

## VARIANCE APPLICATION

PROPERTY INFORMATION		
Project/Property Address: <u>1129 BROOKHOUSE LN</u>		Project Name/Business Name: <u>LEVECK POOL</u>
Parcel #: <u>025-009482-00</u>	Zoning: (see <a href="#">Map</a> ) <b>Select One</b> <u>ER-2</u>	Acreage: <u>2.69</u>

VARIANCE SPECIFICATIONS	
Description of Variance Request: <u>REQUEST TO INSTALL POOL AUTO COVER IN LIEU OF FENCE.</u>	
<b>STAFF USE ONLY:</b> (Code Section):	Chapter 1171.03(i) - Swimming pool fencing requirements

APPLICANT INFORMATION	
Applicant Name (Primary Contact): <u>ROBERT LEVECK</u>	Applicant Address: <u>1129 BROOKHOUSE LN</u>
Applicant E-mail: <u>RLEVECK@LEVECKCONSTRUCTION.COM</u>	Applicant Phone: <u>614-582-4765</u>
Business Name (if applicable): <u>LEVECK COMMERCIAL CONSTRUCTION</u>	

ADDITIONAL CONTACTS	
*Please list all applicable contacts for correspondence*	
Name(s)	Contact Information (phone/email)
Property Owner Name: (if different from Applicant)	Property Owner Contact Information (phone no./email):

**ADDITIONAL INFORMATION ON NEXT PAGE....**

INTERNAL  
USE

Zoning File No. V-0158-2024

RECEIVED: KAW  
DATE: 04-30-2024

PAID: \$250.00  
DATE: 04-30-2024


**Updated  
Apr 2022**

## VARIANCE APPLICATION - SUBMISSION REQUIREMENTS

TO BE COMPLETED/SUBMITTED BY THE APPLICANT:
1. Review Gahanna Code <a href="#">Chapter 1131</a> (visit <a href="http://www.municode.com">www.municode.com</a> ) ( <i>Sign Variances, refer to Chapter <a href="#">1165.12</a>; Fence Variances, <a href="#">1171.05</a>; Flood Plain Variances, <a href="#">1191.18</a></i> )
2. Survey of property certified by a registered surveyor (11"x17" copy) if Applicable - Site Plan, drawings, or survey that depicts where the Variance is requested.
3. Renderings, drawings, and/or pictures of the proposed project
4. A statement of the reason(s) for the variance request that address the following three conditions: ( <i>not applicable for Sign, Fence, or Flood Plain Variances; see code referenced in #1 above for applicable criteria</i> ) - Special circumstances or conditions - Necessary for preservation and enjoyment of property rights - Will not adversely affect the health or safety
5. List of contiguous property owners & their mailing address
6. One set of pre-printed mailing labels for all contiguous property owners
7. Application fee ( <i>in accordance with the <a href="#">Building &amp; Zoning Fee Schedule</a></i> )
8. Application & all supporting documents submitted in digital format
9. Application & all supporting documents submitted in hardcopy format
10. Authorization Consent Form Complete & Notarized ( <i>see page 3</i> )

### APPLICANT SIGNATURE BELOW CONFIRMS THE SUBMISSION REQUIREMENTS HAVE BEEN COMPLETED

I certify that the information on this application is complete and accurate to the best of my knowledge, and that the project as described, if approved, will be completed in accordance with the conditions and terms of that approval.

Applicant Signature:  Date: 4/30/24

### PLEASE NOTE:

- The Public Hearing will not occur until the City of Gahanna reviews the Application for Code Consistency. Applications that are not consistent with the code will not be scheduled for hearing.
- The application expires if no action is taken 6 months from the date of the last staff comment letter.

## AUTHORIZATION CONSENT FORM

(must sign in the presence of a notary)

If you are filling out more than one application for the same project & address, you may submit a copy of this form with additional applications.

PROPERTY OWNER

### IF THE PROPERTY OWNER IS THE APPLICANT, SKIP TO NEXT SECTION

As the property owner/authorized owner's representative of the subject property listed on this application, hereby authorize the applicant/representative to act in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all terms and agreements made by the applicant/representative.

ROBERT LEVECK

(property owner name printed)

(property owner signature)

(date)

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

State of \_\_\_\_\_ County of \_\_\_\_\_

Stamp or Seal

Notary Public Signature: \_\_\_\_\_

Applicant/Property Owner/Representative

**AGREEMENT TO COMPLY AS APPROVED** As the applicant/representative/owner of the subject property listed on this application, I hereby agree that the project will be completed as approved with any conditions and terms of the approval, and any proposed changes to the approval shall be submitted for review and approval to City staff.

**AUTHORIZATION TO VISIT THE PROPERTY** I hereby authorize City representatives to visit, photograph and post notice (if applicable) on the subject property as described.

**APPLICATION SUBMISSION CERTIFICATION** I hereby certify that the information on this application is complete and accurate to the best of my knowledge.

ROBERT LEVECK

(applicant/representative/property owner name printed)

(applicant/representative/property owner signature)

(date)

4/30/24

(date)

Subscribed and sworn to before me on this 30<sup>th</sup> day of April, 2024.

State of Ohio County of Franklin

Notary Public Signature: Kelly Wicker



Tim Gooden  
1101 Brookhouse Ln.  
Gahanna, OH 43230

Sam Edelman  
1155 Brookhouse Ln.  
GAHANNA OH 43230

Steve Lindsay  
4279 Shull Rd.  
Gahanna OH 43230

## **Variance Application Required Statement of Variance**

### **Special Circumstances or Conditions**

Variance from Chapter 1171.05 of the zoning code requiring a fence located around a pool on the south side of the property. Due to the large lot sizes within the community the automatic safety pool cover a fence would not be necessary. The intent behind the zoning requirement would still be observed by granting the variance and using an automatic safety pool cover. This situation creates a special circumstance or condition for which a variance should be granted, there would still be a beneficial use of the property without the variance. The variance is not substantial and would be essential to the character of the neighborhood. The property owner did purchase the property knowing the zoning restriction, but the predicament would not be obviated through another method other than a variance.

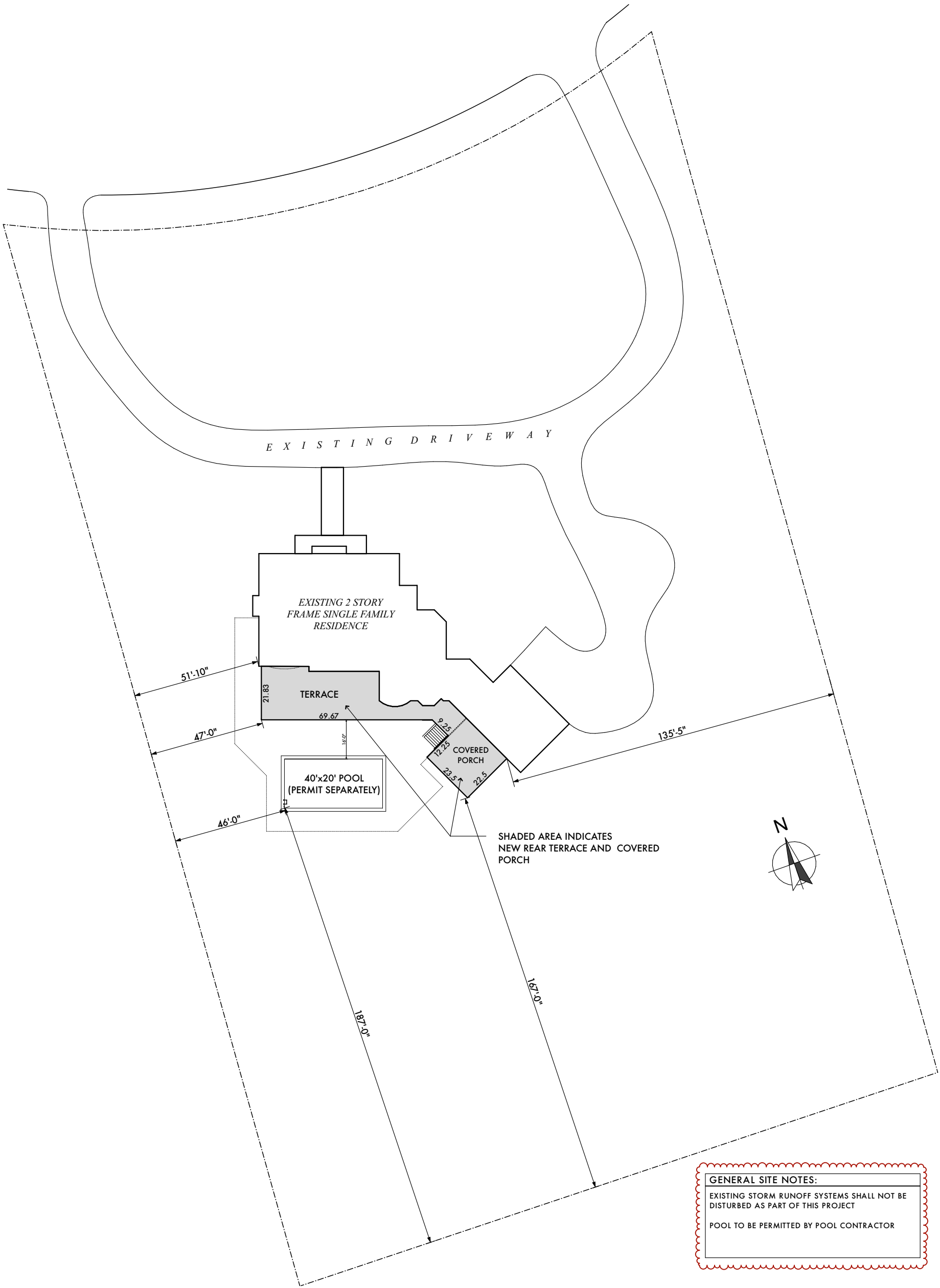
### **Necessary for Preservation**

The requested Variance is necessary to preserve the value of the Property and its unique location for development as proposed. The fencing would not be compatible with the architectural character of the neighborhood as there is no fencing within the adjacent properties or surrounding properties. If the City imposed the requirements for which the Variance is being requested, the Applicant would not be able to proceed with the development of the Property as proposed, thereby detracting from the value of the Property and its utility for use to preserve property values generally by permitting the proposed development consistent with the City's Land Use Plan.

### **Will Not Materially Affect Adversely the Health and Safety**

The requested Variance will not materially adversely affect the health and safety of the Property, adjacent, or nearby properties or the City as a whole. In fact, if the proposed development is granted the requested Variance and allowed to proceed, the proposed development will have a positive effect on the health and safety of all concerned by providing high quality development in the community and would be similar to the property contiguous to the south.





GENERAL SITE NOTES:

EXISTING STORM RUNOFF SYSTEMS SHALL NOT BE  
DISTURBED AS PART OF THIS PROJECT

POOL TO BE PERMITTED BY POOL CONTRACTOR

## SITE PLAN

1"=40'-0"

EXP:12/31/25

PAGE # :

DATE :

4/1/24

REVISION :

3/21/24



LEVECK RESIDENCE

1129 BROOKHOUSE LANE  
GAHANNA OHIO

12 DOORS DOWN LLC

6800 MACNEIL DRIVE., DUBLIN  
OHIO 43017

## PLANNING COMMISSION STAFF REPORT

### Project Summary – 1129 Brookhouse Ln – LeVeck Pool

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Meeting Date: June 12<sup>th</sup>, 2024

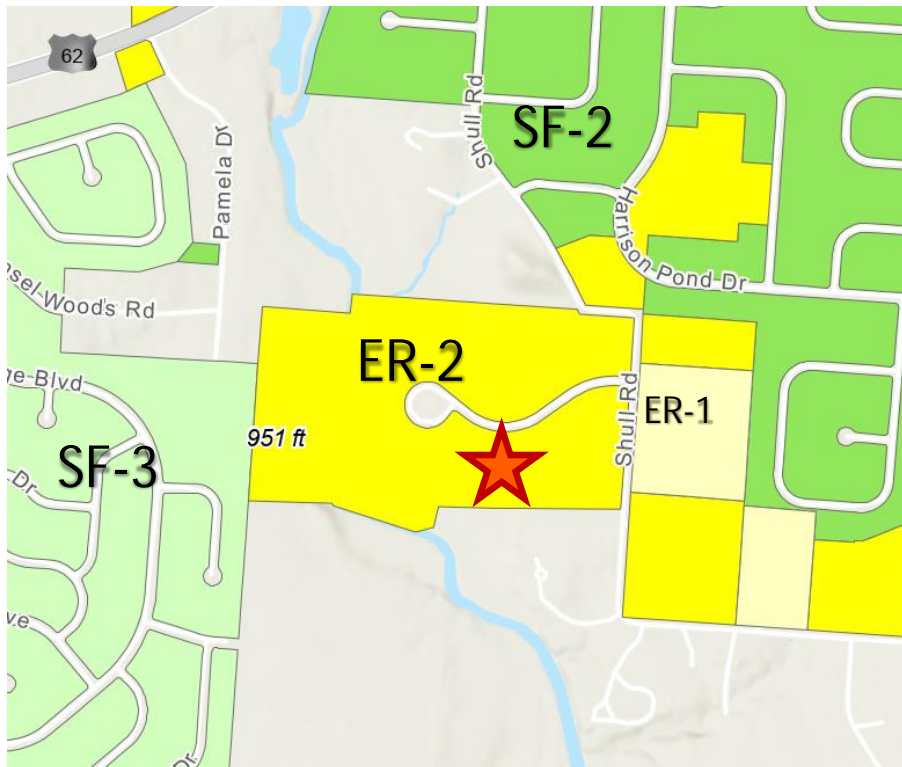
Zoning: Estate Residential (ER-2)

Application Type(s): Variance (V)

Staff Representative: Michael Blackford, AICP  
Director of Planning

Recommendation: Staff does not object

#### Location Map:





## Staff Review

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### Overview

The applicant is requesting approval of a variance to allow for an automatic pool cover in lieu of a fence. Zoning code requires that in-ground pools be completely enclosed by a fence. Different styles of fencing are permitted so long as the fence is between 48"-72" in height and openings, such as between slates of a privacy fence or mesh in a chain link fence, are minimal.

Above ground pools 42" or greater in height are not required to have fencing around them if the pool is equipped with a removable ladder.

This variance request is subject to the zoning code effective prior to May 1, 2024. As such, the subject property is zoned Estate Residential (ER-2) with a lot size of 2.69 acres. Neighboring properties are similarly zoned and have a similar lot size. The lots on Brookhouse Lane are one of the few subdivisions where lot sizes are all over two acres. Fencing requirements for pools are identical in the old and new zoning code, meaning the variance would be required regardless of when the request was made.

## Review Criteria

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### Variance (V)

The following variance has been requested:

1. Chapter 1171.03(i)
  - a. In-ground pools shall be wholly enclosed by a fence.
  - b. The applicant states that fencing is not necessary because of the size of the property and the fact that other properties do not have fencing and to provide fencing would be architecturally out-of-character. An automatic pool cover provides the same or better protection than a fence.

Planning Commission shall not grant a variance unless it finds that all the following conditions apply:

- a) There are special circumstances or conditions applying to the land, building or use referred to in the application.
- b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.
- c) The granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

## Recommendation

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The pool is located 46' from the nearest property line and approximately an additional 90' from the nearest home. Setbacks between homes/accessory structures are reflective of the large lot sizes, averaging over 3 acres, within the neighborhood.

In addition to zoning code, pools and pool enclosures must meet other city and state requirements. It should be noted that the Ohio Building Code (OBC) does not require fencing around pools if alternative enclosures/barriers are provided. Specifically, pools with a power safety cover need not provide any type of additional protection, such as fencing.

Because of the large lot size; setbacks from property lines and structures; and state building code being met by an automatic pool cover, staff does not object to the variance request.