



## PLANNING REPORT

# Board of Zoning Appeals

Thursday, June 23, 2022

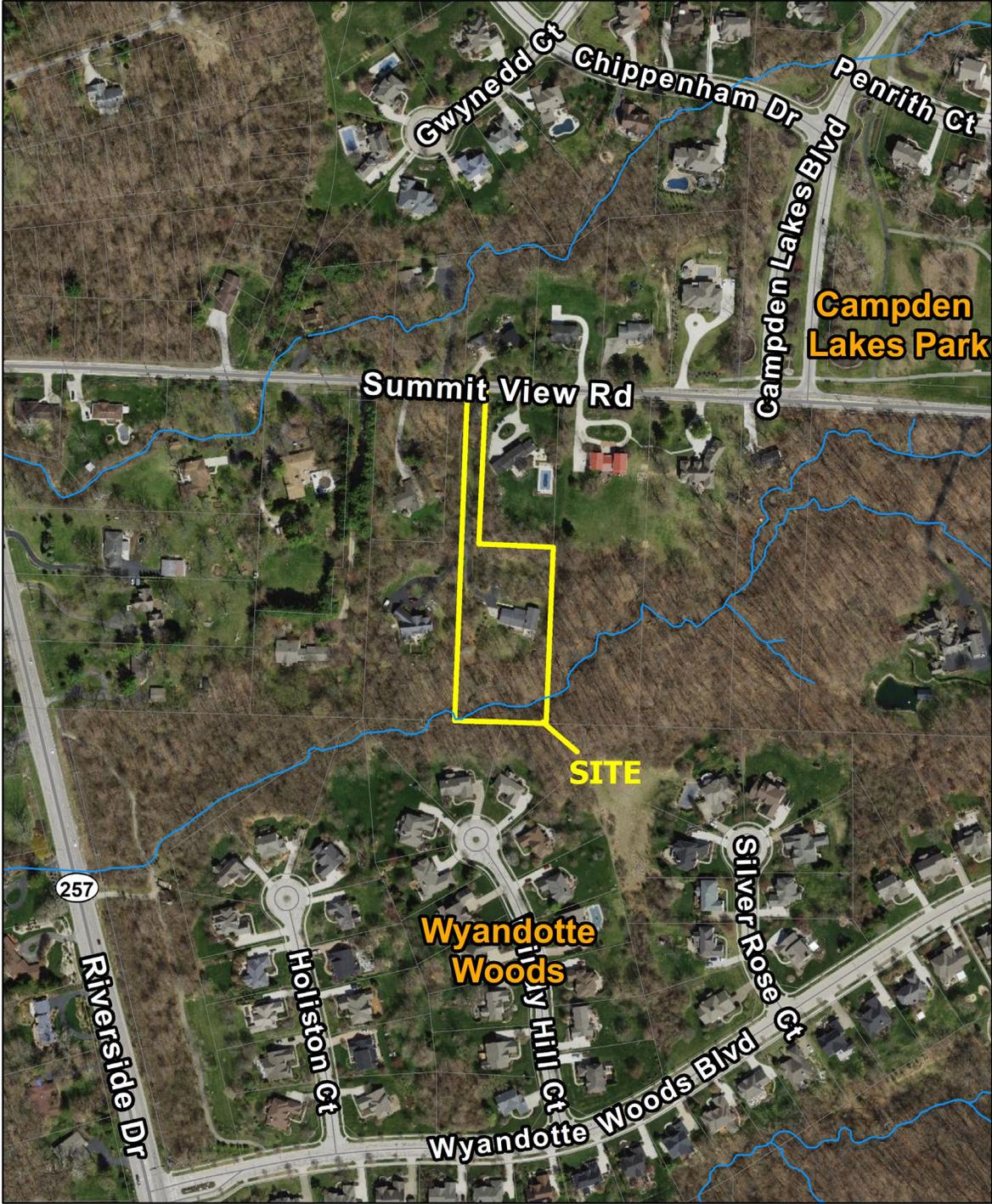
## JOHANSSSEN RESIDENCE 22-081V

[www.dublinohiousa.gov/bza/22-081](http://www.dublinohiousa.gov/bza/22-081)

### Case Summary

Proposal	Request for a variance to allow an accessory structure forward of the principal structure.
Request	Review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code §153.231(H).
Zoning	R-1, Restricted Suburban Residential District
Planning Recommendation	<u>Approval of Non-Use (Area) Variance</u> Planning recommends approval of the Non-Use (Area) Variance to allow an accessory structure forward of the building.
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 a Certificate of Zoning Plan Approval. If denied, the applicant will need to revise the proposal to conform to all development standards.
Applicant	Olin Johanssen, Property Owner
Case Manager	Zach Hounshell, Planner I (614) 410-4652 zhounshell@dublin.oh.us

Site Location Map



 <p>City of Dublin</p>	<p>22-0891V Non-Use (Area) Variance Johanssen Residence 4465 Summit View Road</p>	<p>0 125 250 Feet</p> 
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# 1. Overview

## Background

The site comprises a 2.08-acre lot and contains a detached, single-family dwelling constructed in 1975 and having a singular access point from Summit View Road. The site is zoned R-1, Restricted Suburban Residential District and located south of Summit View Road, west of Riverside Drive.

### *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.

<b>Setback Requirements – R-1 Zoning District</b>			
Front (north – shared property line)	Side (east)	Side (west)	Rear (south)
5 feet	8 feet	17 feet	50 feet

## Site Information

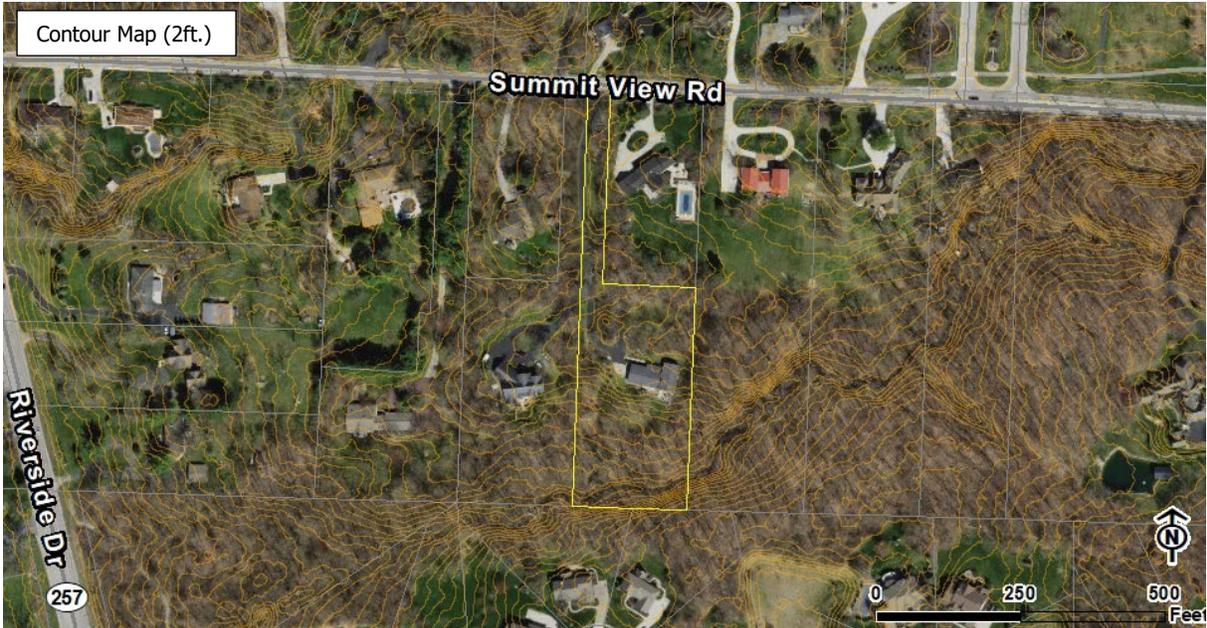
### *Lot Layout*

The site was developed as a “flag” lot, meaning the site is defined by a long, narrow “flag pole” which provides the minimum frontage necessary for a lot on a public street, with the developable area of the site set back further from the public street. The narrow portion of the site connecting to the public street is approximately 330 feet long with the home sited approximately 465 feet from the street. The home is approximately 135 feet from the shared northern property line with 4433 Summit View Road. The site shares an access drive with 4471 Summit View Road to the west.

### *Natural Features*

The site is heavily wooded on all sides of the existing home, screening the site from all adjacent properties and from the public right-of-way. The site features significant grade change from north to south, moving from the rear of the home towards a creek located along the southern property line. The change in grade is depicted on the contour map below with each line representing a 2-foot change. The change in grade is approximately 10 feet from the rear of the home to the rear tree line and approximately 20 feet from the rear of the home to the creek bed. There is minimal grade change north of the home.

The creek located in the southern portion of the site does not contain floodway or floodplain designations, but is protected by a Stream Corridor Protection Zone. These zones limit development within the bounds of the buffer to protect the creek. The buffer is 100 feet wide with a 50-foot radius from the center of the creek bed. The buffer does not impact development of the site.



**2. Proposal**

The applicant is requesting a Variance to Zoning Code Section 153.074(B)(6)(a) to locate an accessory structure forward of the principal structure on the site. The applicant is proposing a 160-square-foot shed at the end of the asphalt driveway turnaround, approximately 35 feet north of the house. The proposed shed would be located approximately 80 feet from the northern property line shared with the neighboring property. The applicant is proposing this location due to the flat nature of the location, and the inability to locate the shed to the side or rear of the building, due to the significant natural features throughout the site.

**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:** Approval of the Non-Use (Area) Variance

Planning recommends approval of the Non-Use (Area) Variance to allow an accessory structure forward of the principal structure.

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

All three criteria are required to be met:

Criteria	Review
1. That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not	<b>Criteria met:</b> The configuration of the lot and natural features of the lot establish existing special conditions specific to the lot. The lot was established as a “flag” lot, which is unique within the City of Dublin. The

Criteria	Review
<p>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.</p>	<p>configuration of the lot pushes the developable area of the lot approximately 330 feet from Summit View Road, screening the property from the public view. Additionally, the site contains a significant amount of mature trees and vegetation, limiting the locations for accessory structures on the site. Finally, the property contains significant grade change moving from north to south on the site, as a creek is located along the rear of the property. The significant grade change creates challenges to locate an accessory structure to the rear of the home.</p>
<p>2. That the variance is not necessitated because of any action or inaction of the applicant.</p>	<p><b>Criteria met:</b> Due to the significant slope to the rear of the home, and the mature vegetation throughout the site and adjacent to the sides of the home, locating a detached accessory structure to the side or rear of the home would be challenging if not unfeasible. Additionally, the applicant purchased the home in 1980, and did not contribute to the layout or development of the property.</p>
<p>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</p>	<p><b>Criteria met:</b> The proposed shed location would be completely screened from all property owners due to the configuration of the lot, and the mature vegetation on the site. This request would not impair the intent and purposes of the accessory structure location requirement.</p>

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

At least two of the following criteria are required to be met:

Criteria	Review
<p>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.</p>	<p><b>Criteria Met.</b> Given the unique configuration of the lot, and nature features throughout the site, the requested Variance would not give the property owner special privileges.</p>
<p>2. The variance request is not one where the specific conditions</p>	<p><b>Criteria Met.</b> There are few properties in the City with circumstances as unique as the subject property.</p>

Criteria	Review
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.	A vast majority of properties within the City can accommodate accessory structures to the rear or side. Therefore, the request would not be recurrent in nature nor require an amendment to the regulations.
3. The variance would not adversely affect the delivery of governmental services.	<b>Criteria met.</b> The proposed location of the shed would not affect the delivery of governmental services.
4. The practical difficulty could not be eliminated by some other method, even if the solution is less convenient or most costly to achieve.	<b>Criteria met.</b> The proposed location of the shed is the only reasonable and feasible location on the site. The proposed shed could not be located to either the side or rear yard of the principal structure due to existing mature vegetation and significant grade change to the rear of the home.