



PLANNING REPORT

Board of Zoning Appeals

Thursday, December 15, 2022

HERMAN RESIDENCE 22-165V

<https://dublinohiousa.gov/bza/22-165>

Case Summary

Address	4600 Deer Run Court, Dublin, OH 43016
Proposal	Request for a Variance to Zoning Code Section 153.190(E)(1)(g) to allow a roof pitch that does not meet the minimum roof pitch of 6:12 and Zoning Code Section 153.190(E)(1)(i) that does not meet the minimum shutter or trim requirements of the Residential Appearance Standards.
Request	Review and approval for two Non-Use (Area) Variances under the provisions of Zoning Code Section §153.231(H).
Zoning	PUD, Planned Unit Development District – Deer Run Estates
Planning Recommendation	<u>Approval of Non-Use (Area) Variance</u> Planning recommends approval of the two Non-Use (Area) Variances to allow the roof pitch and minimum shutter or trim to do not meet the minimum requirements.
Next Steps	The Board of Zoning Appeals (BZA) is the final reviewing body for this application. If approved by the BZA, the applicant may apply for a building permit. If denied, the applicant will need to revise the home design to conform to all development standards.
Applicant	Kevin Koch, Corinthian Homes
Case Manager	Zach Hounshell, Planner II (614) 410-4652 zhounshell@dublin.oh.us

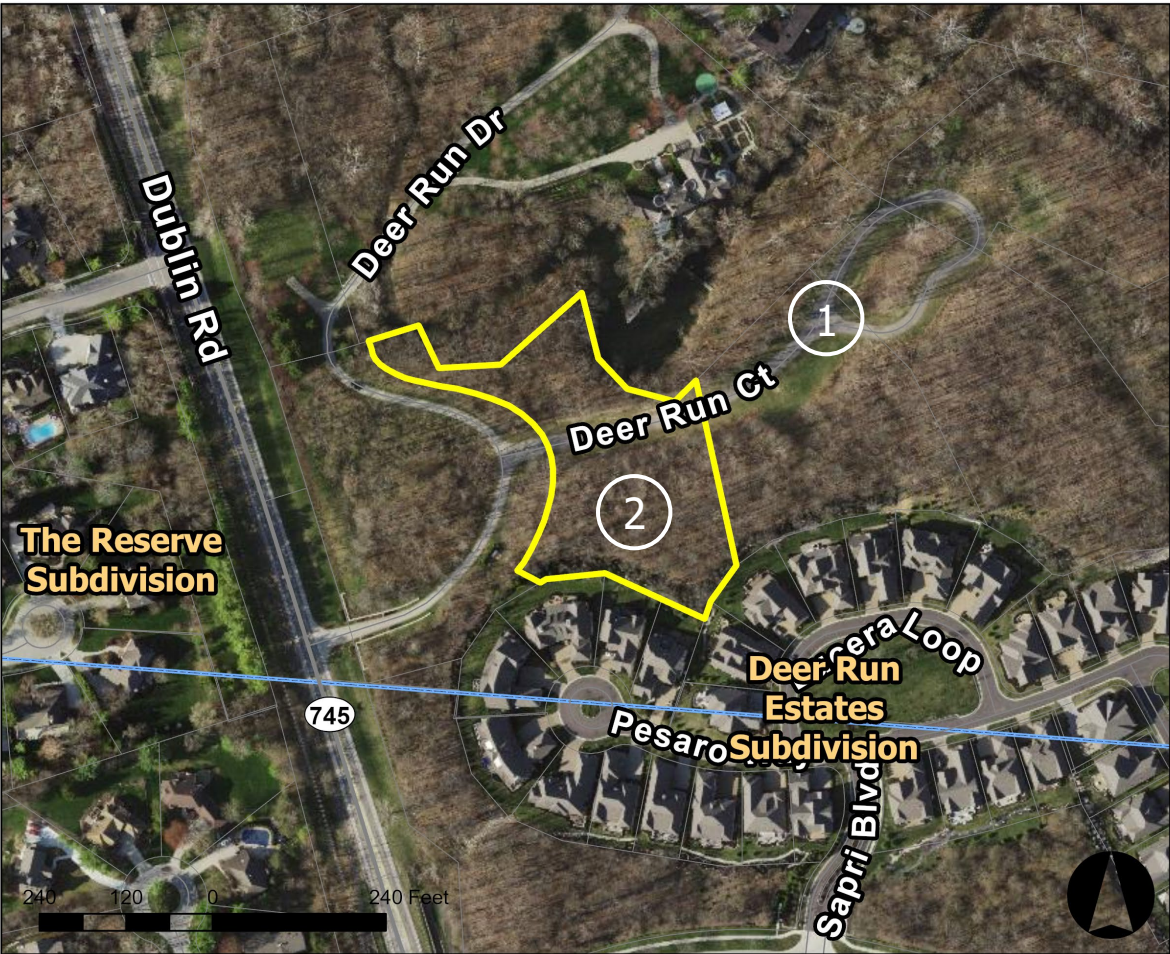
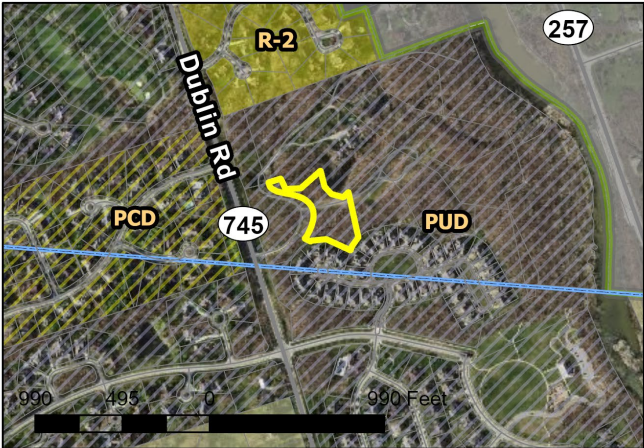
Site Location Map

22-165V | Herman Residence



Site Features

- 1 Private access street for properties in subdivision
- 2 Heavily-wooded lot



1. Overview

Background

The vacant site comprises a 2.14-acre lot. The site is adjacent to a private drive (Deer Run Drive) to the west, with an additional private drive (Deer Run Court) extending east to west through the center of the site. The site is zoned PUD, Planned Unit Development District within Subarea B of the Deer Run Estates Neighborhood.

Site Information

Lot Layout

The site is irregular in shape, with a majority of the developable area of the lot located on the south side of the private access drive. The applicant has provided a site plan which shows the new home located centrally on the southern portion of the site, ± 50 feet from the south property line, ± 42 feet from the east property line, and ± 98 feet from Deer Run Drive to the west. The home will be accessed from Deer Run Court to the north of the home.

Natural Features

The site features a significant amount of mature vegetation through the entirety of the lot. The site has minor slope change on the southern half of the site, sloping towards the southeast corner of the site. The northern half of the site is adjacent to a pond, which create significant slope change towards the northeast corner of the site. The 100-year floodplain extends through the northeast corner of the site, but does not impact the proposed home.

2. Proposal

The applicant is requesting a Variance to Zoning Code Section 153.190(E)(1)(g) to allow a roof pitch that does not meet the minimum roof pitch of 6:12, and a Variance to Zoning Code Section 153.190(E)(1)(i) that does not meet the minimum shutter or trim requirements of the Residential Appearance Standards. The applicant is proposing to construct a single-family, residential structure that based on architectural design does not meet the current standards of the Residential Appearance Code. The development text for the Deer Run Estates does not have specific requirements addressing roof pitch or the elimination of shutters and trim, which would revert to the requirements of the Residential Appearance Code.

The proposal does not meet the minimum roof pitch, window trim and shutter requirements of the code. The Residential Appearance Code was adopted for more suburban housing styles and does not take into consideration the modern architectural style proposed for the site. The applicant has submitted several model representations of the project that indicate the general intent of the style. The style is a 'Minimalistic' modern-style home with a flatter roof pitches, modern single-pane windows with no trim or shutters, and use of materials such as brick and vertical siding.

The purpose of the Residential Appearance Code, adopted in the early 2000's, was to set minimum design standards of single-family homes. The objectives of the code is to promote high-quality design, encourage creativity and promote architectural elements that provide interest and diversity. The Code was specifically designed for more suburban style design and does not anticipate the style proposed in this application. Specifically, the Code only allows more flat roofs on secondary portion of a building, not as the main structure. It also requires

window trim and shutters around all window elements, which would drastically impact the design of the current structure.



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.

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 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 considerably larger than a typical suburban lot, is heavily wooded and the proposed structure is setback significantly from the right-of-way. The architectural style for the proposed house is more modern and key elements of the style are unique and not consistent with the Residential Appearance Code.

Criteria	Review
2. That the variance is not necessitated because of any action or inaction of the applicant.	Criteria Met: The architectural style warrants the variance and this is not indicative of any action or inaction of the applicant.
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.	Criteria Met: The lots within this planned district are larger in size than most suburban lots and the houses tend to be more modern, in style. There will be no substantial adverse effect to the surrounding community.

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
1. 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: Lots of this size and layout are uncommon within city boundaries, but the same consideration would be provided in similar circumstance, therefore granting a variance would not confer special privileges to the applicant.
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.	Criteria Met: All homes within the Deer Run Estates subdivision were envisioned to be custom homes and be held to a high quality of design and construction. The development text for this subdivision was created with flexibility in home design in mind. The request for a modern-style home is unique in character and is not recurrent in nature.
3. The variance would not adversely affect the delivery of governmental services.	Criteria Met: The request will not impact governmental services.

Criteria	Review
4. The practical difficulty could not be eliminated by some other method, even if the solution is less convenient or most costly to achieve.	Criteria Met: The proposed architectural elements that the applicant are requesting are essential elements of a modern-style house. Meeting the Residential Appearance Code would require the applicant to abandon this style of design and therefore no other method is available.

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

Planning recommends approval of the two Non-Use (area) Variances to construct a single-family, residential structure that does not meet the minimum standards for roof pitch and shutters/trim of the Residential Appearance Code.