

21-143V – TU RESIDENCE

Summary

Request for a Non-Use (Area) Variance to allow for the construction of a 2,400-square-foot accessory structure which exceeds the maximum allowable square footage.

Site Location

The site is located south of Bellaire Avenue, approximately 1,100 feet east of the intersection with Dublin Road.

Zoning

R-1: Restricted Suburban Residential

Property Owner / Applicant

Bryan Roby, Pebble Construction

Applicable Land Use Regulations

Zoning Code Section 153.231(H)

Case Manager

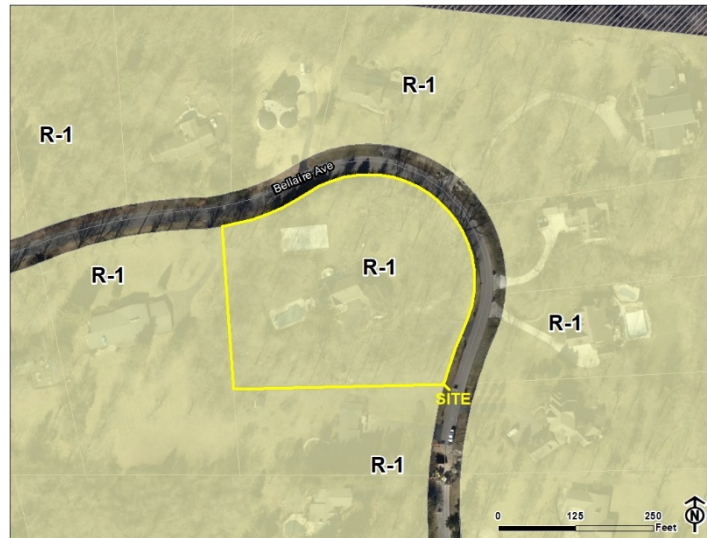
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Next Steps



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 accessory structure to be within the maximum permitted size allotted per Code.

Zoning Map



1. Context Map



 <p>City of Dublin</p>	<p>21-143V Non-Use (Area) Variance 7605 Bellaire Ave</p>	<p>0 95 190 Feet</p> 
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2. Overview

Background

The site contains a single-family residential structure that was constructed in 1973. The site is approximately 2.7-acres in size, is zoned R-1: Restricted Suburban Residential, and is located within the Dublin Estates subdivision.

The site also contains an existing detached shed and an in-ground pool at the rear. The site also contains a patio on the north side of the home. The existing shed is approximately 120 square feet in size, which is counted toward the maximum permitted square footage for accessory structures on the site.

Site Characteristics

Natural Features

The site is developed with a single-family dwelling located at the center of the property, and is rectangular in shape with a bend in the northeast corner. The site contains a number of mature trees.

Surrounding Land Use and Development Character

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

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

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

West: R-1: Restricted Suburban Residential (Single-Family Residential)

Road, Pedestrian and Bike Network

The site has vehicular access on Bellaire Avenue to the east.

Proposal

The applicant is requesting a Variance to Zoning Code section 153.074(B)(2)(e) which regulates accessory structures and uses. The request is to allow for the construction of a 2,400-square-foot accessory structure, which, in addition to the existing 120-square-foot shed on the property, would bring the total square footage of accessory structures to approximately 2,520 square feet. For lots with a property size between 1 and 5 acres, Zoning Code permits a maximum of 1,000 square feet for detached structures, plus an additional 250 square feet of detached accessory structure per acre or fraction thereof over one acre, up to a maximum of 2,000 square feet. This approximately 2.7-acre site is permitted a maximum of 1,500 square, based on this formula.

The proposed accessory structure is located to the rear of the home, approximately 71 feet from the east property line and 20 feet from the south property line, meeting minimum required setbacks. The structure is proposed to be 40 feet in width and 60 feet in length, totaling 2,400 square feet in size. The building contains two overhead garage doors on the south elevation, a glass wall on the north elevation, clearstory windows on the north, east and west elevations, and pedestrian entrances on the north and west elevations.

Planning Analysis

Staff has reviewed the request for a Variance to Zoning Code Section 153.074(B)(2)(e), basing the analysis on the characteristics of the site, existing structures on the site, and development of properties

immediately adjacent to this property. The current property owners purchased the home in 2015. The existing home is two stories in height and approximately 4,900 square feet in size.

In Staff's analysis, the site contains a number of mature trees throughout the site, and is one of the larger properties in the adjacent area. However, a request to have a larger than permitted detached accessory structure is not based on special conditions of the site or practical difficulties associated with the site. The size and shape of the site do not present difficulties that would justify the proposed size. Additionally, the site is relatively flat, presenting no significant topographical challenges. Finally, while the proposed structure is located to the rear of the existing primary home, the structure will be relatively close to two adjacent properties, and will significantly outsize a shed on the property to the south. The formula for accessory structures is consistently applied throughout this neighborhood, and is applied through other standard zoning districts in the City. In Staff's analysis, approval of the proposed size of this structure would infer special privileges to the property owner that would not be allowed for similar properties throughout the City.

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 Not Met. The site does contain a significant amount of mature trees and is one of the larger properties in the neighborhood. However, the request for a larger than permitted detached accessory structure is not requested based on special conditions of the site, which is relatively flat and largely of a standard rectangular shape.

2) Applicant Action/Inaction

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

Criteria Not Met. The Variance is requested due to the action of the applicant pursuing a larger than permitted accessory structure. The Variance could be avoided if the structure were attached to the home or reduced in size to meet the Zoning Code Requirements.

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 Not Met. The request would have an adverse effect on the intent and purposes of the requirement being varied from. The formula for accessory structures is consistently applied throughout the neighborhood and City. The request for the larger accessory structure would hinder the requirement in Code.

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 Not Met. The Zoning Code allows for a limited number and size of accessory structures for properties, calculated through standardized formulas. The site is permitted, per these calculations, a total of 1,500 square feet of detached accessory structures. The applicant can, without hardship, construct a detached building that meets these requirements. Granting the Variance would allow a special privilege to this property over adjacent properties of a similar size and shape.

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 Not Met. In Staff's analysis, there are no special conditions pertaining to the property. Generally, the property is of a size, shape and topography that does not limit or restrict or justify an accessory structure as it would be permitted per Code.

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 Not Met. The applicant could attach the space to the primary structure, eliminating the detached accessory structure requirements. Additionally, the applicant can decrease the size of the building to meet Code. A Variance is not required if pursuing a detached accessory structure which meets Code or for an addition to the home that contains the space desired.

4. Recommendation

Planning Staff recommends **Disapproval** of the Non-Use Variance to Zoning Code Section 153.074(B)(2)(e).