



STAFF REPORT

BOARD OF ZONING APPEALS

Zoom Webinar (VIRTUAL)

Thursday, March 18, 2021

6:30 P.M.

1. VARIANCE (Case 2021-08V)

Applicant: Justin Del Col/Shearer Landscaping
 Location: 2446 Friesian Lane
 Zoning: (PRD) Planned Residence District
 Request: Review and approval of a variance to reduce the required rear yard setback for a screened porch. The request is to reduce the 30' required rear yard setback by 14'2".

Aerial Site Image: <https://www.google.com/maps/@40.1954229,-83.1166404,214m/data=!3m1!1e3>

Property Overview

This property is located in the Reserve at Scioto Glen Subdivision of Powell, which is zoned Planned Residence District and was approved by City Council in 2013. The property is a 0.28-acre parcel located on the north side of Friesian Lane and east of the intersection with Isabella Blue Drive. It is a pie-shaped, corner parcel with 200 feet of street frontage. The rear yard of the lot is limited to the required 30-foot rear yard setback.

**Proposal Overview**

The applicant is proposing an approximately 450-square-foot patio and a 288-square-foot screened-in porch to the rear of the home. The patio will be constructed of pavers and the screened-in porch will have white siding. The required rear yard for this development is 30 feet. Code permits, in Section [1145.16ARPR](#) a patio to encroach the rear yard setback by 50% of the requirement, which the proposed patio meets. Permits will be required for the patio and also potentially for the patio amenities.

The same section limits covered patios (the screened-in porch would be considered as such) to be located within the buildable area of the lot and encroachments are not permitted. The screened-in porch is proposed to encroach into the rear yard setback by 14'2" for a maintained setback of 16'10".

Ordinance Review

In accordance with the requirements of codified ordinance [1127.05\(a\)](#), the Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions of the land and/or buildings that are unique to the property in question, and not self-created, a literal enforcement of the provisions of this Zoning Ordinance would result in deprivation of all beneficial use of the land.

Staff Comments

The applicant's submission provided the following information in response to codified ordinance [1127.06 – Application Standards for Variances](#):

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property

Applicant statement: The proposed addition will add value to the home and neighborhood as well as provide the owners with shade as the north facing rear yard experiences direct heat and sunlight.

Standard met. Staff concurs that this proposal will yield a reasonable return and a benefit.

- (2) Whether the variance is substantial

Applicant statement: The applicant does not view the variance as substantial. If only the patio space were permitted it would rarely be used due to sun/heat exposure.

Standard Met: The location of the home and the shape of the lot limit the area for exterior amenities as sought by the homeowners.

- (3) Whether the character of the neighborhood would be adversely affected or whether adjoining properties would suffer an adverse impact as a result of the variance

Applicant statement: The applicant states that there would be no adverse impacts to the neighborhood and cites other lots with decks within the neighborhood.

Standard Met: While it is unclear how, when or if the cited properties were permitted, Staff agrees that the proposal would not adversely affect the neighborhood. Staff has received two letters of support from neighbors and no opposition after notices were mailed.

- (4) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage)

Applicant statement: There will be no impact to these services.

Standard Met: There will be no disruption to these services.

- (5) Whether the property owner purchased the property with knowledge of the zoning restriction

Applicant statement: The homeowners were not aware of a 30-foot rear yard setback requirement, nor the limitation of covered structures not being permitted in a rear yard setback.

Standard Met: As the applicant stated the homeowners were not aware of the limitation for the proposed construction.

- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance

Applicant statement: There are no known alternative location for the proposed structure.

Standard Met: While a screened-in porch is permitted in the neighborhood, this particular lot does not have adequate rear yard space for such a structure. As stated above, the shape of the home, the frontage on two streets and the required 30-foot front yard, are limiting the rear yard space.

- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance

Applicant statement: The applicant states that the homeowners intend to follow the rules of the community by applying for this variance.

Standard Met: The spirit and intent of the zoning requirement would be observed. The screened-in porch covers a small portion of the rear yard space and aligns with the permitted patio.

Staff Recommendation

Staff recommends approval of the variance to permit a screened-in porch to encroach 14'2" into the rear yard setback.