



## MEETING MINUTES

### Board of Zoning Appeals

Thursday, April 24, 2025

#### CALL TO ORDER

Mr. Nigh, Chair, called the meeting to order at 6:30 p.m. in Council Chambers, 5555 Perimeter Drive. He welcomed members of the public and stated that in addition to attending the meeting, the public can access the livestream on the City's website. The City welcomes public participation including public comments on cases. He reviewed the meeting procedure.

#### ROLL CALL

Board Members present: Joseph Nigh, Patrick Murphy, Bridget Tyznik, Garrett Anderson  
Staff present: Zach Hounshell, Joe Batchelor

#### APPROVAL OF MINUTES/ACCEPTANCE OF MEETING DOCUMENTS

Mr. Murphy moved, Mr. Anderson seconded acceptance of the documents into the record and approval of the 11-21-24 regular BZA meeting minutes.

Vote on the motion: Mr. Nigh, yes; Mr. Murphy, yes; Ms. Tyznik, yes; Anderson, yes.  
[Motion carried 4-0.]

The Chair swore in staff and members of the public who planned to address the Board during the meeting.

#### CASE REVIEWS

- **Case #25-032V – 7007 Primrose Court – Patio, Non-Use (Area) Variance**

Request for review and approval of a Variance to allow a patio to encroach into the rear yard setback. The 0.23-acre site is zoned PUD, Planned Unit Development District, Oak Park and is located at 7007 Primrose Court.

#### Staff Presentation

Mr. Hounshell stated that this application is for a non-use area variance for a proposed patio/deck in the Oak Park neighborhood. The variance process is a one-step process that requires a determination by the Board of Zoning Appeals. The purpose of a variance is to consider deviations to development standards where there is evidence of a practical difficulty or special condition.

Considerations include unique circumstances of the site or building, topography that makes development challenging, character of the surrounding area, and impact on adjacent properties. Mr. Hounshell stated that the site is located in the Oak Park subdivision Subarea A. Subarea A consists of the properties that are along the perimeter of the development and many of them back up to an existing open space reserve. The Board has seen several variances in this neighborhood all in Subarea A in the past several years. [Photos of existing conditions shared.] The home under consideration has a side-load, three-car garage located forward of the house. The main structure is set back 29 feet from the rear property line and the Code-required rear setback is 25 feet. The variance request is to the 25-foot setback for a potential patio or deck. The applicant is requesting to extend into the setback, which would be 13 feet from the rear property line. There is a 10-foot easement that they would be avoiding. Staff reviewed this application against typical criteria. There are three criteria that all must be met in order for a variance to be approved. The first criterion is Special Conditions. Staff found that the layout of the house and how it is pushed back into the lot makes it challenging to build any amenity space behind the home. This is a distinguishing characteristic of many homes in this subarea that has consistently created challenges. It is a special condition that is applicable only to that subarea. The internal lots have separate setback requirements, which allow significantly more space to have a patio or deck. For the second set of criteria, two of the four must be met and staff has found that the first, Special Privileges, and the third, Delivery of Governmental Services have been met. Staff recommended approval of the variance to allow for the patio or deck to encroach 12 feet into the 25-foot setback.

Mr. Nigh sought confirmation that all other applicants in Oak Park Subarea A have been approved meeting this same criteria. Mr. Hounshell answered affirmatively.

Mr. Anderson referenced the criterion about special conditions and asked if staff considered the "same zoning district" to be every part of the planned unit development (PUD) or just Subarea A. Mr. Hounshell stated that typically staff would consider the entire development.

Mr. Murphy asked how many variances from rear yard setback requirements have been in approved in this area. Mr. Hounshell answered eight or nine.

### **Applicant Presentation**

Sreekanth Basireddy, 7007 Primrose Court, Dublin, stated that the existing staircase provided by the builder is deteriorated and looks very bad. Hopefully, a deck or patio will make his house and the surrounding area look better.

Mr. Nigh asked if he built this house. Mr. Basireddy stated that they chose the lot and the builder selected the location on the lot. Mr. Nigh asked if the builder gave the applicant the option of moving the house forward on the lot to create a larger space in the back. Mr. Basireddy stated that was not an option for them.

### **Public Comments**

No public comments were received.



## **Board Discussion**

Mr. Nigh stated that after previous long meetings and deliberations at which the testimony heard matched today's, the City's recommendation has been that the placement of the homes on these lots with three-car, side-load garages allowed no other placement on the lot for a patio or deck. This is unique only to this section of Oak Park. Mr. Nigh stated that there is a walking path and preservation area behind this area and the thought was that there was not someone behind them that would be impacted. There is still a good distance between where the patio would be and the walking path. He agrees with the City's recommendation and is inclined to vote in favor of the request.

Mr. Murphy stated that he is inclined to agree. It seems like a common-sense solution and is a conclusion that has been arrived at previously. A more comprehensive solution like changing setback requirements might be something to consider for that area in the future.

Mr. Nigh stated that there has been discussion about that and the City is looking into it. Mr. Hounshell stated with the number of variances approved in this location already, the City has applied what it has learned to new developments.

Mr. Anderson stated that he is in agreement with staff's recommendation. He had hesitation at first because he was not sure if Criteria A, Number 1 was for the same zoning district or just Subarea A, but if the whole neighborhood is considered, then his concerns are alleviated. Almost all the houses have side-load garages, so he would not say that is a special circumstance, but the extended setback combined with the open space and walking path behind the home is enough. He agrees with staff in all other respects and is inclined to be supportive of the request.

Ms. Tyznik stated that she is inclined to agree also. She expressed appreciation for the information staff provided to the Board that helped explain the context and precedent.

Mr. Anderson moved, Ms. Tyznik seconded a motion to approve the Non-Use Area Variance to Zoning Code Section 153.231 (H) to allow a patio or deck to encroach 12 feet into the 25-foot setback.

Vote: Ms. Tyznik, yes; Mr. Anderson, yes; Mr. Nigh, yes; Mr. Murphy, yes.  
[Motion passed 4-0]


## **COMMUNICATIONS**

Mr. Hounshell shared the following communications:

- Mr. Nigh's term is coming to an end and he thanked him for his service.
- Many training opportunities are available to board members (APA, local organizations, in-meeting or one-on-one).
- The next meeting of the Board is scheduled for May 22 but may be canceled if no applications are filed.

**ADJOURNMENT**

The meeting was adjourned at 6:52 p.m.

  
Chair, Board of Zoning Appeals

  
Deputy Clerk of Council