

21-047V – WILKOWSKI RESIDENCE

Summary

Request for a Non-Use (Area) Variance to allow an attached garage to deviate 11 feet – 4 inches from the required 25-foot total for side yards on the 0.87-acre site.

Site Location

The site is located west of Riverside Drive, ±500 feet north of the intersection with Tonti Drive.

Zoning

R-1, Restricted Suburban Residential District

Property Owner

Gery Wilkowski

Applicant/Representative

Robert Johnson, JH Architects

Applicable Land Use Regulations

Zoning Code Section 153.231(H)

Case Manager

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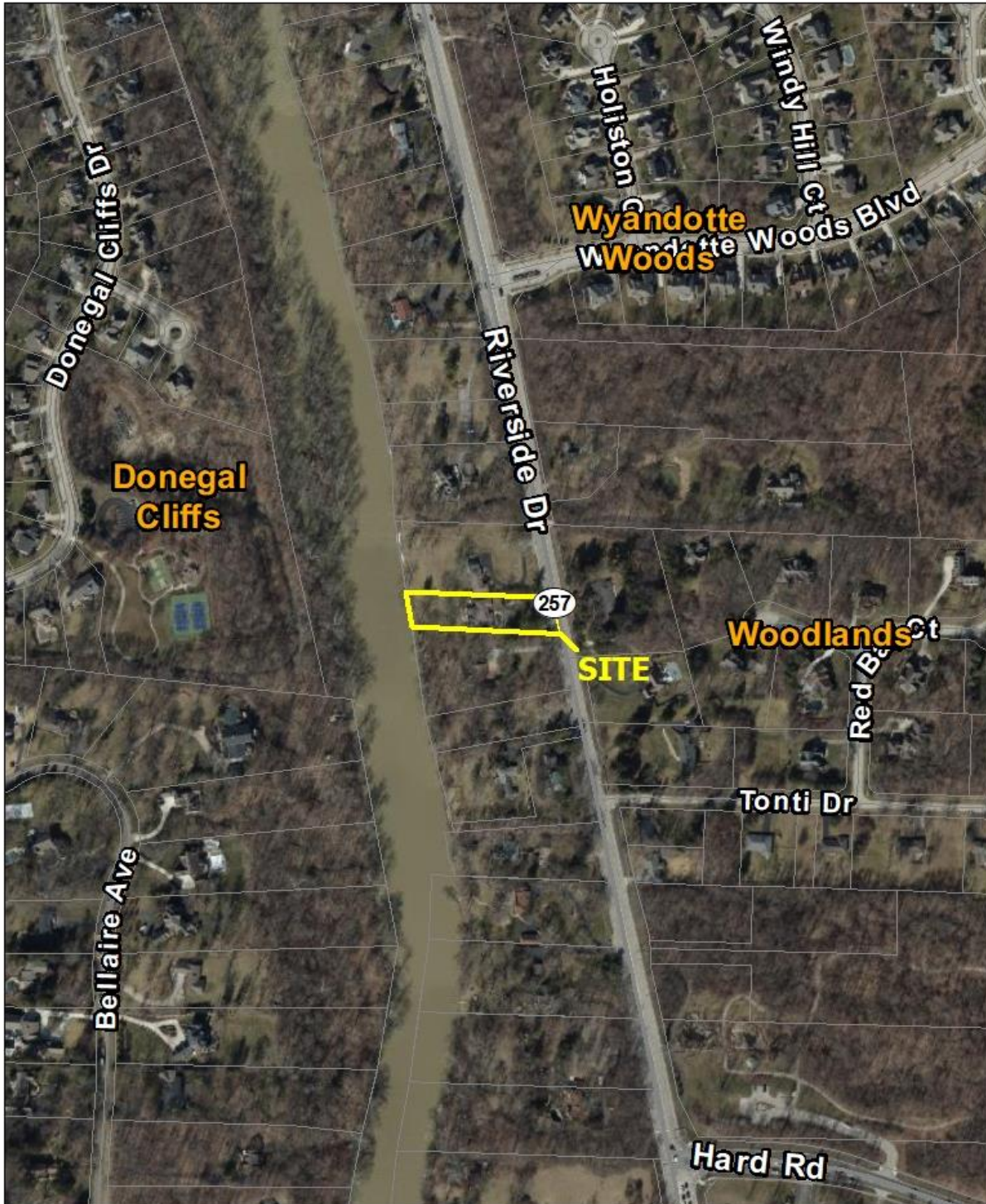
Next Steps

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



City of Dublin

21-047V
Variance
Wilkowski Residence
7781 Riverside Drive

0 155 310
Feet



2. Overview

Background

The property at 7781 Riverside Drive was constructed in 1954. The site is an approximately 0.87-acre site that was annexed into the City of Dublin in 1974. The site is zoned R-1, Restricted Suburban Residential District. Therefore, the site was developed in Washington Township and was annexed into the City of Dublin as a developed site that is non-conforming to the City of Dublin Zoning Code.

Site Characteristics

Natural Features

The site is developed with a single-family dwelling located at the center of the property. There is grade change from the east to the west due to the Scioto River to the rear of the property, as well as grade change from Riverside Drive to the front elevation of the home. A 100-year floodplain is located just to the rear of the building, occupying the western half of the site. The site also has significant tree vegetation to the front of the property leaving both the front and the rear of the property with limited areas to develop.

Surrounding Land Use and Development Character

North: R-1, Restricted Suburban Residential District (Single-Family Residential)

East: R-1, Restricted Suburban Residential District (Single-Family Residential)

South: R-1, Restricted Suburban Residential District (Single-Family Residential)

West: PUD, Planned Unit Development District – Donegal Cliffs (Donegal Cliffs Park)

Road, Pedestrian and Bike Network

The site has vehicular access on Riverside Drive to the east.

Utilities

The site is serviced by a well and septic system.

Proposal

The applicant is requesting a Variance to Zoning Code Section 153.020(C)(3) to allow an attached garage to deviate approximately 11 feet – 4 inches from the required 25-foot total for side yards. The home was built in 1954, prior to its annexation into the City of Dublin in 1974. Following annexation of the property, the site fell within the zoning requirements of the R-1, Restricted Suburban Residential District. Zoning Code Section 153.020(C)(3) states the following for side yard setbacks: "For dwellings or associated accessory buildings there shall be a total of side yards of 25 feet or more with a minimum of eight feet on one side." The site is a legal non-conforming lot in the sense that when it was constructed it met the requirements of Washington Township, but is non-conforming to the City of Dublin Zoning Code.

With the proposed garage addition, the applicant is providing an 8-foot setback from the southern property line, with an existing setback of 5 feet – 8 inches from the northern property line to the existing building. Although the northern side yard setback is 5 feet – 8 inches, the requirement is that only one side is required to be a minimum of 8 feet, which the southern side yard setback is meeting. As shown in the *Figure 1*, to maintain the minimum total side yard setback, the applicant would have to provide 19 feet – 4 inches on the south side of the building to meet the total side yard setback

requirement. The applicant is requesting an 11 feet – 4 inch variance, which is the difference between the 19 feet – 4 inches required and the 8 feet provided on the south property line.

The proposed garage is approximately 898 square feet in size and deep enough to fit potentially 4 cars. The addition will be two stories, allowing for storage above the garage since the building does not have a basement.

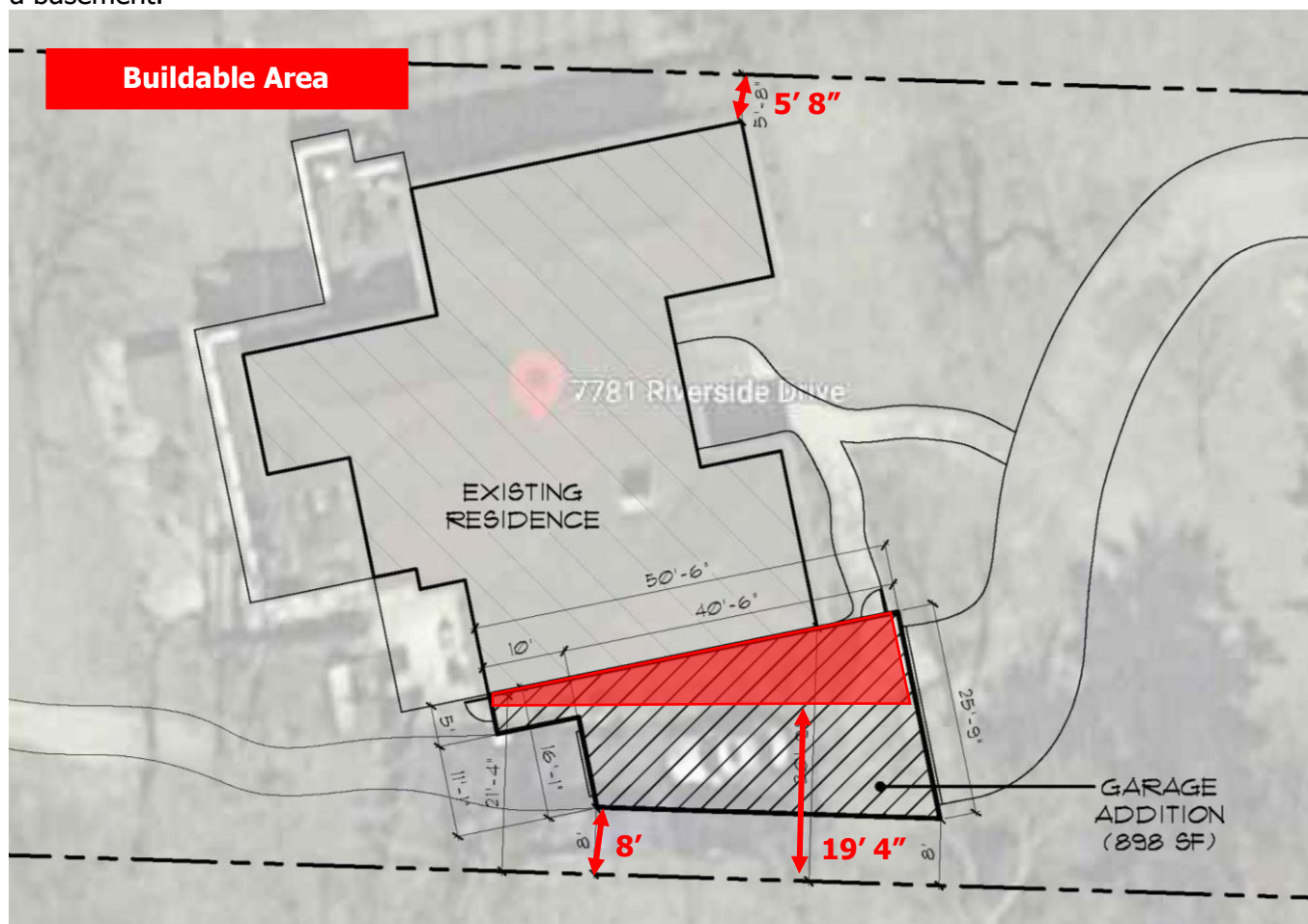


Figure 1

Applicant Statement/Planning Analysis

The applicant has provided a statement identifying how the request addresses the criteria. The applicant states that they purchased the property in May of 2020 with the intention of building an attached garage. The applicant states that the proposed location of the garage is the only pragmatic location due to the topography of the site to the rear of the home. Additionally, the orientation of the home on the lot creates a hardship to maintain side yard clearances that takes away the ability to add onto the home. The applicant states that building the attached garage forward of the home would lose egress for the bedrooms that would place the home in violation of the Residential Code of Ohio. Additionally the applicant states that the proposed location is the only location where they would not have to cut down existing mature trees as the driveway is already in the same footprint of the proposed garage. Finally, the garage would be screened by an established vegetation buffer between this lot and the southern lot.

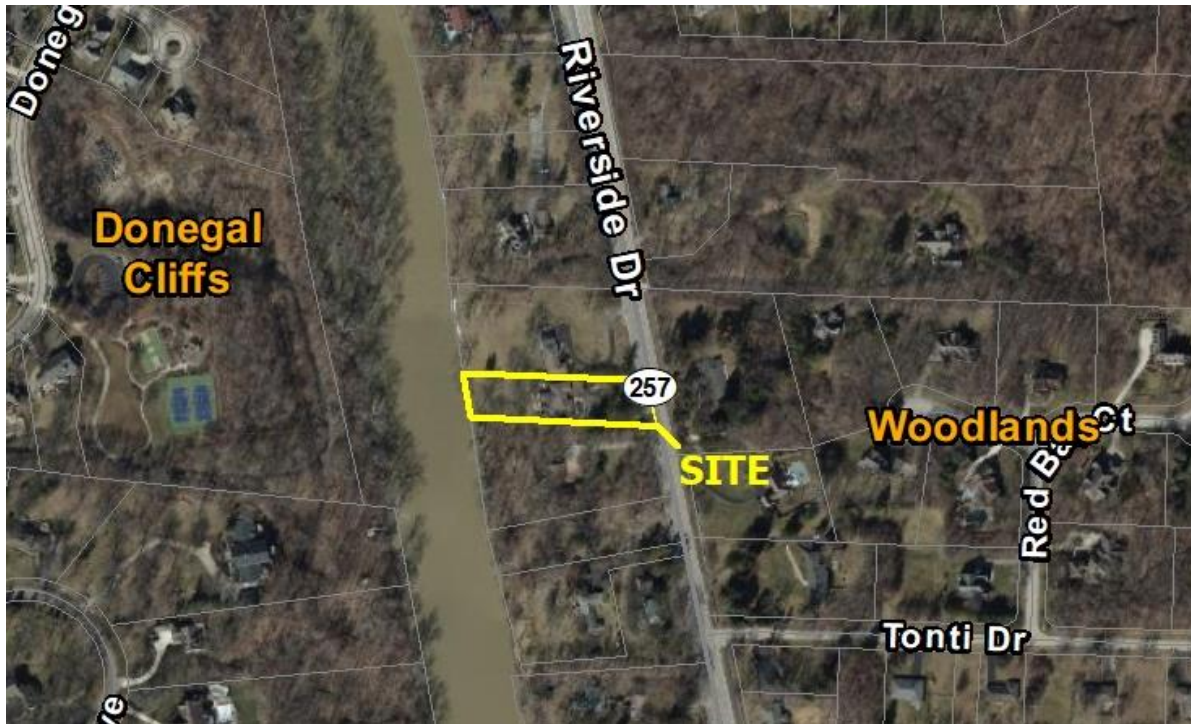
Planning Staff was initially contacted by the applicant in June of 2020 to work through options for an attached garage. The applicant had worked to potentially alleviate the need for the variance by purchasing property from the southern property owner, but were unsuccessful in doing so. The applicant originally asked for a 3-foot setback from the southern property line, which would have required an additional variance to the minimum 8-foot setback requirement for one side. However, the applicant eliminated this variance by modifying their plan to meet the 8-foot setback.

The site has many unique characteristics, including but not limited to: the orientation of the home on the lot, floodplain and topography changes to the rear of the lot, mature vegetation to the front of the property, and the narrowness of the lot. The topography of the rear of the house to the Scioto River decreases from approximately 784' MSL to 766' MSL, equaling an 18-foot decrease in grade change. The topography of Riverside Drive to the front of the house is also significant and decreases from 800' MSL to 818' MSL, equaling an 18-foot decrease in grade change. Furthermore, the house was located on the northern portion of the site, leaving minimal development potential to this portion of the site. Additionally, the lot is narrow compared to adjacent lots along Riverside Drive. The applicant's lot is approximately 98 feet wide, which is slightly larger than a typical suburban lot. The surrounding properties are most indicative of properties typically along the river, which are larger than suburban lots primarily based on the need to accommodate septic systems, and being more rural in nature. The lots in comparison to the applicant's site are 197 feet wide to the north, 218 feet wide to the south, and 353 feet wide to the east. Lastly, the house does not contain a basement, most likely based on soil types associated with proximity to the river, and lacks any storage space or garage space. These two features are typical features associated with a single-family residence, so Staff has been working with the applicant on the request.

TOPOGRAPHY ELEVATIONS



NARROWNESS OF THE SITE



FLOODPLAIN



The conclusion of our analysis is as follows:

- The site has floodplain on almost half of the site prohibiting building to the rear of the house.
- The site has significant topography change to both the front and rear of the site.
- The site is narrow compared to the surrounding lots.
- The house is situated to the northern portion of the site, resulting in no developable area to the north. The house is angled on the site making the configuration of the proposed garage as an oddly-shaped garage.
- The house has no basement or existing garage that results in no storage area for the applicant.

Public Comment

The property owners to the south have contacted Staff about the proposal but have not submitted formal comments. They wanted to understand the proposal and follow-up with the applicant directly. They did not express concerns for the side yard setback but wanted to ask if the applicant would consider vegetation along their south property line to “break up” the appearance of the garage exterior. The comments were based more about aesthetics than spacing separation. Planning will update the Board if there if there are formal comments submitted.

3. Criteria Analysis

Zoning Code Section 153.231(H)(2) allows the Board of Zoning Appeals to approve requests for nonuse (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 is narrow in width, eliminating expansion of the building to the sides of the home. Additionally, the site is not developable to the rear of the home due to floodplain requirements and topography change. Forward of the structure are also significant topography changes and mature trees. These items create special conditions for the site and result is limited area for potential construction on the site.

2) Applicant Action/Inaction

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

Criteria Met. The home was developed prior the lot being located within the City of Dublin, and well before the current homeowners acquired the site in May 2020. The original garage was converted into living space, leaving the current homeowner with no garage space. These items, along with the natural features of the site, were not a result of action or inaction of the applicant.

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 is located on the southern portion of the home. If approved, the proposed garage would be over 80 feet from the home located on the southern adjacent lot. There is currently a landscaped buffer along the property lines that

would screen the addition to the south. The proposal would not cause a substantial adverse effect to adjacent properties.

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, the existence of natural features on the site include floodplain designation, topography change and mature trees, 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. 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.

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 garage is the only reasonable and feasible location on the site. The proposed garage could not be located to the rear yard without impeding the floodplain or impacting a number of mature trees, and could not be located forward of the home without removing mature trees and potentially creating building code violations. The applicant has attempt to purchase additional land to increase the width of the site but was not successful and has worked with staff to meet the zoning code to the extent possible.

4. Recommendation

Planning Staff recommends **approval** of the Non-Use Variance to Zoning Code Section 153.020(C)(3) to allow an attached garage to deviate approximately 11 feet – 4 inches from the required 25-foot total for side yards.