



City of Dublin

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City of Dublin Board of Zoning Appeals

# Planning Report

Thursday, April 24, 2014

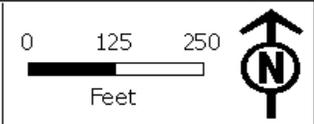
## Riverside Drive

### Case Summary

Agenda Number	1
Case Number	14-026V
Location	8219 Riverside Drive West side of Riverside Drive approximately 720 feet north of Summit View Road.
Proposal	To construct a pool, deck and pool barrier forward of the principal structure.
Request	Non-use (area) variance to Section 153.074(c)(3) to permit a pool, deck and pool barrier that extend twelve feet forward of the principal structure.  Requires review and approval by the Board of Zoning Appeals based on the review criteria of Zoning Code Section 153.231.
Applicants	Ralph and Amy Jordan, owners.
Planners:	Tammy Noble-Flading Senior Planner
Planning Contact:	(614) 410-4649 or tflading@dublin.oh.us;
Planning Recommendation	<b>Approval</b> Based on Planning's analysis, the request meets the review criteria for a non-use (area) variance and approval is recommended.



14-026V  
Variance  
Jordan Residence  
8219 Riverside Drive



**Facts**

<p>Site Description</p>	<p>The site is 1.2 acres and contains a 2,493-square-foot single-family, residential structure. The site is heavily wooded and abuts the Scioto River to the rear. Access is provided from Riverside Drive and the house is situated approximately 70 feet beyond the front building line setback established by Code. This is a common lot configuration of homes along the river to maximize the views of the waterway.</p> <p>The site also contains an existing cedar wood fence, a retaining wall and a shed to the side and rear of the property. The site has significant topography changes to the west of the retaining wall. The property slopes eight feet or more beyond the wall which is a pertinent factor in the variance request.</p>
<p>Zoning</p>	<p>R-1, Restricted Suburban Residential District</p>
<p>Surrounding Zoning and Uses</p>	<p>The site is surrounded with residential development and includes:</p> <p>North Zoned R-1, Restricted Suburban Residential District and contains large lot parcels with single-family homes.</p> <p>East PLR, Planned Low-Density Residential District in the Wedgewood Hills subdivision.</p> <p>South Zoned R-1, Restricted Suburban Residential District and contains large lot parcels with single-family homes.</p> <p>West Scioto River.</p>
<p>Proposal</p>	<p>The applicant is proposing an in-ground swimming pool, perimeter decking and a pool barrier (fence) that encroaches 12 feet forward of the existing structure. The pool and deck will be newly constructed. The site contains is an enclosed fence area to the side of the house which is where the construction of the pool is proposed. A portion of the fence will be removed to accommodate the pool and this area will be enclosed with a four-foot, aluminum pool barrier that will meet the requirements of the City of Dublin Building Code.</p>

**Details** **Location Variance**

<p>Process</p>	<p>Zoning Code Section 153.231(C)(3) allows the Board of Zoning Appeals to approve requests for non-use (area) variances only in cases where the Board finds there is evidence of a practical difficulty present on the property, limiting conformance to the strict requirements of the Zoning Code. The Board shall make a finding that the required review standards have been appropriately satisfied (refer to the last page of this report for the full wording of the review standards).</p>
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Details	Location Variance
Variance Request	Section 153.074(C)(3) of the City of Dublin Zoning Code requires that there be a minimum separation of ten feet between a swimming pool and the principal structure, the pool not be located within the front, side or rear yard setbacks, or be forward of the principal structure. The in ground swimming pool, deck and pool barrier will meet all the required setbacks of the Code, but will be located approximately 12 feet forward of the principal structure.

Analysis	Accessory Structure Location
<b><i>ALL THREE OF THE FOLLOWING STANDARDS MUST BE MET</i></b>	
(1) <i>Special Conditions</i>	<p><b>Standard Met.</b>  The site has significant topography changes west of the area proposed for construction. This slope change is caused by proximity to the Scioto River and is a special condition that is unique to this property.</p>
(2) <i>Applicant Action/Inaction</i>	<p><b>Standard Met.</b>  This topography change is based on the natural conditions of the site that were not created by the applicant.</p>
(3) <i>No Substantial Adverse Effect</i>	<p><b>Standard Met.</b>  The closest distance of the proposed construction to Riverside Drive is approximately 58 feet (as measured to the existing right-of-way). Visibility from the road will be limited based on elevation changes, from the road to the front yard of the property, as well as significant vegetation. The closest neighbor to the south has 160 feet of separation between houses and will have more than 124 feet of separation from the pool barrier to the side of their home. This spatial separation and existing vegetation will limit any adverse effects including noise and visibility to the surrounding neighbor.</p>
<b><i>AT LEAST TWO OF THE FOLLOWING FOUR STANDARDS MUST BE MET</i></b>	
<p>(1) <i>Special Privileges</i></p> <p>(2) <i>Recurrent in Nature</i></p>	<p>The following standards have been reviewed with the finding that three standards have been met.</p> <p><b>Standard Met.</b>  Practical difficulties have been created by the natural topography of the site.</p> <p><b>Standard Met.</b>  The variance request is not recurrent in nature and is specific to the site.</p>

<b>Analysis</b>	<b>Accessory Structure Location</b>
<i>(3) Delivery of Governmental Services</i>	<b>Standard Met.</b> No governmental services such as mail delivery, trash disposal or emergency access are affected by this proposal.
<i>(4) Other Method Available</i>	<b>Standard Met.</b> Both sides of the property have similar changes in topography and therefore relocating the pool, deck and pool barrier is not a viable option. The only other method to prevent the variance request is to decrease the size of the pool by almost a third of the proposed size. Therefore, other methods are very limited.

<b>Recommendation</b>	<b>Approval</b>
Approval	Based on Planning's analysis the requested variance meets the required non-use (area) variance standards, therefore approval of the variance is recommended.

## NON-USE (AREA) VARIANCES

### Section 153.231(H)(1) Variance Procedures

On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development requirements of this Code unreasonable and, therefore, the variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions that meet the standards of review for variances. In granting any variance, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with the Zoning Code.

*Non-Use (Area) Variances.* Upon application, the Board of Zoning Appeals shall only approve a request for a non-use variance only in cases where there is evidence of practical difficulty present on the property in the official record of the hearing, and that the findings required in (a) and (b) have been satisfied with respect to the required standards of review (refer to the last page of this Report for the full wording of the review standards):

**(a) That all of the following three findings are made:**

- (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. Special conditions or circumstances may include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter or amendment; or by reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or by reason of the use or development of the property immediately adjoining the property in question.*
- (2) *That the variance is not necessitated because of any action or inaction of the applicant.*
- (3) *Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied or of this Chapter.*

**(b) That at least two of the following four findings are made:**

- (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.*
- (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.*
- (3) *The variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage).*
- (4) *The practical difficulty could be eliminated by some other method, even if the solution is less convenient or most costly to achieve.*