

21-028V – BEGLEY RESIDENCE

Summary

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.

Site Location

The site is southwest of the intersection of Dublin Road with Short Street.

Zoning

R-2, Limited Suburban Residential District

Property Owner/Applicant

Lori Begley

Applicable Land Use Regulations

Zoning Code Sections 153.074 & 153.231(H)

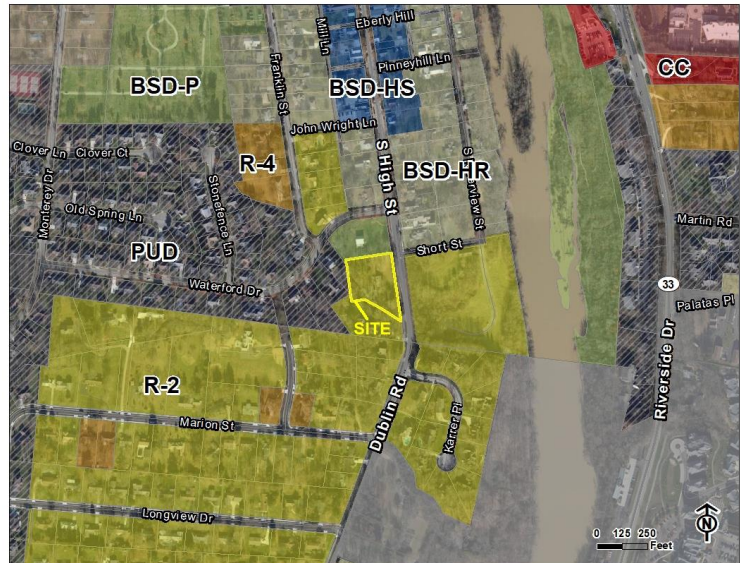
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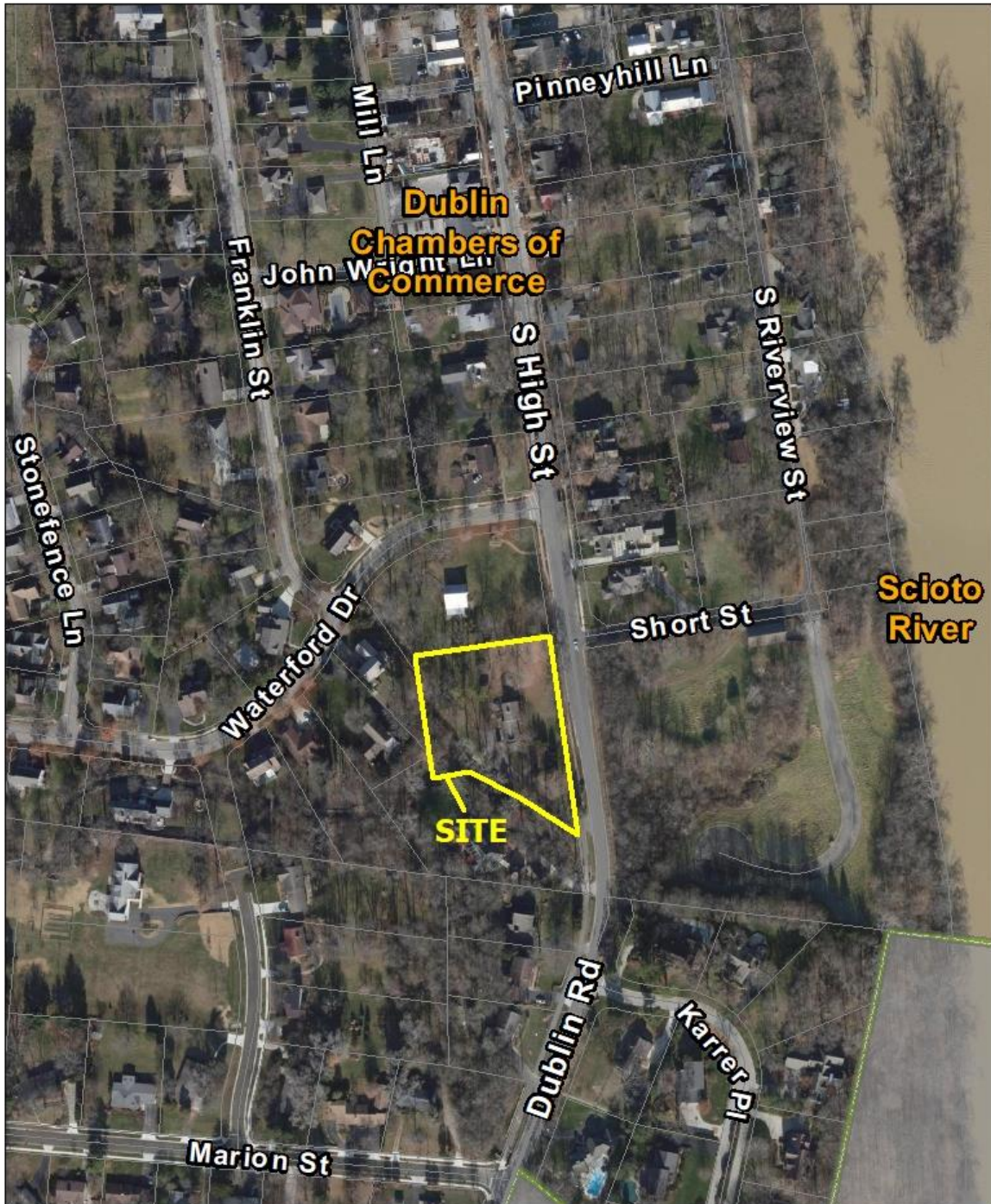
Next Steps

The Board of Zoning Appeals (BZA) is the final reviewing body for this application. Upon approval from the BZA, the applicant may proceed to receive approval from the Architectural Review Board for the proposed garage.

Zoning Map



1. Context Map



 <p>City of Dublin</p>	<p>21-028V Variance Begley Residence 6199 Dublin Road</p>	<p>0 95 190 Feet</p>	
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2. Overview

Background

The 1.32-acre site has approximately 335 feet of frontage along Dublin Road and S. High Street and a lot depth of approximately 225 feet. The site is located southwest of the intersection with Short Street. There is significant change of grade from Dublin Road (east) toward the rear of the property (west). The site contains a two-story, single-family home with a rectilinear footprint, constructed in 1949.

Site Characteristics

Natural Features

The site has significant grade change from east to west, contains a significant number of mature trees, as well as a stream that runs through the rear of the property.

Surrounding Land Use and Development Character

North: BSD-P: Public (Open Space/Karrer Barn)

East: R2: Limited Suburban Residential District (Single-Family Residential)

South: R2: Limited Suburban Residential District (Single-Family Residential)

West: PUD: Waterford Village (Single-Family Residential)

Road, Pedestrian and Bike Network

The site has frontage on Dublin Road. A driveway provides vehicular access at the south end of the site. A sidewalk extends along the Dublin Road frontage.

Utilities

The site is served by public utilities, including sanitary and water. Electric and gas are also provided on site.

Proposal

The applicant is requesting review and approval of 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.

Proposal

The applicant is proposing a new 912-square-foot detached garage on the site. The applicant is proposing the garage southeast of the existing home, extending approximately 18 feet in front of the front (east) façade of the building. The proposed location of the garage is in conflict with the requirements of Zoning Code Section 153.074(B)(5)(a), which states:

“All accessory uses and structures, including swimming pools and associated decking, shall be constructed within the permitted buildable area of a lot, behind all applicable setback lines, and to the rear or side of the principal structure.”

The proposed garage is setback approximately 47 feet from the front property line, meeting the 40-foot front setback. The proposed garage meets all applicable zoning and setback criteria, barring the described Zoning Code section above.

Applicant Statement

The applicant has provided a statement addressing the Variance request. The home was building in 1949 and the applicant has been living here since 2006. The applicant is in the process of renovating their home, which includes converting the original attached garage into living space within the home. The applicant states that requesting the proposed location of the garage forward of the structure is the only viable location due to the natural features present to the west and southwest of the home. Since the existing home is built into the grade change, the proposed garage would also be built in a hillside niche that would screen a large portion of the garage from Dublin Road.

Staff agrees with the applicant that the site contains many natural features that limit buildable area on the lot for detached accessory structures. Locating the garage to a different location on the site would require removal of mature trees and potentially encroaching the floodplain limits.

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 site contains natural features that limit the availability of buildable space for all future structures. The home is built in the center of the lot, with a stream and floodplain occupying the rear of the lot. Additionally, there is significant grade change from east to west on the lot with a number of mature trees to avoid on the site. These natural features create a special condition for the lot.

2) Applicant Action/Inaction

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

Criteria Met. The residence was constructed prior to the current owner acquiring the site. Due to the location of the house and the limited available buildable space on the site due to its various natural features, the selected location of the garage is the only possible placement on the site.

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 stream to the west and southwest of the site is heavily wooded, screening the lot from adjacent properties. The proposed garage location would not cause any substantial adverse effects to the property or the surrounding residences.

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. In previous years, the Board has granted variances for detached garages to be built forward of the principal structure due to natural features located on or adjacent to the site. If approved, this action would 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. There are few properties in the City with circumstances as unique as the subject property. A vast majority of properties within the City can accommodate accessory structures to the rear or side of the principal structure. The request would not be recurrent in nature nor require an amendment to the regulations.

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 proposed location of the detached garage is the only reasonable and feasible location on the site. The proposed garage could not be located to the side yard or rear yard without impeding the floodplain or impacting a number of mature trees.

4. Recommendation

Planning Staff recommends **approval** of 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 with no conditions.