



PLANNING REPORT

Board of Zoning Appeals

Thursday, April 24, 2025

7007 Primrose Court - Patio 25-032V

<https://dublinohiousa.gov/bza/25-032/>

Case Summary

Address	7007 Primrose Court, Dublin, OH 43016
Proposal	Request to allow a patio to encroach into the rear yard setback.
Request	Review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code Section 153.231(H).
Zoning	Planned Unit Development District – Oak Park
Planning Recommendation	<u>Approval of the Non-Use (Area) Variance</u>
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.
Applicant	Sreekanth Basireddy, Property Owner
Case Manager	Zach Hounshell, Planner II (614) 410-4652 zhounshell@dublin.oh.us



Community Planning and Development



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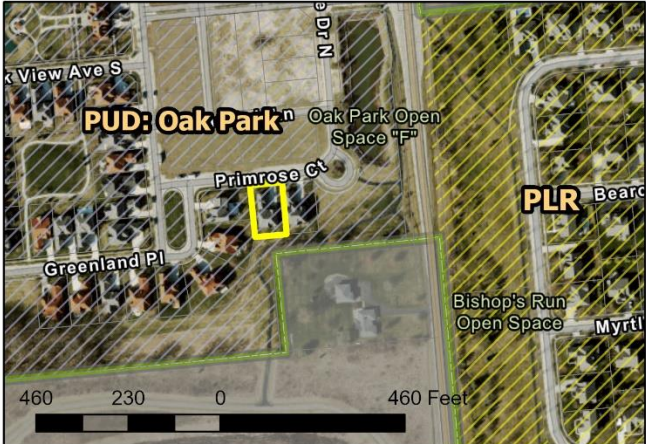
Site Location Map

25-032V - 7007 Primrose Court Patio



Site Features

- 1 Open Space Reserve



1. Background

Project Request

This is a request for a Variance to the rear yard setback requirements for a patio or deck. The variance is required as the improvements would exceed the minimum setback requirements for Oak Park, Subarea A. The Board of Zoning Appeals is the determining body for this application.

Site Summary

The 0.23-acre site is zoned PUD, Planned Unit Development – Oak Park and is located southwest of the intersection of Oak Park Blvd and Hyland-Croy Road. The site contains a single-family home built in 2014. The property is located on Lot 2 of the Oak Park subdivision, which was accepted by City Council in 2007. The property is located in Subarea A, which is considered the 'Park Homes' subarea. Subarea A includes all the perimeter lots of the development, which back up to separate open space reserves.

Site Features

The property is rectangular in shape, with the lot being 80 feet in width and 130 feet in depth, consistent with several properties within Subarea A. The home features a side-loaded garage at the front of the property, which pushes the home deeper into the lot, creating a 29-foot setback from the rear of the home to the rear property line. The property also includes a 10-foot easement located along the rear property line. Additionally, the property backs up to an open space reserve to the south.

Process

A *Non-Use (Area) Variance* is an application intended for properties where strict enforcement of the applicable development standard (ex. rear yard setback) is unreasonable, and there is evidence of practical difficulty in meeting the requirement. Variance applications should be reviewed on a case-by-case basis and based on the merits of the subject property/structure. This type of application is reviewed and determined upon by the BZA, which is the final determining body. Criteria are split between 2 different categories: A and B. All criteria of Category A are required to be met, while 2 of the 4 criteria in Category B are required to be met.

Should a Variance be approved, the applicant would be required to submit a building permit application and receive approval prior to construction. Should a Variance be disapproved, the applicant would be required to meet the requirements of the zoning code.

The Board of Zoning Appeals (BZA) has reviewed multiple rear yard Variance requests in Subarea A of the Oak Park neighborhood since 2020. All Variance requests included a rear yard amenity space encroaching the rear yard minimum setback. All Variances were approved by the BZA, with several lots backing up to open space reserves, and having courtyard-style garages that push the footprint of the home further into the developable area of the lot. This request is similar in style to those requests from the same neighborhood.

Zoning Requirements

Oak Park is regulated by the development requirements of the Oak Park development text. All residential properties within Subarea A are required to meet the following setback requirements:

Front Yard Setback	13-20 foot building zone
Minimum Side Yard Setback	6 feet
Minimum Rear Yard Setback	25 feet

2. Project

Summary

The applicant is requesting the following Variance for an existing single-family home:

Variance #	Code Section	Requirement	Request
#1	Oak Park Development Standards– Subarea A (III)(C)	The minimum rear yard setback of all homes in Subarea A shall be twenty five (25) feet.	To allow a patio or deck to encroach 12 feet into the 25-foot setback.

The approximately 448-square-foot patio or deck is proposed to be constructed 13 feet from the rear property line, requiring a variance of 12 feet. Patios are permitted to encroach up to 5 feet into the rear yard setback, but decks are required to meet the rear yard setback. Should a variance not be approved, all proposed improvements would be required to meet the setback requirements based on the choice of amenity space. This would result in a maximum 4-foot-deep deck or 9-foot-deep patio.

The applicant has provided a statement addressing the reasoning for the request. The applicant states that the unusually shallow rear yard depth of 29 feet despite a total lot depth of 130 feet presents a significant practical difficulty in creating a functional and reasonable outdoor living space. The applicant has stated that they are keeping their options open for either a patio or deck, but the footprint of either structure would match what is provided.

3. Site Plan



4. Plan Review

Non-Use (Area) Variance

All three criteria are required to be met:

Criteria A	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.	Criterion Met: The side-loaded, three-car garage located at the northwest corner of the house sites the house farther into the lot, which affects the usable amount of space that the applicants have to the rear of the house. Throughout Subarea A, this is a distinguishing characteristic of many homes which is unique to the subarea and consistently creates challenges for properties in the neighborhood to meet the rear yard setback requirements. Additionally, the lot is adjacent to an open space reserve that prohibits development of the rear adjacent site. These result in unique conditions for the site.
2. That the variance is not necessitated because of any action or inaction of the applicant.	Criterion Met: The existing home on the lot occupies much of the buildable space on the site, eliminating the opportunity for adequate and meaningful patio space, and thus requiring a variance to construct a functioning patio that can accommodate simple patio amenities.
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 Met: The area adjacent to the proposed patio is located contiguous to a large reserve area to the west of the property. Although there are adjoining side yards to this property, no rear yards adjoin this property and the improvements will not expand further towards either adjoining neighbors. The improvements are also located outside the 10-foot easement at the rear of the property. This proposal should not create adverse effects.

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

Criteria B	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.	Criterion Met: The Board has granted variances for lots with similar conditions based on the design of the site and its proximity to land that is undevelopable, such as open space reserves, in the Oak Park development. Previous cases have been approved to allow accessory structures such as patios and decks to encroach into the rear yard setback. If approved, this action will not offer special privileges to the property owner.

Criteria B	Review
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 Not Met: The Board has reviewed and approved requests to extend accessory structures/uses into the rear yard setback for various neighbors within the Oak Park development, as many of the issues have occurred with miscommunication from the builder of the homes and the allowance for rear yard space for future amenities. All requests have been similar in asking for a rear yard setback Variance for functional space of a patio. Staff has determined that this application would be recurrent in nature.
3. The variance would not adversely affect the delivery of governmental services.	Criterion Met: This request will 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.	Criterion Not Met: The applicant could modify the plan to meet Code requirements, which would result in a smaller, more compact patio space.

Recommendation

Planning Recommendation: Approval of the Non-Use (Area) Variance
Planning recommends approval of the Non-Use (area) Variance to allow a patio or deck to encroach 12 feet into the 25-foot setback.