

PROJECT NAME/ TOM & ROSEMARIE DESCHLER/ #20-190V/NON-USE VARIANCE REQUEST

(H) Variances

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

1. There is a water/storm drain beyond the 20 Easement of our property into the Reserve Area. This caused our setback to be much longer in length than other properties in the Oak Park Sub-division. Additionally, a contractor was hired to perform the work associated with the patio/landscape install. It was our understanding the contractor would take the necessary steps to ensure compliance with any/all existing code and laws impacting our property.
2. The variance is not necessitated due to any action/inaction on our part. This is supported by the site plan and overly burdensome required rear setback coupled with the drain easement.
3. The current patio and adjacent landscaping does not cause a substantial adverse effect to the property, nor does it impair the intent/purpose of the requirement being varied. The patio backs up to a Reserve Area, and is enjoyed by the adjacent neighbors and passersby on the city's bike path that leads to the Metro Park.

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

1. Other properties in the Oak Park Subdivision have been built/granted permission to build patios in the setback area. They have been granted Non-Use Variances.
2. In particular to our property, the rear setback is impacted by the drain easement and therefore different compared to other properties in the subdivision
3. We have entered into a signed agreement with the City of Dublin for Easement Encroachment dated October 14, 2020. The variance, if granted would not adversely affect the delivery of governmental services (e.g. water, sewer, garbage.) See attached Encroachment Agreement.
4. There would be significant hardship if the variance was not granted. It would require the destruction, redesign, and rebuild of an existing eye-pleasing stone patio and wall, landscape, and irrigation system