



PLANNING REPORT

Board of Zoning Appeals

Thursday, May 26, 2022

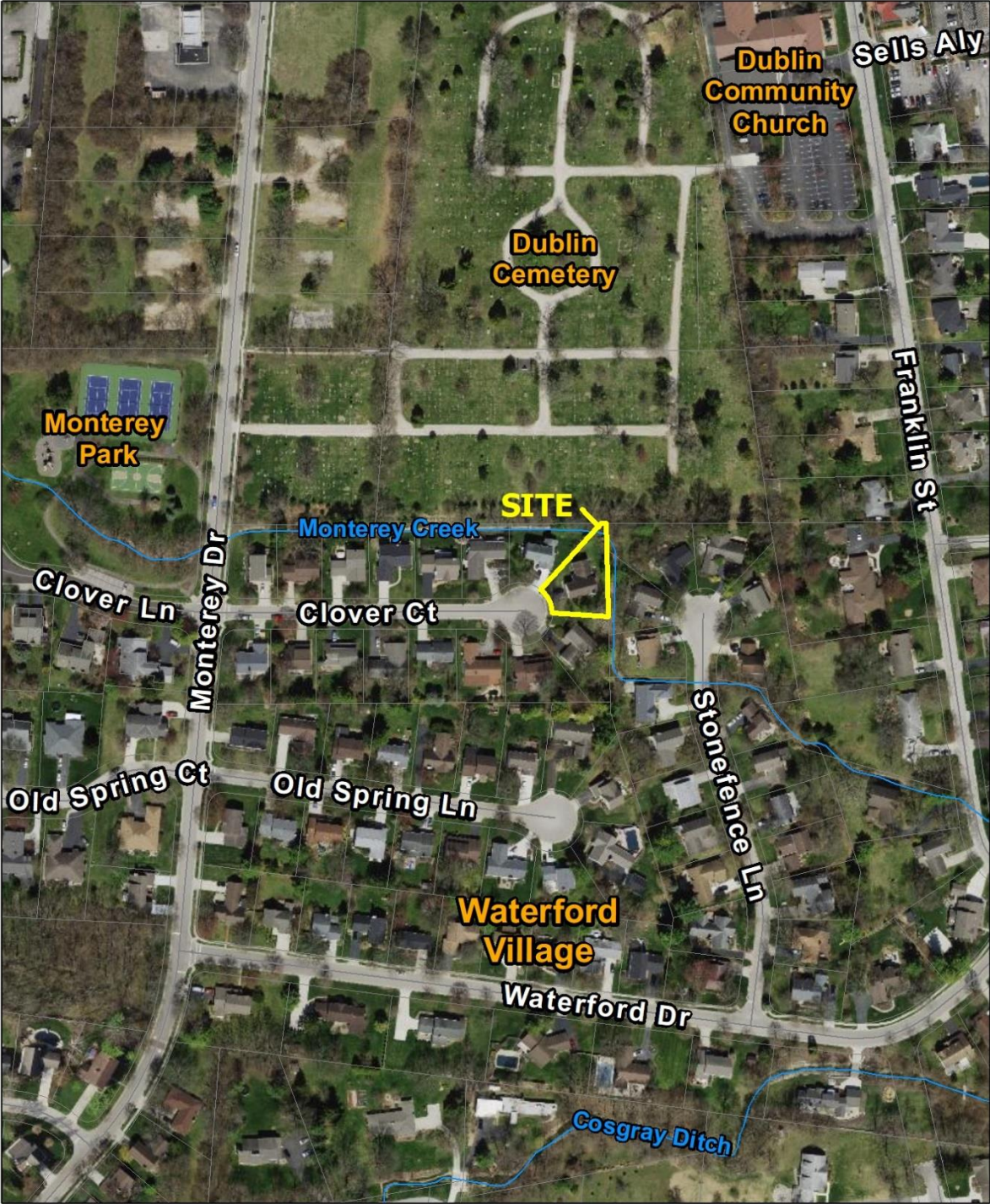
SCHLATER RESIDENCE 22-064V



www.dublinohiousa.gov/bza/22-064

Case Summary

Case	22-064V, Non-Use (Area) Variance at 222 Clover Court
Proposal	Request for a variance to allow an enclosed porch to encroach 12-feet into a required rear yard setback.
Request	Review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code §153.231(H).
Zoning	PUD, Planned Unit Development District – Waterford Village
Planning Recommendation	<u>Denial of Non-Use (Area) Variance</u> Planning recommends denial of the Non-Use (Area) Variance to allow a building addition (enclosed porch) to encroach into a required rear yard setback.
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 proposal to conform to all setbacks.
Applicant	Matthew Schlater, Property Owner
Case Manager	Christopher Will, AICP, Planner II (614) 410-4498 cwill@dublin.oh.us

Site Location Map



 <p>City of Dublin</p>	<p>22-064V Non-Use (Area) Variance Schlater Residence 222 Clover Court</p>	<p>0 100 200 Feet</p> 
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1. Overview

Background

The site comprises a 0.23-acre lot and contains a detached, single-family dwelling constructed in 1977. The site is zoned PUD, Planned Unit Development District and located within the first phase of the Waterford Village subdivision.

Required Setbacks

The intent of setbacks are to provide areas void of buildings to allow the circulation of air and light. Setbacks also provide adequate separation between homes to create green corridors. Required setbacks for the subject lot are described in the figure below. Additionally, the City allows a 5-foot encroachment into required rear setback for open and uncovered patios.

Min. Side Yard	Total Side Yard	Rear Yard	Front
7'	17'	25'	25'

Site Information

Lot Layout

The lot is triangular in shape, typical of lots located at the bulb of cul-de-sac. The lot layout and siting of home provided a south side yard which ranges approximately 24 to 35-feet in width which is larger than typical of the neighborhood

The existing home is of a two story split-level style. The rear (east) elevation of the home features one first-story exit which is elevated approximately 5-feet above grade and one lower-level exit walkout. The site includes an existing elevated deck to the rear of the home. The existing deck is non-conforming as it is within the rear setback. The City did not regulate outdoor spaces when the home was constructed and the existing deck is believed to have been constructed in conjunction with the homes construction, or slightly after in the late 1970's.

Natural Features

Monterey Creek, a channelized watercourse varying in width of approximately six to nine-feet crosses the north section of the lot and continues into the rear of the adjacent lots. A drainage easement extends 30-feet to the north of the lot and 10-feet to the rear of the lot. The lot is gently graded down from the front (west) to the rear (east) of the lot.

2. Proposal

The applicant is proposing a single-story, building addition, specifically a sunroom, to a single-family residential dwelling. The addition is an enclosed patio/three-season room that is 276-square-feet in area (23-feet in width and 12-feet in depth). The proposed building addition would be elevated approximately 5-feet from grade to accommodate the existing layout of the home ingress/egress. The proposed addition would replace the non-conforming existing elevated wood deck attached to the rear of the house. The nearest wall of the proposed structure is approximately 13-feet from the rear property line, approximately half of the required 25-foot rear setback. Additionally, the applicant is proposing an at-grade, paver patio that would be within the 25-foot rear setback but within the allowed 5-foot patio encroachment. The paver patio would be accessed from the lower-level walkout and connected to the proposed addition via an open staircase.

3. Plan Review and Recommendation

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.

Planning Recommendation: Denial of the Non-Use (Area) Variance

Planning recommends denial of the Non-Use (Area) Variance to allow a building addition (enclosed porch) to encroach into a required rear yard setback.

Criteria A | Non-Use (Area) Variance Analysis - Section 153.231(H)(2)(a)

All three of the following criteria must be met:

1. 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.

Criterion not met.

No special conditions exists. The lot is triangular in shape, this is typical of lots located at the bulb of a cul-de-sac. The home is situated on the lot so that the rear of the home is not parallel with the rear property line and so that the southeast corner of the building is located on the required 25-foot setback while the northeast corner of the building is further from the rear setback. This home siting is also not uncommon for homes on cul-de-sac bulbs within this neighborhood. However, the first floor exit at the rear of the home is elevated approximately 5-feet above grade and only approximately 5-feet from the required rear setback, this provides a challenge to ingress/egress.

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

Criterion not met.

This is an existing residence, the home was built in 1977 before the current owner bought the property. However, as noted in the prior criterion review there is no special conditions, therefore this criterion is not met.

3. Granting the variance will not cause a substantial adverse effect to the property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied.

Criterion not met.

The intent of setbacks are to provide areas void of buildings to allow the circulation of air and light. Setbacks also provide adequate separation between homes and create green corridors. The proposed addition would greatly reduce the required setback, limiting the circulation of air, light, and reducing the green corridor. The applicant did succeed in involving the neighborhood association, neighbors largely expressed support

for allowing the addition. However, neighbors are temporal and a variance would alter the setback in perpetuity.

Criteria B | Non-Use (Area) Variance Analysis - Section 153.231(H)(2)(b)

At least two of the following criteria must be met:

1. 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.

Criterion not met.

The intent of setbacks are to provide areas void of buildings to allow the circulation of air and light. Setbacks also provide adequate separation between homes and create green corridors. Setbacks are incorporated into zoning standards for every zoning district in the Code. Enforcement of the required setbacks would not deprive the applicant of rights.

2. 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.

Criterion met.

The applicant is requesting a variance from conditions which are common within the Dublin. The lot is triangular in shape, this is typical of lots located at the bulb of a cul-de-sac throughout Dublin. Additionally, the home is situated on the lot so that the rear of the home is not parallel with the rear property line and so that the southeast corner of the building is located on the required setback while the northeast corner of the building is further from the rear setback. This is also not an uncommon condition within the neighborhood.

3. The variance would not adversely affect the delivery of governmental services.

Criterion met.

This request will not affect the delivery of governmental services. Proposed site improvements are outside the existing drainage ditch easement.

4. The practical difficulty could not be eliminated by some other method, even if the solution is less convenient or most costly to achieve.

Criterion not met.

The 0.23 lot provides other locations for outdoor enjoyment in the rear yard as well as a side yard which is larger than typical of the neighborhood. This is exemplified by the paver patio at the rear of the lot, as proposed by the applicant.