

Bexley Board of Zoning and Planning Planning Staff Report – October 25, 2018



Residential Variance: 400 N Columbia Avenue

Application #: 18-025 Z

Location: 400 N. Columbia Avenue

Zoning: Medium Density Single-Family Residential District (R-3)

Request:

The applicant is seeking a variance:

- The applicant is seeking a variance from Bexley Code Section 1262.01(e), which limits an access drive to 12.5' in width and does not allow an access drive to occupy more than 25% of the front yard, to allow the front drive to remain as modified.

Applicant: Jason Kentner - Implement

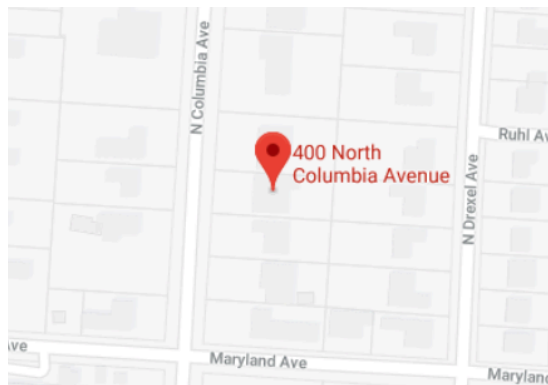
Owner: David Price

A. STAFF RECOMMENDATION

The applicant seeks a variance from site development code standards in an R-3 District. The applicant has modified the existing driveway and the resulting design, while smaller in some ways than the previous driveway, is larger than allowed by code in both width and overall size as a percentage of the front yard. The new design removes center landscaping that the pavement driveway used to surround.

As a project constructed without variance approval, the Board might consider some issues that mitigate the impacts of the larger drive. The previous driveway appeared to have been constructed with permeable pavers based on “before” site images provided. The new driveway seems to have continued the use of this paving material. Use of permeable paving does help to reduce some of the negative stormwater impacts and aesthetic considerations that are at the heart of the code standards regarding driveway size and lot coverage.

B. BACKGROUND



The site is located on the east side of N Columbia Avenue, between Caroline Avenue and Maryland Avenue.

Zoning: The project is located in the Intermediate Medium Density Single-Family Residential District (R-3) (1252.05).

C. CONSIDERATIONS

Site Considerations

The street consists of homes with fairly large front setbacks. Most have typical single straight driveways, and there are several circular driveways on the street as well. The previous driveway on the site was larger and created a circular drive around a center landscape element, with a single drive to the street.

Variance Criteria

Under the code, the following establishes the framework for consideration of variance requests:

From (1226.11(b): On a particular property extraordinary circumstances may exist, making a strict enforcement of the applicable requirements of this Code unreasonable, and therefore, the variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions that meet the standards of review for variances. In granting any variance, the BZAP or City Council shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with the Zoning Code.

From (1226.11(c): BZAP and City Council shall only approve a request for an area (non-use) variance in cases where the evidence demonstrates that the literal enforcement of this Code will result in practical difficulty and the granting of a variance complies with the purpose and intent of this Code.

Area (Non Use) Variance Criteria
1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
2. Whether the variance is substantial.
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
5. Whether the property owner purchased the property with knowledge of the zoning restriction
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance

The intent of the R-3 district is described in the code as follows:

From (1252.05): This District, designated by the symbol "R-3" in this Zoning Code and on the official zoning map, is intended to preserve areas of existing single-family residential development at a medium density compatible with the existing scale and character of these sections of the City. These sections need

to be protected from random new development or redevelopment of a higher density or incompatible use. The R-3 Zoning District is intended to preserve the established density and scale of these areas. Any development or redevelopment of a moderately higher residential density should generally be allowed only by planned unit development, as described in section 1256, in appropriate locations and carefully designed to harmonize with nearby development.

D. ADDITIONAL COMMENTS

E. RECOMMENDED CONDITIONS

In action by the Board of Zoning and Planning on the requested variance, staff recommends the following condition:

1. That the site modifications, design and materials will be in substantial conformance with the renderings and plans submitted to the Board of Zoning and Planning for the October 25, 2018 meeting, unless otherwise modified in collaboration with staff.

Prepared by:

Jason Sudy, AICP

OHM Advisors

jason.sudy@ohm-advisors.com