



City of Dublin

Land Use and
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City of Dublin Board of Zoning Appeals

Planning Report

Thursday, November 19, 2015

Lauer Residence – 8924 Lea Court

Case Summary

Agenda Number	3
Case Number	15-098BCA
Location	8924 Lea Court West side of Lea Court approximately 350 feet south of Carnoustie Drive.
Proposal	An appeal to the Building Code that requires that a mechanical component, a blower motor, for a whirlpool bath tub be accessible immediately next to the blower motor.
Request	An appeal to the Building Code to provide accessibility to a blower motor for a whirlpool bath tub that does not meet the specific requirements of the Building Code. Requires review and approval by the Board of Zoning Appeals based on the review criteria of Zoning Code Section 153.231(C)(4).
Applicants	Dave and Bette Lauer, represented by Dan Frost, Frost Contracting Company.
Planners	Jeffrey Tyler, Director of Building Standards/ Chief Building Official /Tammy Noble, Senior Planner
Planning Contact	(614) 410-4670 or jtyler@dublin.oh.us (614) 410-4649 or tnoble@dublin.oh.us
Planning Recommendation	Approval Based on analysis of the Chief Building Official, the alternative method for access to the blower motor is an acceptable alternative to the requirements of the Building Code and therefore, approval is recommended.



 <p>City of Dublin</p>	<p>15-098V Non-use Variance (Building Code) Lauer Residence 8924 Lea Court</p>	<p>0 150 300 Feet</p> 
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Facts	
Site Description	This site is on the west side of Lea Court approximately 350 feet south of Carnoustie Drive in the Muirfield Village subdivision. The site has frontage along Lea Court which extends into an irregularly shaped lot that directly abuts the Muirfield Village Golf Course. The site contains a 3400-square-foot home with an attached garage. A master bathroom located within the single-family residential structure is the subject of the appeal.
Zoning	PUD, Planned Unit Development District and located in the Muirfield Village PUD.
Surrounding Zoning and Uses	The site is completely surrounded by the Muirfield Village PUD and single-family, residential uses to the north, east and south. To the west is the Muirfield Village Golf Course.
Proposal	Section 110.03(B) of the National Electrical Code as referenced in Section 3401 of the City of Dublin Building Code requires that the blower motor for whirlpool tubs be immediately accessible. This is commonly achieved by providing access from one or more sides of the tub. The applicants are proposing to provide access to the blower motor beneath the bottom of the tub, as an alternative to the requirement.

Details	Building Code Appeal
Process	Section 153.231(C)(4) requires the Board of Zoning Appeals review building construction appeals of the Chief Building Code Official of the Dublin Division of Building Standards.
Appeal	The City of Dublin Zoning Ordinance stipulates that the Board of Zoning Appeals may hear appeals to building code requirements of the Chief Building Official from the City of Dublin Division of Building Standards. The Code does not provide specific criteria in which to review the appeals. In lieu of criteria, if the Chief Building Official has determined that the intent or purpose of the regulation is met with an equal or greater degree of safety, the appeal should be approved.

Analysis		Building Code Appeal
<i>Requirement</i>	<p>This is an appeal to Section 110.03(B) Examination, Identification, Installation, and Use of Equipment. Installation and Use. Equipment shall be installed and used in accordance with instructions included in the listing or labeling requirements.</p> <p><i>The installation instructions for the whirlpool tub located in the Master Bathroom requires the blower motor be readily accessible. The access must be located immediately next to the blower as per the installation manual.</i></p>	
<i>Alternative to Requirement</i>	<p>The applicant proposes to access the blower motor underneath the tub through an existing crawl space. The applicant has provided a clear path to the blower from the basement. Although there is a height limitation, there appears to be adequate space to maneuver and service the motor should that be necessary in the future. The crawl space is a conditioned space.</p>	

Recommendation		Approval
Approval	<p>Based on analysis by the Chief Building Official, the alternative method for access to the blower motor is an acceptable alternative to the requirements of the Building Code and therefore, approval is recommended.</p>	

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.*