



# VARIANCE APPLICATION SUMMARY



<b>File Number</b>	V-24-30
<b>Property Address</b>	494 DENWOOD DR N GAHANNA, OH 43230
<b>Parcel ID</b>	025-003016
<b>Zoning District</b>	R-3 - Small Lot Residential
<b>Project/Business Name</b>	Gazebo Placement
<b>Applicant</b>	Tony Todaro    ttodaro@gmail.com
<b>Description of Variance Request</b>	I am here to respectfully request a <b>dimensional variance</b> for my gazebo, which is currently located in the corner of my property, near the property line. While we have made every effort to search for and attach related/updated city code references where applicable, we recognize that navigating city code can be challenging, and the references may not be entirely accurate to current code or code which has been superceded. However, we believe that this should not detract from our request. I will present several reasons why this variance should be granted, based on the practical benefits, safety considerations, and the lack of negative impact on the surrounding area.

**Requested Variances**

Code Section	Code Title	Code Description
1103.09(e)	Small Lot Residential R-3	Accessory Structures must be 5 feet from rear property line

**Neighbors:**

Beverly D White  
500 Denwood Dr N.

Allen & Jean Sherer  
569 Lancewood Dr.

Tim & Kylie Brown  
503 McCutcheon Rd.

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### **1. Utilities and No Impact to City Infrastructure (Chapter 1171?)**

The utilities in my neighborhood are overhead, and there are no utility poles or underground utility lines present in my yard. My gazebo does not interfere with any city services or utilities, which is often a key reason for setback requirements in Chapter 1171. Since the structure poses no risk to any utility access, it does not violate the purpose of these dimensional regulations

### **2. No Impact on Neighbors or Surrounding Properties (Chapter 1123? & Chapter 1105?)**

The current placement of the gazebo does not negatively affect any neighboring properties. There are no other structures in the corners of adjacent properties that could be obstructed or impacted by the gazebo's location. **Chapter 1123** emphasizes that setback rules are meant to prevent crowding and ensure proper spacing between structures to maintain privacy and safety. The gazebo does not obstruct any views or encroach on others' privacy. Additionally, the gazebo adds aesthetic value to my yard, providing a functional and beautiful outdoor space. This aligns with **Chapter 1105**, which defines setback regulations to prevent clutter, something my gazebo clearly does not contribute to.

### **3. Safety Concerns in the Front and Side Yards (Chapter 1123? & Chapter 90x?)**

One of the main reasons we have focused on using the backyard for the gazebo is the concern for the safety of our children. Due to frequent speeding in our neighborhood, it is unsafe for them to play in the front and side yards. Vehicles often drive over the corner of our property, creating a real danger for anyone spending time in these areas. The gazebo offers a safe, secure, and enclosed space for my children to play and for my family to gather.

Moreover, the sidewalks in our neighborhood are in poor condition—cracked, lifted by tree roots, or blocked by parked cars. These conditions sometimes force us to walk in the street, which poses further risks. **Chapter 90x** emphasizes that streets and sidewalks should be well-maintained to ensure safety, which is not currently the case. By using the backyard for recreation and placing the gazebo there, we're providing a safe environment for our family that we cannot safely enjoy in other parts of our property.

### **4. Contribution to the Community Aesthetic**

In addition to the practical and safety reasons, the gazebo contributes to the overall aesthetic of the neighborhood. We've maintained the structure well, and it enhances the beauty of our yard while fitting into the broader appearance of the community. Several other homes in the area also have structures in their corners, such as playsets and sheds, which adds to the character of the neighborhood. The gazebo does not disrupt the harmony of the surroundings; in fact, it complements it, contributing positively to the neighborhood's visual appeal.

## **5. Selective Code Enforcement and Resource Allocation**

While I understand the need for the city to enforce code regulations, it's important to recognize that more pressing concerns exist within the neighborhood. Some properties have issues such as hoarding, standing water that attracts mosquitoes, and homes in disrepair, which pose actual safety and health risks. The focus on enforcing a setback rule for my gazebo, which presents no such risks, seems disproportionate. City resources might be better utilized addressing these more urgent issues that affect public safety and neighborhood well-being.

## **Conclusion**

In conclusion, I believe the placement of my gazebo does not violate the spirit of the city's setback requirements. It does not interfere with utilities, impact my neighbors, or pose any safety concerns. On the contrary, it enhances the safety, functionality, and aesthetic of my property. Given the lack of negative impact and the presence of similar structures in the neighborhood, I respectfully request that you grant this dimensional variance. Thank you for your time and consideration.

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## ////////// Requested Feedback

Thank you for your feedback. I would like to address the first criterion regarding the special circumstances of my property that necessitate granting this variance.

The specific layout and constraints of my property create a unique situation that makes it difficult to follow the typical setback rules for accessory structures like my gazebo. The corner of my property, where the gazebo is currently located, is one of the few practical places for such a structure due to the following factors:

### 1. Limited Use of Front and Side Yards Due to Safety Concerns:

- o As mentioned, speeding vehicles frequently pose a danger near the front and side yards, making these areas unsafe for recreational use. This limits where we can safely place a structure like a gazebo.

### 2. Obstructed or Damaged Sidewalks:

- o The sidewalks adjacent to our property are often blocked by parked cars, which forces pedestrians, including my family, to walk in the street to get around the vehicles. This creates additional safety hazards, particularly for children.

Furthermore, the sidewalks are damaged in places, with sections lifted by tree roots. These conditions further restrict the practical use of the front and side yards, leaving the backyard as the only viable option for safe outdoor activities.

**3. Utility of the Corner Location:**

- o The gazebo's current location in the corner of the yard makes efficient use of an otherwise difficult-to-use area. The proximity of the privacy fence and the concrete pad offers the only flat, stable area that could support a permanent structure like a gazebo without significant regrading or additional construction, which would otherwise impact other areas of the yard.

Given these unique aspects of the property, we believe that adhering to the standard setback requirements would prevent us from making full, safe, and efficient use of our yard, which is why we respectfully request this variance.

Thank you again for your consideration, and I hope this additional information addresses the first criterion.

025-003003  
120

025-003004  
121

Overall Dimensions (L x W x H): 12' 1" x 16' 1" x 10' 4"  
Base Dimensions (outside of post): 10' 10 3/8" x 14' 10 3/8"  
Base Dimensions (inside of post): 9' 8 1/2" x 13' 2 1/2"

Gazebo setback from fence is 1ft on each side.

88



Gazebo in Corner.. 192sq ft

134

025-003017

500

120

025-003016

133

100

494

Fence to structure gap is 5ft.

LANCEWOOD DR

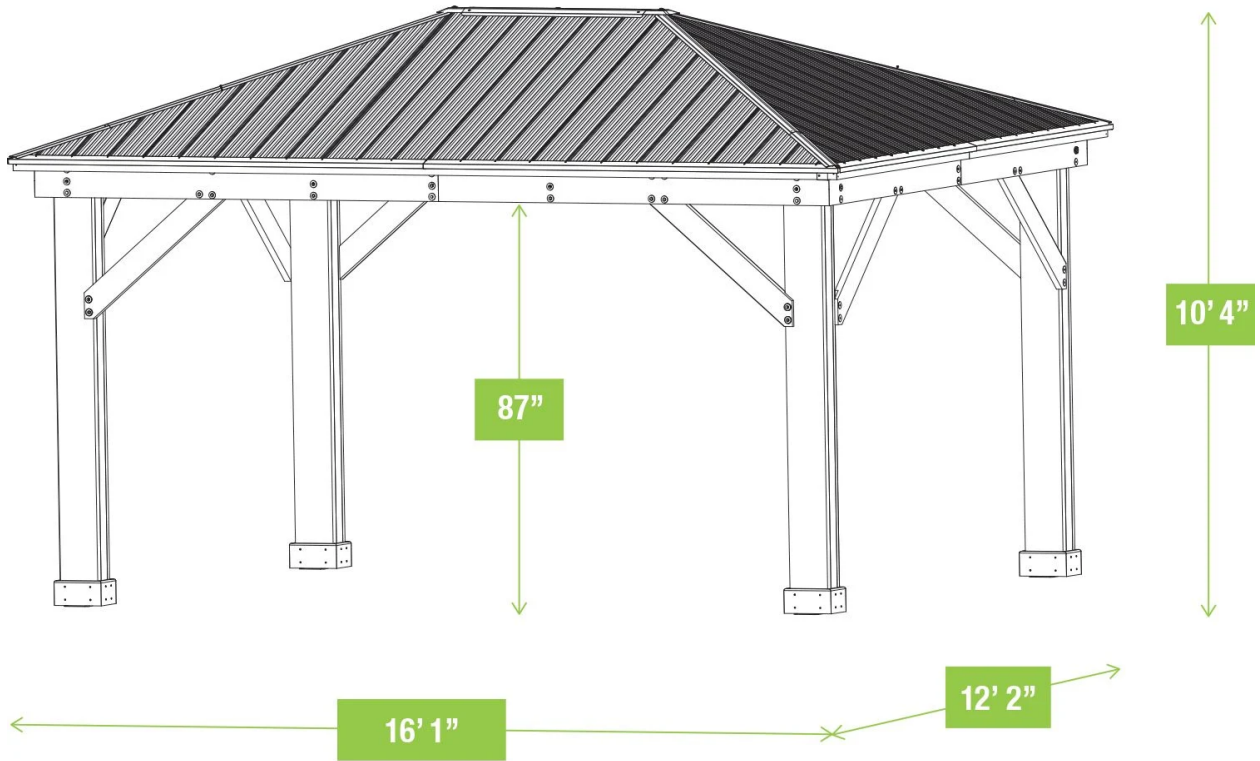
DENWOOD























## PLANNING COMMISSION STAFF REPORT

### Project Summary – 494 Denwood Drive

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**Meeting Date:** November 6, 2024

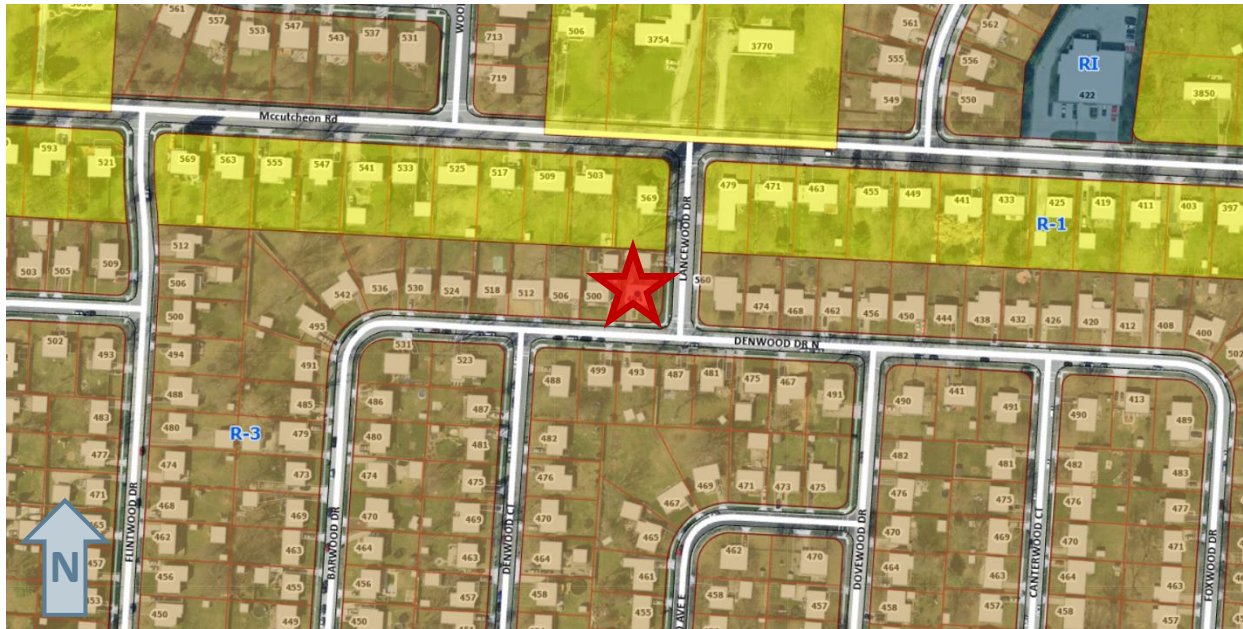
**Zoning:** Small Lot Residential (R-3)

**Application Type(s):** Variance (V)

**Staff Representative:** Maddie Capka, Planner II

**Recommendation:** Staff recommends disapproval of the application.

**Location Map:**



### Staff Review

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## Overview

The applicant is requesting approval of a variance to allow a gazebo within two rear yard setbacks. The gazebo is 192 SF and located only 1 ft from two property lines. The site is a corner lot, meaning there are two front yards and two rear yards. Therefore, the rear yard setback of 5 ft applies to both the north and west property lines. The standard side yard setback, which doesn't apply to this site, is also 5 ft.

The gazebo was constructed prior to applying for a permit, so this variance application was submitted due to Code Enforcement action. The gazebo is located over an existing concrete pad. There is a 6 ft high privacy fence that encloses the backyard. However, the gazebo is 10' 4" tall and is visible over the fence. It is also approximately 6 ft from the western neighbor's garage.

The applicant states they placed the gazebo in this location in the rear yard due to safety concerns in the front and side yards. However, Code requires that accessory structures are placed to the rear of the principal structure, so the rear yard is already the only option that would not require an additional variance.

## Review Criteria

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### Variance (V)

The following variance has been requested:

1. 1103.09(e) – Small Lot Residential
  - a. Accessory structures must be at least 5 ft from the rear property line.
  - b. The structure is located 1 ft from two rear property lines.

Before granting a variance, Planning Commission shall find that:

- a) The variance is not likely to result in substantial change to the essential character of the neighborhood;
- b) The variance is not likely to result in damage to adjoining properties;
- c) The variance is not likely to affect the delivery of governmental services (e.g., water, sewer, garbage);
- d) The variance is not likely to result in environmental impacts greater than what is typical for other lots in the neighborhood.
- e) The variance is necessary for the economical use of the property, and such economical use of the property is not easily achieved through some method other than a variance; and,
- f) The variance is not likely to undermine the objectives of the land use plan.

## Recommendation

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Staff recommends disapproval of the variance as submitted. 1 ft is a very small setback from the property line and the gazebo borders the yards of two adjacent properties. There are no unique



circumstances on the property that necessitate a setback variance. This may have been the easiest location to install a gazebo due to the existing concrete pad.