

City of Dublin Zoning Board
Request for Variance
November 4, 2020

Dear City of Dublin Zoning Board,

I, Gary Duncan, and my wife, Bruni Duncan have lived and owned a business in Dublin for the past 33 years. We are now in our later years with no intention of leaving Dublin to retire or live in a warmer climate like all of our friends.

We built our house in 1987 and we have added on to the house in 1992. Since , we have realized our age and we have a desire to continue our health by exercising and maintaining our diets. We have the thought of improving the back of our house by adding on to the living room and dining room which improves our overall appearances. We have removed 30 year old decks to be replaced with a beautiful patio with arches and pillars that will also improve our looks.

We decided to place a small pool with an automatic safety cover enclosed in the arches to be used privately by my wife and myself. We want a very private and therapeutic scenario.

We have put all of our trust in our architects. The plans were drawn with the pool 5 ½ feet from the house , both sides. We had asked the architects if this was permissible and they explained to me that we were okay because there is a crawl space in this area and the pool isn't very deep. But the truth was the variance zoning code (sec 153.074 (c))(3) states 10 feet from the house.

My wife and I have no problem with this variance other than that puts us too close to the neighbor's yard because of the setback limitation .

Therefore we are requesting a variance from the requirements of sect 153.074(c)(3) for the following reasons:

1. Because of the limited space of land and to make this small pool fit we would like to place the pool 6' from our living room and 11' from the study as shown on site plan. So , we would be okay from study but short only on the side from the living room.
2. We feel the location is much better than placing in the back yard. We want this for water therapy and our own relaxation.
3. Also, the pool will be heated so we could use the pool all year round being close to the house opposed to being in the back yard, in which would be much further from the house.
4. Our study has a full bathroom and would be more accessible than the back yard placement of the pool.
5. With our back yard being on the TCC golf course, the location on the site plan would be safer from golf balls.
6. This location would be more private and not so much a splash pool on the golf course.

7. Also, with the location by the study, the pool equipment can be closer and better hidden.

We have purchased the pool, paid the architect and paid the builder half so we are pleased of your consideration of this variance request.

Thank You Gary and Bruni Duncan

VARIANCE SUBMISSION

**DUNCAN RESIDENCE
8831 LOCHERBIE COURT
DUBLIN, OH 43017**

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) below have been satisfied with respect to the following standards of review:

(a) That all of the following 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:
 - A. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter or amendment; or
 - B. By reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
 - C. 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 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

VARIANCE SUBMISSION

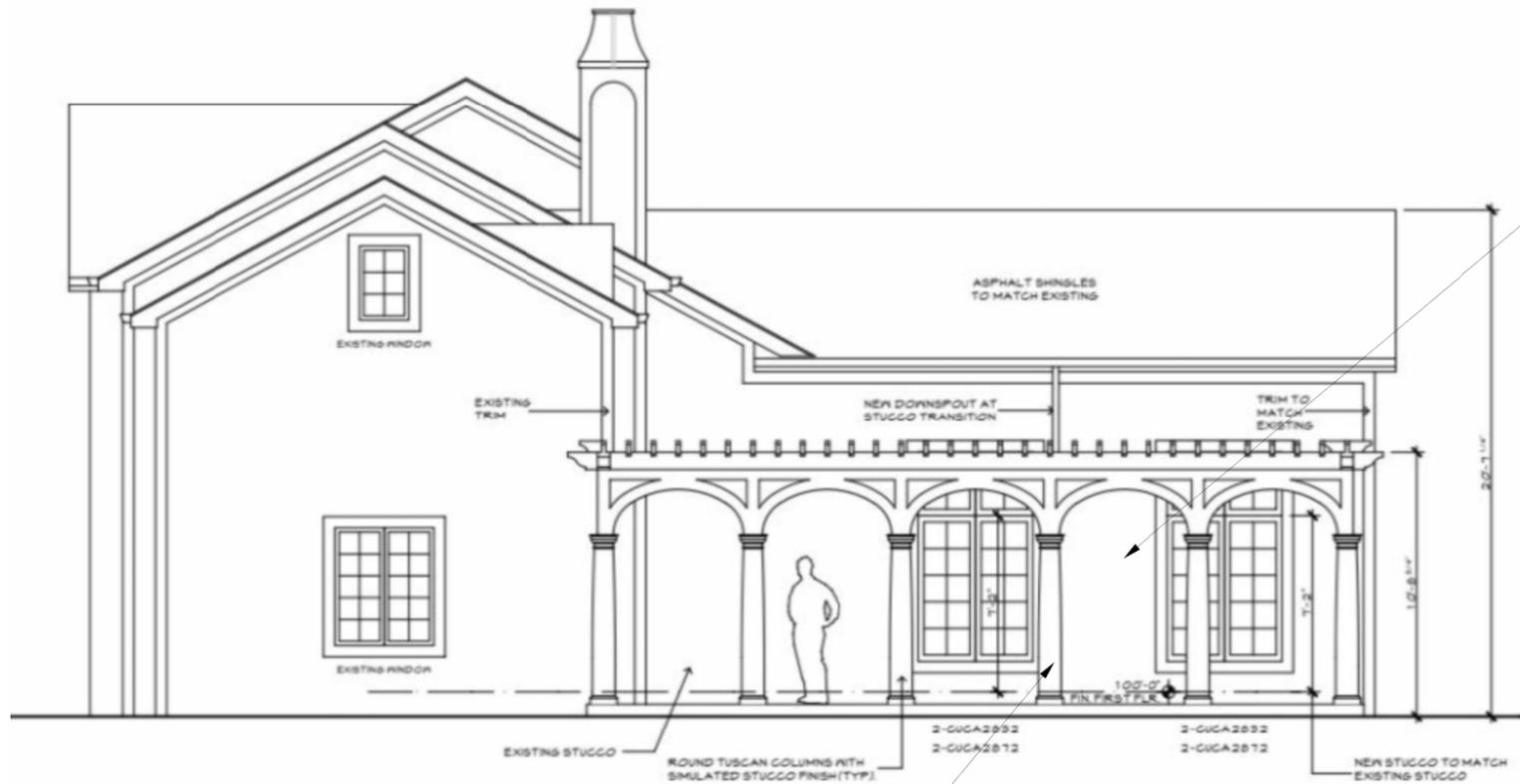
1) Variance to Zoning Code Section 153.074(C)(3) which is the minimum 10-foot separation between the swimming pool and the principal structure. Currently, it seems the proposed pool is just under 5 feet from the principal structure.

2) Variance to Zoning Code Section 153.074(C)(4) which is the required pool barrier that surrounds the proposed pool. It is our understanding that you are requesting to not have the pool barrier. This is not an item that is typically considered for a variance, as the measure is in place for safety reasons. This will take more deliberation on our end with the Building Standards department to determine if this is a possible variance request or not. Regardless if it is possible or not, our Staff would recommend a pool barrier per Code requirements.

VARIANCE SUBMISSION	Sheet Title	DESIGNED BY LIZ VAUGHAN	APPROVED BY LIZ VAUGHAN
			
701 HOME ROAD DELAWARE, OH 43015 Phone Number: 740.879.3368 E-mail Address: LIZ@VAUGHANSCAPES.COM			
DUNCAN RESIDENCE		8831 LOCHERBIE COURT DUBLIN, OH 43017	
SHEET	DATE	REVISIONS	
1	10.30.20	N/A	
SCALE:			

VARIANCE SUBMISSION - ENCLOSURE

GOING TO USE LATTICE WORK LIKE THIS TO ENCLOSE THE ARCHES AND WILL INSTALL A GATE WITH PROPER POOL CODE LATCH AT OPENING.



PROPOSED SIDE ELEVATION*
SCALE: 1/4"=1'-0"

ALL EXTERIOR FINISHES TO MATCH EXISTING
NEW WINDOWS TO BE FROM MARVIN

STUCCO COLUMNS
WITH ARCHED DETAIL
AROUND SWIM SPA / POOL



THIS SHOULD ALLEVIATE THE NEED FOR A FENCE SINCE IT WILL BE COMPLETELY ENCLOSED

VARIANCE SUBMISSION -ENCLOSURE-	Sheet Title
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VAUGHAN SCAPES
VS POOLS

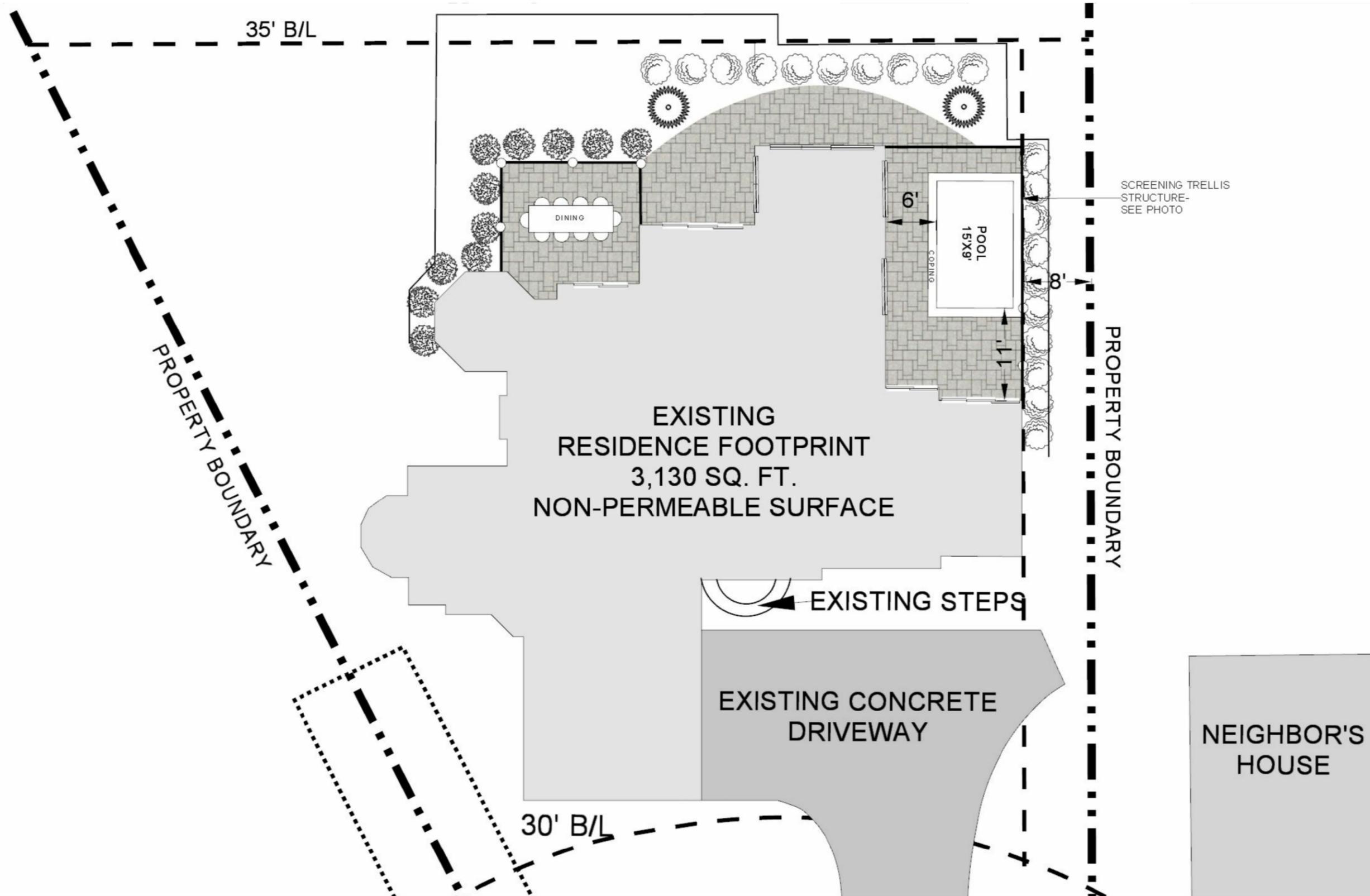
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**DUNCAN
RESIDENCE**
8831 LOCHERBIE COURT
DUBLIN, OH 43017

SHEET	DATE	REVISIONS	SCALE:
2	10.30.20	N/A	

VARIANCE SUBMISSION - SITE PLAN REVISED

please use this site plan, and disregard previous versions



VARIANCE SUBMISSION -SPA VS. POOL-	Sheet Title
	APPROVED BY LIZ VAUGHAN
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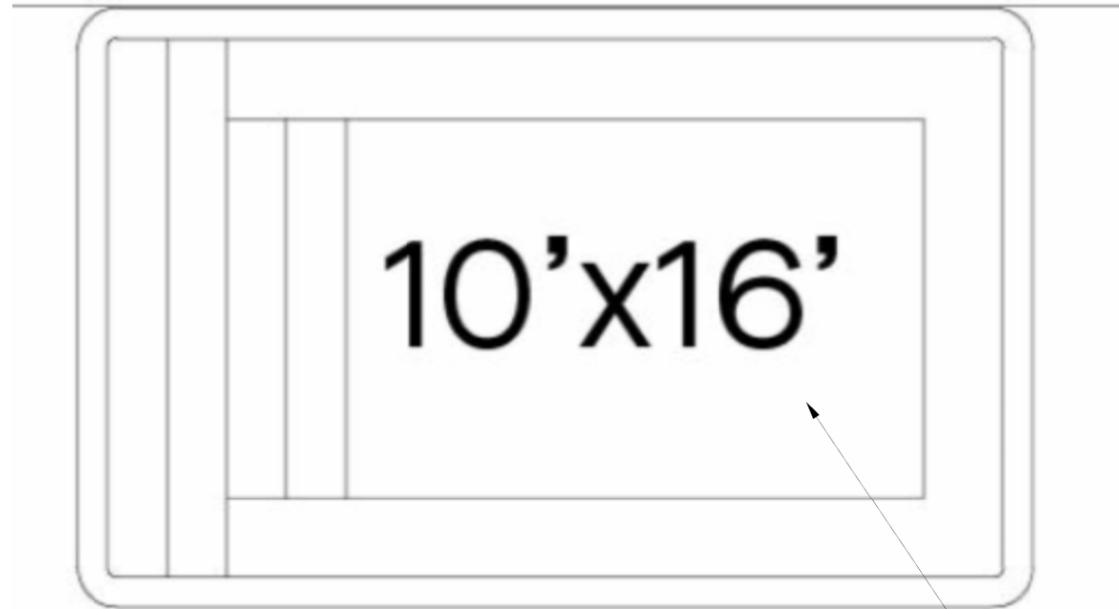
VAUGHANSCAPES
VS POOLS

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3	11.4.20	N/A	

VARIANCE SUBMISSION - SWIM SPA VS. POOL



Milan
Depth: 4'



2,500 Gallons

DUBLIN CODE - HOT TUBS

Hot tubs are permitted accessory structures, and may be either below or above grade, provided that they do not exceed 100 square feet in total water surface area, or 4.5 feet in depth or height as measured from finished grade.



10' X 16' IS THE DESIGNATION PROVIDED FOR THIS FIBERGLASS UNIT. THE ACTUAL INSIDE DIMENSION (WATER SURFACE AREA) IS 9' X 15' BECAUSE THE FIBERGLASS 'LIP' ON ALL SIDES IS APPROXIMATELY 6".

ALTHOUGH 9' X 15' = 135 SF OF WATER SURFACE AREA, MUCH OF THIS AREA IS TAKEN UP BY STEPS AND SEATING ALONG THE PERIMETER.

FOR EXAMPLE: FOLLOWING DUBLIN'S CODE OF 100 SF AT 4.5' DEEP, THIS WOULD EQUAL APPROXIMATELY 450 CUBIC FEET, WHICH IS 3,366.23 GALLONS OF WATER.

THIS PROPOSED SWIM SPA IS ONLY 2,500 GALLONS OF WATER DUE TO THE STEPS AND SEATING LEDGE TAKING UP MUCH OF THE WATER SPACE. (THIS IS 866.23 GALLONS LESS THAN WHAT IS CONSIDERED A HOT TUB.)

HOT TUBS DO NOT HAVE A MINIMUM DISTANCE FROM A PRIMARY STRUCTURE.

WE WOULD LIKE TO PROPOSE THAT THIS BE CONSIDERED A SWIM SPA IN LIEU OF A SWIMMING POOL, AND WOULD THEN PRESUME THAT WE COULD PLACE THIS SPA ANY DISTANCE FROM THE PRIMARY STRUCTURE.

VARIANCE SUBMISSION -SPA VS. POOL-	Sheet Title
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VAUGHAN SCAPES
VS POOLS

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