

Staff Report

Grove City Board of Zoning Appeals

Applicant: David Keller, Property Owner

Property: 4288 Tahoe Trl. (Parcel #040-00009779) Zoned R-1b

Meeting Date: October 28, 2024

Code Section	Requested Variance
1135.10-I	to encroach the 25' rear yard setback, by 4', with a pergola roof over a patio, for a total rear setback of 21'.

Case summary

The property is in Concord Lakes subdivision which lies east of Holt Rd., south of Big Run South, west of Demorest Rd. and north of Grove City Rd. The property is at the end of a cul-de-sac and backs up to a reserve area. The rear yard is fenced in and the rear lot line is treed. The reserve is also treed. Regardless, it should not be apparent to anyone that the pergola extends four feet into the rear yard setback. The corner of the pergola is adjacent to a very large mature tree. The large stamped concrete patio and pergola are made of natural materials and earth tones. The patio and pergola will increase the value of the home and the enjoyment of the rear yard.

Analysis

Pursuant to Chapter 1133 of the Codified Ordinances, the BZA may grant a variance from the terms of the Zoning Code and the Sign Code provided the variance is not inconsistent with substantial justice and avoiding unreasonable hardship to property owners. The following factors shall be considered and weighed by the BZA in determining practical difficulties and/or hardship:

- **Whether the variance will be contrary to public interest or adversely affect the health/safety of persons or be injurious to private property/public improvements.**

No.

- **Whether the variance would adversely affect the delivery of governmental services such as water, sewer and trash pick-up.**

No.

- **Whether the variance would confer upon the applicant any special privilege that is denied by this regulation to other lands, structures or buildings in the same district.**

No. A 4' encroachment with a pergola would not be noticeable.

- **Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a "substantial detriment."**

No. The pergola and patio fit the character of the property.

- **Whether the variance is substantial.**

No. A 4' encroachment of a pergola at the northwest corner would not be noticeable.

- **Whether the property owner's predicament feasibly can be resolved through some method other than a variance.**

No. Only one deviation is needed because the other setbacks have been met.

- **Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning districts. Examples of such special conditions or circumstances are: exceptional irregularity; narrowness, shallowness or steepness of the lot; or adjacency to non-conforming and inharmonious uses, structures or conditions.**

No. Pie shaped lots are typical for cul-de-sacs and can create challenges when laying out amenities and accessories structures such as garages, pools, patios and decks.

- **Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.**

Yes.

- **Whether special conditions or circumstances exist as a result of actions of the current or a previous owner.**

Yes. The current owner had the patio installed.

- **Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance.**

Yes.

Staff recommendation: Approval with one stipulation. Begin construction within 12 months.

Prepared by: _____

Planning and Zoning Manager

Approved by: _____

Chief Building and Zoning Official