construction of a detached garage in the proposed location and the overall site layout and renovations to the existing structure. Following an approval of the variance from the BZA, the applicant would need to obtain final approval of all site improvements and architectural elevations from the ARB before pursuing construction. The applicant is requesting a variance to Zoning Code Section 153.074(B)(5)(a), which requires all detached structures to be located to the side or rear of the principal structure. The applicant is proposing a new 912-square-foot detached garage southeast of the existing home, extending approximately 18 feet forward of the front (east) façade of the building. The variance would permit an encroachment of 18 feet forward of the home into the front yard. The garage would be located approximately 47 feet from the property line, consistent with the required 40-foot front yard setback. The proposed location meets all applicable Code requirements for setbacks and detached garages.

The applicant's statement included in the meeting packet explained the reason for their request for a variance. The home was built in 1947, and the applicants have owned and resided in the home since 2006. They are in the process of renovating the home and the site, which includes converting the original, smaller attached garage into living space. The applicants indicate that the proposed location of the new garage forward of the structure is the only possible site, due to the natural features to the west and southwest of the home. The existing home is built into the hillside, and due to the grade change, the proposed garage also would be built into a hillside niche, which will screen a large portion of the garage from Dublin Road. Only the top half of the structure will be seen from the roadway. Staff has reviewed the request against the applicable criteria and recommends approval with one condition.

Ms. Noble noted that this case is different in that it requires review by both the BZA and ARB. Anticipating that the ARB's future review of the proposed project could result in a slight variation in the location, a condition of BZA approval is recommended that would permit the garage location to vary to the north or south but not encroach more than 18 feet from the front of the principal structure. This condition would facilitate the review process for the applicant.

Mr. Deschler inquired if the BZA would be approving a distance of 18 feet to accommodate that possibility; the actual encroachment could be 15 or 16 feet.

Ms. Noble responded that the 18 feet encroachment [to the front/east façade] would not change; the only variation in location would be slightly to the north or south, as determined by the ARB review.

Applicant Presentation

Lori Begley, 6199 Dublin Road, Dublin, OH stated that although the conversion of the existing attached garage will provide additional living space, a greater need is to accommodate their vehicles. The existing garage was built many years ago and does not accommodate taller SUVs. Additionally, with two teenage drivers added, the garage space is inadequate. With the proposed location, they are attempting to avoid

the existing floodplain and not obstruct the view of the barn for themselves or their neighbor. The neighbor has submitted a letter regarding the view issue to be read at this meeting. She noted that a detached garage follows the recommendation of the Historic Design Guidelines.

Public Comment

Thomas and Jane Fox, 6193 Dublin Road, Dublin, OH:

"Please read this letter tonight at the Board and Zoning Appeals meeting. We are writing this to the Board in support of the variance requested by our neighbours, Don and Lori Begley. The placement of the new garage has been discussed with us, and we fully agree that placement of the garage in the position presented tonight alleviates many of the issues that they have demonstrated. We share ownership of the small pond behind our homes, and a view across the pond into the Historic Barn would be obstructed if the garage were located behind the house. The topography of the land and stream provide attractive and key features that we all want to preserve, and the proposed placement of the garage is the most appropriate location. The garage will be almost totally hidden against the hillside from S. High Street, as well as from the Karrer property to the south. We ask the Board to grant them the variance request, and we appreciate your consideration of our comments."

Board Discussion

Mr. Deschler inquired if a detached garage is necessary due to the requirements of the Historic Design Guidelines.

Mr. Hounshell responded that with the Historic District properties, detached structures are encouraged, as historically, attached garages were not common.

Mr. Deschler inquired if this is the location for a detached garage on the property.

Mr. Hounshell responded affirmatively.

Ms. Herbert moved, Ms. Miller seconded approval of a Non-Use Variance to Zoning Code Section 153.074(B)(5)(a) to permit a detached garage to be located approximately 18 feet forward of the principal structure on a 1.32-acre site with one condition:

- (1) The buildings may vary slightly in location subject to the approval of the Architectural Review Board, as long as the detached structure does not encroach more than 18 feet forward of the principal structure.

Vote on the motion: Ms. Miller, yes; Ms. Herbert, yes; Mr. Deschler, yes; Ms. Cooper, yes.

[Motion carried 4-0]

GOAL SETTING

Ms. Noble stated that City Council has prioritized training for its Board and Commission members. To assist in identifying education topics for 2021, PZC, ARB and BZA members have been requested to provide their recommendations for education topics.

- Annual refresher of Board roles and responsibilities (previously provided by consultant Greg Dale and City legal counsel).
- Onboarding training for new Board members, including a previous meeting to view that would provide insight as to the Board's review process in evaluating a case in deference to the Code.
- Include in meeting materials:
 - Historic information related to the cases, if the subject matter has been dealt with previously. Current Board members often are not aware of earlier cases and decisions. Such information is important to provide better review of new cases.
 - In-depth analysis as to how the request meets/does not meet the three critical criteria for approval, recognizing that the Board would continue to have discretion, and the meeting record would document the Board's decision related to criteria met/not met.

- Additional details related to the recommendation. If disapproval is recommended, include information concerning the discussions and areas in which agreement was not reached and if the applicant was made aware of the recommendation forthcoming to the Board.
- More current condition site photographs and graphics.
- Agendas of other boards and commissions to enable the Board to be better informed.

COMMUNICATIONS

- The next BZA meeting is scheduled for 6:30 p.m., Thursday, April 29, 2021. Due to term limits, Chair Martha Cooper indicated that this meeting would be her final BZA meeting. Staff and Board members expressed their appreciation to Ms. Cooper for her contributions to case analysis and her leadership. Ms. Cooper stated that she has enjoyed serving on the Board and looks forward to seeing fellow Board members at future City events, which, hopefully, will resume soon.

ADJOURNMENT

The meeting was adjourned at 7:40 p.m.

Chair, Board of Zoning Appeals

Assistant Clerk of Council