



# CITY OF BELLBROOK

## APPLICATION FOR ZONING VARIANCE

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305  
(937) 848-4666 [WWW.CITYOFBELLBROOK.ORG](http://WWW.CITYOFBELLBROOK.ORG)

DATE RECEIVED      /      /           STAFF USE      APPLICATION #     

### APPLICANT INFORMATION

PROPERTY OWNER Jason Deweese      PHONE NUMBER 937-307-6241  
 OWNER ADDRESS 3627 River Birch Dr. Bellbrook, OH 45305  
 APPLICANT NAME Heatwave Pools - Austin Thomas      PHONE NUMBER 937-626-8260  
 APPLICANT ADDRESS 7894 Paragon Rd. Centerville, OH 45459  
 APPLICANT EMAIL Austin@heatwavepools.com

### REQUEST INFORMATION

PROPERTY ADDRESS 3627 River Birch Dr.      ZONING DISTRICT Bellbrook City  
 SUBDIVISION High View Terrace      LOT NUMBER 6A70      PARCEL ID L35000100030017400

DESCRIBE THE GENERAL NATURE OF THE VARIANCE Due to terrain and Elevation issues in the Rear of the yard, installation of a vinyl liner pool will not meet zoning code. We are asking to place the pool in what is considered side yard. ~~There~~ There is still some Terrain issues in this location but this will allow for the pool to meet zoning Requirements

SEE THE REVERSE OF THIS PAGE FOR ADDITIONAL INFORMATION TO BE INCLUDED WITH AN APPLICATION FOR ZONING VARIANCE.

I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL FOR ANY ADMINISTRATIVE REVIEW, CONDITIONAL USE PERMIT, VARIANCE, OR EXCEPTION FROM ANY OTHER CITY REGULATIONS WHICH ARE NOT SPECIFICALLY THE SUBJECT OF THIS APPLICATION. I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL OF A BUILDING OCCUPANCY PERMIT. I UNDERSTAND FURTHER THAT I REMAIN RESPONSIBLE FOR SATISFYING REQUIREMENTS OF ANY PRIVATE RESTRICTIONS OR COVENANTS APPURTENANT TO THE PROPERTY.

I CERTIFY THAT I AM THE APPLICANT AND THAT THE INFORMATION SUBMITTED WITH THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT THE CITY IS NOT RESPONSIBLE FOR INACCURACIES IN INFORMATION PRESENTED, AND THAT INACCURACIES MAY RESULT IN THE REVOCATION OF THIS ZONING CERTIFICATE AS DETERMINED BY THE CITY. I FURTHER CERTIFY THAT I AM THE OWNER OR PURCHASER (OR OPTION HOLDER) OF THE PROPERTY INVOLVED IN THIS APPLICATION, OR THE LESSEE OR AGENT FULLY AUTHORIZED BY THE OWNER TO MAKE THIS SUBMISSION.

I CERTIFY THAT STATEMENTS MADE TO ME ABOUT THE TIME IT TAKES TO REVIEW AND PROCESS THIS APPLICATION ARE GENERAL. I AM AWARE THAT THE CITY HAS ATTEMPTED TO REQUEST EVERYTHING NECESSARY FOR AN ACCURATE AND COMPLETE REVIEW OF MY PROPOSAL; HOWEVER, AFTER MY APPLICATION HAS BEEN SUBMITTED AND REVIEWED BY CITY STAFF, I UNDERSTAND IT MAY BE NECESSARY FOR THE CITY TO REQUEST ADDITIONAL INFORMATION AND CLARIFICATION.

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT ALL THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.

APPLICANT SIGNATURE       DATE 01/23/22

OFFICE USE ONLY		
APPLICATION FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ <u>300<sup>00</sup></u>	CASH <input type="checkbox"/> CHECK <input type="checkbox"/> # <u>    </u>	ADMINISTRATIVE, BOARD OF ZONING APPEALS
BOARD OF ZONING APPEALS	MEETING DATE <u>3 / 15 / 22</u>	APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> CONDITIONS <input type="checkbox"/>

## **AMENDING THE ZONING CODE**

### **A. PROCEDURES AND REQUIREMENTS FOR VARIANCES (ZONING CODE 20.13)**

TO VARY THE STRICT APPLICATION OF ANY OF THE REQUIREMENTS OF THIS ORDINANCE IN THE CASE OF EXCEPTIONALLY IRREGULAR, NARROW, SHALLOW OR DEEP LOTS, OR OTHER EXCEPTIONAL PHYSICAL CONDITIONS, WHEREBY SUCH STRICT APPLICATION WOULD RESULT IN PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP - NOT ECONOMIC IN NATURE - THAT WOULD DEPRIVE THE OWNER OF REASONABLE USE OF THE LAND OR BUILDING INVOLVED BUT IN NO OTHER CASE. THE FACT THAT ANOTHER USE WOULD BE MORE PROFITABLE IS NOT A VALID BASIS FOR LEGALLY GRANTING A VARIANCE. NO NONCONFORMING USE OF NEIGHBORING LANDS, STRUCTURES, OR BUILDINGS IN THE SAME DISTRICT, AND NO PERMITTED USE OF LANDS, STRUCTURES OR BUILDINGS IN OTHER DISTRICTS SHALL BE CONSIDERED GROUNDS FOR THE ISSUANCE OF A VARIANCE. THE VARIANCE REQUESTED SHALL NOT ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY, NOR BE IN CONFLICT WITH THE COMPREHENSIVE MASTER PLAN. IN MAKING THIS DETERMINATION, THE BOARD OF ZONING APPEALS SHALL BE ADVISED BY THE RECOMMENDATION OF THE PLANNING BOARD. IN CASES INVOLVING PROPERTIES SITUATED WITHIN THE VILLAGE DISTRICT, AS DEFINED BY ARTICLE 14, SECTION 14.02 OF THE BELLBROOK ZONING CODE, THE VILLAGE REVIEW BOARD SHALL, WHEN POSSIBLE, MAKE A RECOMMENDATION TO THE BOARD OF ZONING APPEALS REGARDING THE DISPOSITION OF THE VARIANCE REQUEST.

### **B. APPLICATION AND STANDARDS FOR VARIANCES (ZONING CODE 20.13.2)**

A VARIANCE FROM THE TERMS OF THIS ORDINANCE SHALL NOT BE GRANTED BY THE BOARD OF ZONING APPEALS UNLESS AND UNTIL A WRITTEN APPLICATION FOR A VARIANCE IS SUBMITTED TO THE ZONING INSPECTOR AND THE BOARD OF ZONING APPEALS CONTAINING:

- a) NAME, ADDRESS AND PHONE NUMBER OF APPLICANTS;
- b) LEGAL DESCRIPTION OF PROPERTY; AND A SITE PLAN BASED ON AN ACCURATE SURVEY SHOWING EXISTING AND/OR FUTURE BUILDING LOCATIONS AND THE LOCATIONS OF BUILDINGS ON ADJACENT PROPERTIES. THIS SITE PLAN SHOULD BE PREPARED BY A REGISTERED SURVEYOR ATTESTING TO THE ACCURACY OF SAME;
- c) DESCRIPTION OF NATURE OF VARIANCE REQUESTED;
- d) VARIANCES FROM THE TERMS OF THE ZONING ORDINANCE SHALL BE GRANTED ONLY WHERE THE PROPERTY OWNER SHOWS THAT THE APPLICATION OF A ZONING REQUIREMENT TO THE PROPERTY IS INEQUITABLE CAUSING THE PROPERTY OWNER PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY. FACTORS TO CONSIDER INCLUDE, BUT ARE NOT LIMITED TO:
  - 1) WHETHER THE PROPERTY IN QUESTION WILL YIELD A REASONABLE RETURN OR WHETHER THERE CAN BE ANY BENEFICIAL USE OF THE PROPERTY WITHOUT THE VARIANCE;
  - 2) WHETHER THE VARIANCE IS SUBSTANTIAL;
  - 3) WHETHER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD WOULD BE SUBSTANTIALLY ALTERED OR WHETHER ADJOINING PROPERTIES WOULD SUFFER A SUBSTANTIAL DETRIMENT AS A RESULT OF THE VARIANCE;
  - 4) WHETHER THE VARIANCE WOULD ADVERSELY AFFECT THE DELIVERY OF GOVERNMENTAL SERVICES SUCH AS WATER, SANITARY SEWER OR GARBAGE REMOVAL;
  - 5) WHETHER THE PROPERTY OWNER PURCHASED THE PROPERTY WITH KNOWLEDGE OF THE ZONING RESTRICTION;
  - 6) WHETHER THE PROPERTY OWNER'S PREDICAMENT FEASIBLY CAN BE OBIATED THROUGH SOME METHOD OTHER THAN A VARIANCE; AND
  - 7) WHETHER THE SPIRIT AND INTENT BEHIND THE ZONING REQUIREMENT WOULD BE OBSERVED AND SUBSTANTIAL JUSTICE DONE BY GRANTING THE VARIANCE. THE BOARD SHALL DETERMINE, AFTER AND WEIGHING THE FACTORS DESCRIBED ABOVE AND ANY OTHER FACTORS THE BOARD DEEMS RELEVANT, WHETHER THE PROPERTY OWNER HAS SHOWN PRACTICAL DIFFICULTIES SO INEQUITABLE AS TO JUSTIFY GRANTING A VARIANCE TO THE PROPERTY OWNER.

### **C. THE BOARD ASKS THE APPLICANT TO ANSWER ITEMS 1-7 ABOVE IN WRITING TO BE INCLUDED WITH THIS APPLICATION.**



# CITY OF BELLBROOK

## ZONING PERMIT – ACCESSORY BUILDINGS

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305  
(937) 848-4666 [WWW.CITYOFBELLBROOK.ORG](http://WWW.CITYOFBELLBROOK.ORG)

DATE RECEIVED \_\_\_/\_\_\_/\_\_\_ STAFF USE APPLICATION # \_\_\_\_\_

### APPLICANT INFORMATION

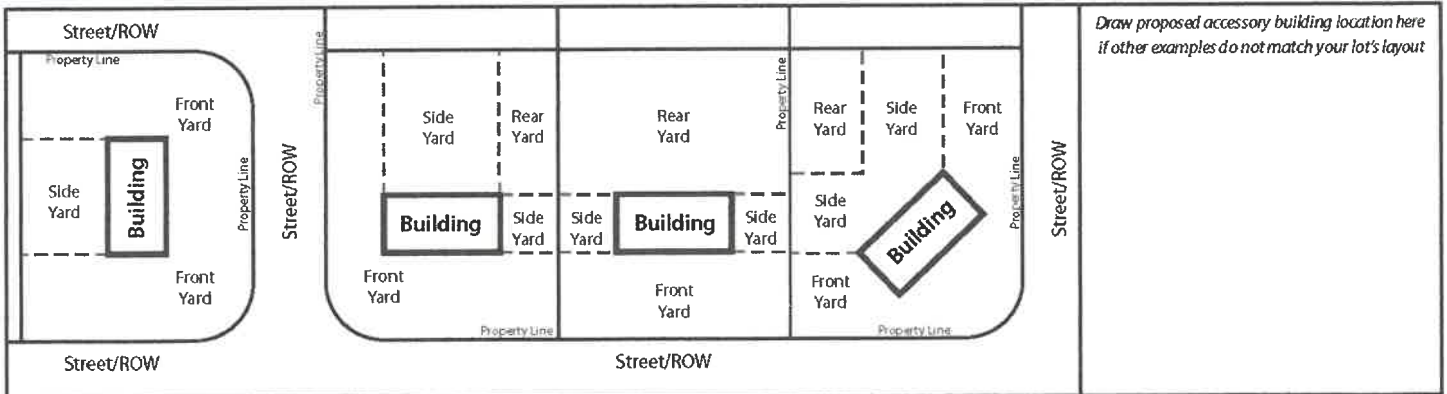
PROPERTY ADDRESS 3627 River Birch Dr. Bellbrook, OH 45305 ZONING DISTRICT \_\_\_\_\_  
 PROPERTY OWNER Jason Dewease PHONE NUMBER 937-307-6241  
 APPLICANT NAME Heatwave Pools PHONE NUMBER 937-626-8260  
 APPLICANT EMAIL Austin@heatwavepools.com

### REQUEST INFORMATION

TYPE OF LOT CORNER  INTERIOR  OTHER  ACCESSORY BUILDING TYPE SHED  GARAGE  POOL  OTHER   
 DIMENSIONS OF STRUCTURE HEIGHT \_\_\_\_\_ WIDTH 20' LENGTH 40' FLOOR AREA 800 SQUARE FEET  
 PROPOSED LOCATION SIDE YARD  REAR YARD  \*DISTANCE FROM PROPERTY LINES SIDE YARD 50'6" REAR YARD 71'  
 WIDTH OF RECORDED EASEMENTS ON LOT SIDE YARD \_\_\_\_\_ REAR YARD \_\_\_\_\_ PLEASE DENOTE LOCATION ON LOT TYPES BELOW  
 PROPOSED USE OF STRUCTURE Swimming Pool  
 OTHER COMMENTS \_\_\_\_\_

ANY STRUCTURE EXCEEDING 200 SQUARE FEET IN GROSS FLOOR AREA OR POOL SHALL BE REQUIRED TO OBTAIN A BUILDING PERMIT.

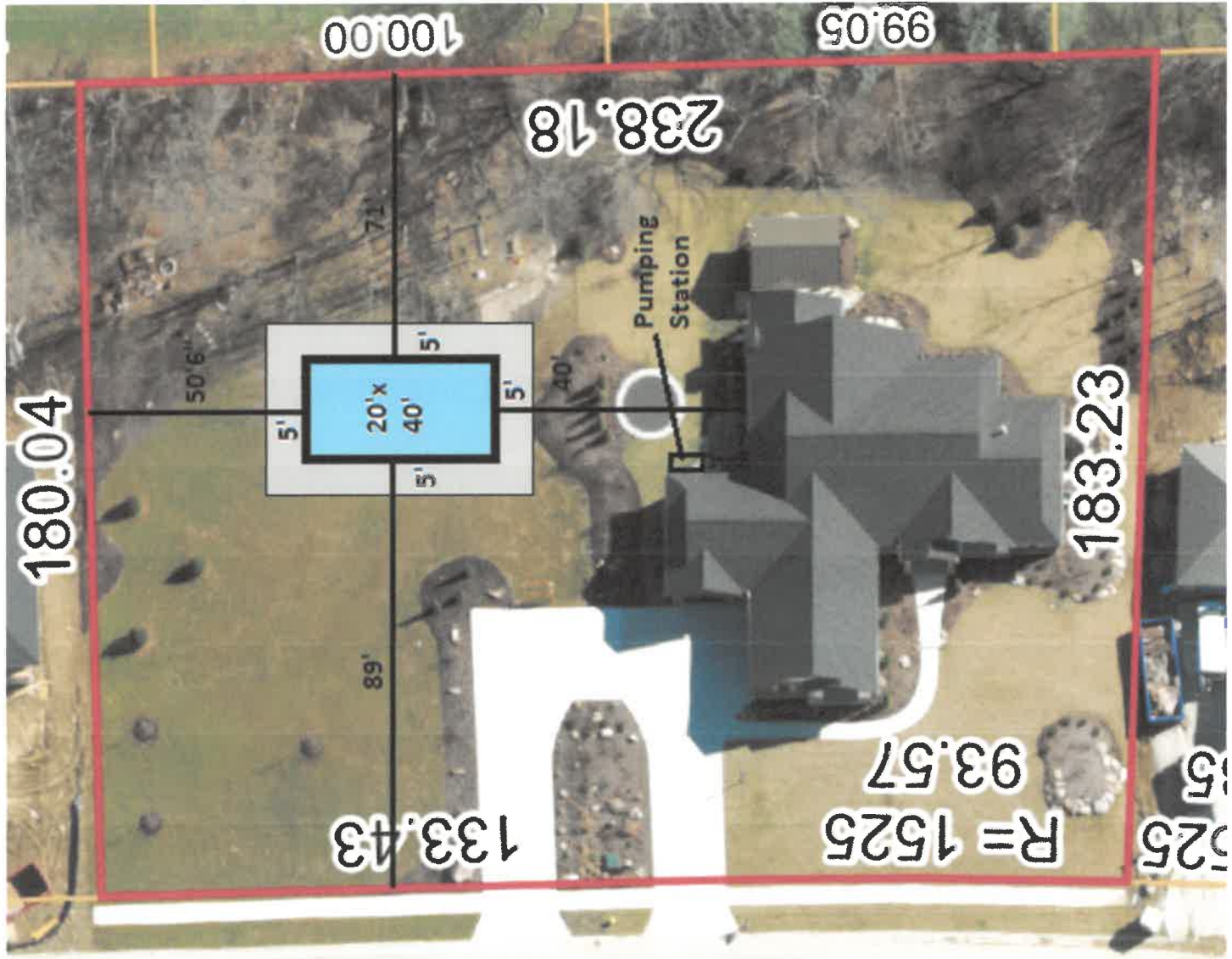
### SHOW PROPOSED ACCESSORY BUILDING LOCATION ON CORRESPONDING LOT TYPE



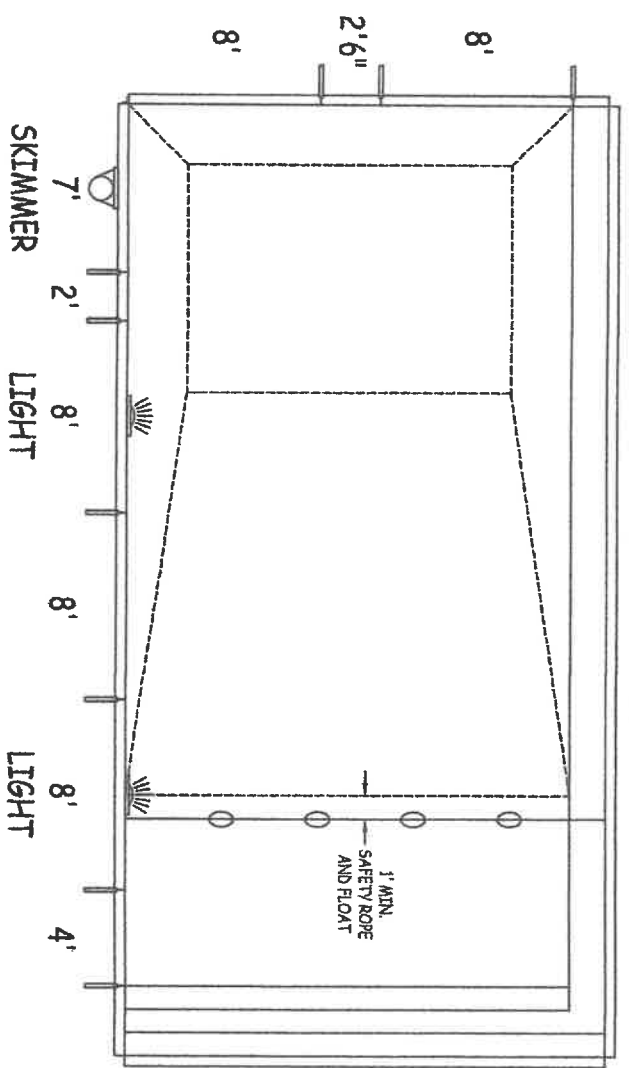
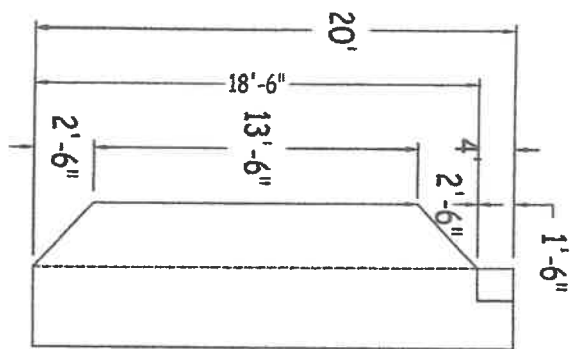
I HEREBY CERTIFY THAT THE INFORMATION AND STATEMENTS GIVEN ON THIS APPLICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT IF THE INFORMATION IN THIS APPLICATION IS NOT CORRECT OR COMPLETE, ANY PERMIT ISSUED MAY BE INVALID WITH THE RESULT BEING THAT I MAY BE REQUIRED TO TAKE THE ABOVE-DESCRIBED ACCESSORY STRUCTURE DOWN AT MY OWN EXPENSE. ANY APPROVAL GRANTED BY THE CITY SHALL EXPIRE IF THE WORK HAS NOT BEGUN WITHIN ONE (1) YEAR FROM THE DATE OF APPROVAL.

APPLICANT SIGNATURE [Signature] DATE 2/16/22

OFFICE USE ONLY		
PERMIT FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ <u>30.00</u>	CASH <input type="checkbox"/> CHECK <input checked="" type="checkbox"/> # <u>03900</u>	ADMINISTRATIVE <input type="checkbox"/> BZA <input checked="" type="checkbox"/> VRB <input type="checkbox"/>
APPROVED <input checked="" type="checkbox"/> DENIED <input type="checkbox"/>	STAFF SIGNATURE <u>[Signature]</u>	DATE <u>2/18/22</u>
APPROVED-CONDITIONS <input type="checkbox"/>		



IN ACCORDANCE WITH ANSI/APSP/ICC-5 2011, THE INSTALLER IS RESPONSIBLE FOR PLACING ONE SKIMMER FOR EVERY 800 SQUARE FEET OF SURFACE AREA AND ONE RETURN FOR EVERY 300 SQUARE FEET OF SURFACE AREA.



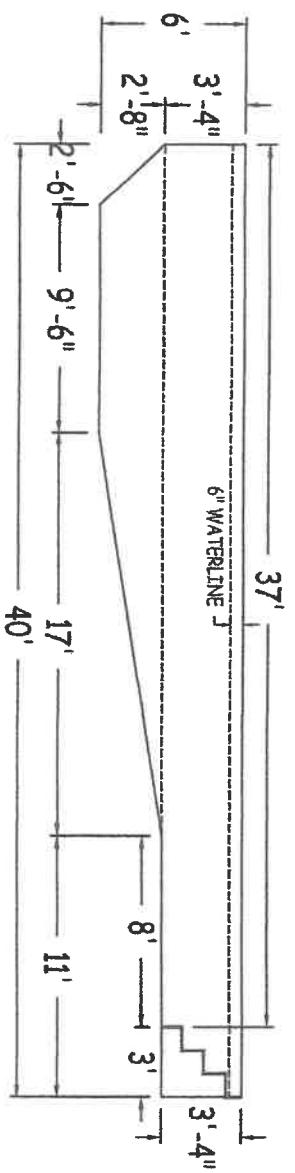
SOK-999-XL

**NONCOMPLIANT AREA**  
 SAFETY ROPE AND FLOAT INTERFERENCE WITH THE BENCH  
 LATHAM SUGGESTS YOU REVIEW THE NONCOMPLIANCE WITH THE HOME OWNER TO BRING POOL SPECIFICATIONS UP TO THE CURRENT STANDARDS AS IDENTIFIED.



Approved

CERT# ESR-2782



**LATHAM STEEL**

**RECTANGLE 90DEG 20-0 X 40-0**

42" STEEL PANELS	PERIMETER:	120'-0"	VOLUME (US Gal):	22300
DWG#:	SURFACE (ft²):	800	VOLUME (Liters):	84400
2022-SPL-05285	LINER (ft²):	685	DATE:	2/3/2022
KIT#:	COVER (ft²):	924	SCALE:	1/8" = 1'-0"
CUSTOMKIT			DSR:	



**NON-DIVING POOL**

USE OF DIVING EQUIPMENT IS PROHIBITED

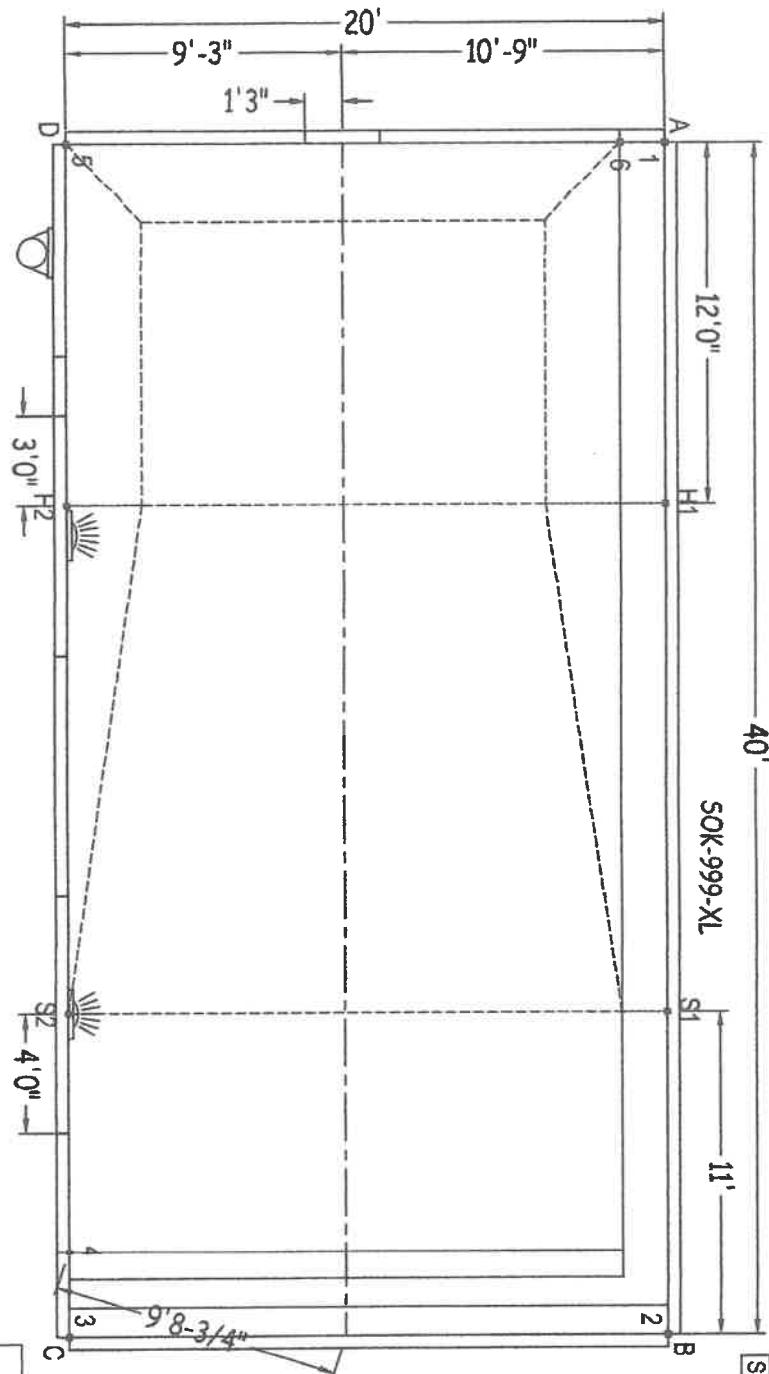
CUSTOMER:EMSCO

JOB NAME:HEATWAVE POOLSIDEWEESE 5

**RECTANGLE**

ASPECTS OF THIS DRAWING DO NOT COMPLY WITH ANSIS/APSP/ICC5 2011 AND 2016 ISPPSC

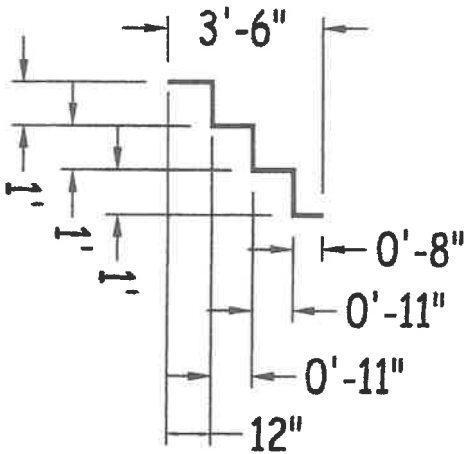
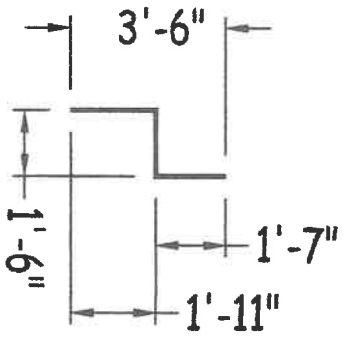
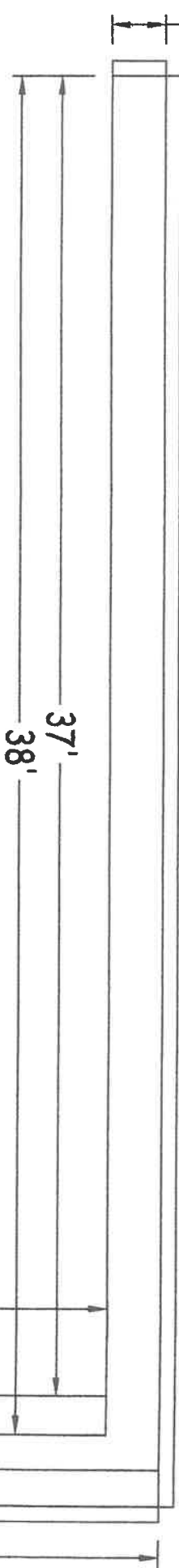
Diagonals	H1 to S2	2 to 3	20'-0"	3 to 6	44'-3/4"
S1 to S2	20'-0"	1 to 2	40'-0"	4 to 5	37'-0"
H1 to H2	20'-0"	1 to 3	44'-8 3/4"	4 to 6	41'-4 1/2"
S1 to H1	17'-0"	1 to 4	42'-3/4"	5 to 6	18'-6"
S2 to H2	17'-0"	1 to 5	20'-0"		
S1 to H2	26'-3"	1 to 6	1'-6"	3 to 5	40'-0"



Part number	Description	QTY
ST0960002X	8'	3
ST0960002*	8' LIGHT	2
ST0840002*	7' SKIMMER	1
ST0480001X	4'	1
ST0300000X	26"	1
ST0240000X	2'	1
Brace	Brace	9
IPC-AB90	CONNECTOR CNR ANGLE 90D 42°	1
IPC-STPK25	REBAR STAKE 18" 25PC	1
IPC-HDWSRT150	BOLT STR 3/8-18X1" CW NUT 150PC	1
SOK-999-XL	CUSTOM STEEL OPEN TOP STEP	1

	A	B	C	D
1	0"	40'-0"	44'-8 3/4"	20'-0"
2	40'-0"	0"	20'-0"	44'-8 3/4"
3	44'-8 3/4"	20'-0"	0"	40'-0"
4	42'-3/4"	20'-2 3/4"	3'-0"	37'-0"
5	20'-0"	44'-8 3/4"	40'-0"	0"
6	1'-6"	40'-1/4"	44'-3/4"	18'-6"
S2	35'-2 3/4"	22'-10"	11'-0"	29'-0"
S1	29'-0"	11'-0"	22'-10"	35'-2 3/4"
H2	23'-4"	34'-5"	28'-0"	12'-0"
H1	12'-0"	28'-0"	34'-5"	23'-4"
A	-	40'-0"	44'-8 3/4"	20'-0"

40' SOK-999-XL



CUSTOM OPEN TOP STEEL STEP WITH BENCH  
TOTAL SURFACE AREA = 1155 SQ FT  
STEEL PERIMETER WALL = 64'-6"