

**Wayne Township  
Zoning Variance Application**

Date Received 4/29/19

Case # BZA 2019.02

\$500 Filing Fee

Return check (payable to Wayne Township) & completed application to Erin Hartsock, 6050 N. Clarksville Rd., Waynesville, OH 45068 Phone: (513) 897-3040 Email: [erinhartsock@waynetownship.us](mailto:erinhartsock@waynetownship.us)

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**1. Owner**

Name: **Timothy Osborne**

Address: **5994 Thomas Dr, Waynesville, OH 45068**

Telephone: (daytime):

**2. Describe Variance Request:**

Requesting Variance from Wayne Township Zoning Code section 3.208.2(B) pertaining to accessory structure setbacks:

“Accessory structures less than one-hundred fifty (150) feet away from the right-of-way shall be located in the rear or side yard, with exception for gazebos, pergolas, and archways which shall be located at least ten (10) feet from the right-of-way.”

5994 Thomas Dr. (Parcel ID 0503200031) Haines Meadow Lot: 25 is defined as a corner lot according to Section 3.103.2 of the Warren County Official Thoroughfare Plan and therefore has two “front yards”. The “building envelope” established by this definition provides no opportunity to place an accessory structure on the property. The location of the septic tank/drain field and sloping terrain results in significant draining/flooding and standing water on the property. In addition, there is a large swale draining the properties to the west and north ending in low lying terrain and a culvert that continues under Bellbrook Rd. This request seeks relief from the Section 3.103.2 definition of “Yard” in order to place an accessory structure that is away from the described limitations as well as being harmonious with the current layout of the residential structure and use of the property. The layout of the septic system and issues of water run off on the property cause an undue hardship and limited space to place the structure. The only functional space for the structure is what is shown on Example c) with the proposed location of the barn.

Requesting Variance to build a 20ft X 28ft Loft Barn including a concrete slab, footer and electrically supplied in accordance with the Warren County building code. The proposed building will be located with the northeast corner, 49 feet from the right of way and the southwest corner 14ft north of the northeast corner of the residence. The structure will be painted and trimmed to match the home and landscaped accordingly. A portion of the existing fence will be removed beginning from the southernmost end to the point that coincides with the northern end of the proposed building.

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Based on the position of the home, the required front yard is 83 feet. Thus, I am requesting a variance to section 3.208.2(B) in the amount of 34 feet.

**3. Legal Description of Property (attach separate sheet if necessary):**

Address or Sidwell No: **5994 Thomas Drive** Zone District: Residence Single Family

(R-1) or Subdivision and Lot # Haines Meadow Lot: 25

Nearest Intersection: Thomas Dr and Bellbrook Rd

**4. Attach 6 copies of an accurate drawing of the Site showing all the following:**

- a) Property Boundaries, with property line dimensions
- b) Lot location (road names, lakeshore, easements, right-of-ways, topo)
- c) Existing and Proposed Building, with dimensions (indicate height also)
- d) The Distance from the Lot Lines of Each Existing or Proposed Building
- e) Unusual Physical Features of the Site or Building.
- f) Abutting Streets
- g) Approximate Well and Septic Tank, and Field Location.
- h) List of all adjoining and adjacent property owners (across the street) of parcel described in this appeal

\*Applicant must supply six (6) copies of all maps, drawing, pictures, graphs, etc., in order to inform the board of the type of building or activity, and how it will look when accomplished. This information must be supplied at least three weeks prior to the date of hearing.

**5. Effect of Request on Applicant – What specific problem(s)/hardship(s) would be created to you as petitioner if your request is not granted? What are the unique or exceptional conditions that apply to this property?**

According to Section 3.103.2 (Yards) of the Warren County Official Thoroughfare Plan the Lot in question is a "Corner Lot" and therefore has two "front yards". This definition of "yard" significantly reduces the building envelope compared to other surrounding properties in the area. Due to the significant drainage of the properties to the west and north through the property there is only a small area in the north corner not affected and is very far from the functional area of the home. Access to this area from Bellbrook Rd. does not exist and is not desirable because of safety concerns

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due to the speed limit on Bellbrook Rd and obstructed view to the north. The structure as proposed is intended for everyday usage such as lawn equipment/workshop and storage which is conducive to being closer to the home.

The home does not have a basement, therefore, the garage is the only storage for tools, lawn and pool equipment. The barn would enhance the property by making the garage a place for 3 cars instead of storage for these items.

### 6. **STANDARDS** for granting a variance:

#### **a. How will the granting of the variance not adversely affect the purposes or objectives of the Zoning ordinance and how will the granting of the variance not be contrary to the public interest?**

Granting the variance would have no adverse effect on the purpose or objectives of the Zoning Ordinance. An approval keeps the spirit and intent intact and will have no negative consequences on the character of the locality. The residence faces Thomas Dr. and the proposed location of the building lies within the zoning requirements of the "Front" facing Thomas Dr. A large percentage of the properties on Thomas Dr. have accessory buildings placed in the proposed location relative to the home on the "garage" side of the home. The "Front" as defined facing Bellbrook Rd has been functionally utilized as a side yard and would only be enhanced by adding the structure. There are two properties on Bellbrook Rd. within a quarter mile, with a new structure closer to the road than the front of the house.

The structure will be painted/trimmed to match the home as well as landscaped appropriately.

#### **b. How is the variance necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity?**

The variance is necessary in order to preserve the owners right to place an accessory building on the property. A 2-acre lot requires a significant amount of equipment and storage to maintain and improve the property. Denying the variance would force the owner to consider the viability of the property as placing a structure in the "Zoning Envelope" would require excessive expense as well as neither adding value or functionality. Other properties located in Haines Meadow may place a building in the side or back yard that is functional and harmonious with everyday usage and maintenance.

#### **c. How will the granting of variance not cause any adverse effect to property in the vicinity or in the Zoning District or in the Township? Will it create any problems or concerns to property in the area?**

Granting of the variance will not adversely affect any property in the vicinity, Zoning District or in the Township. A large percentage of homes on Thomas Dr. currently have structures in relatively the exact same proposed location to the homes, and will fit into the general feel and standard of the area. The proposed structure would be offset 14ft to the north of the northeast corner of the existing home allowing the yard from east side of the home facing Bellbrook Rd to effectively remain as a yard. The

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structure in the proposed location will increase the functionality of the property as well as improve the aesthetics and increase the value of the home.

**d. What exceptional or extraordinary circumstances or conditions exist with the property that have not resulted from any act of the applicant?**

Natural slope, planned and unplanned drainage from several properties that flow through the "back" or north half of the property, low lying area, placement of the septic tank (west side of the home), septic field (north down slope), drain curtain location, difference in elevation of Bellbrook Rd and the low lying area and general functionality of the property have limited the area that is available for placement of an accessory structure.

I understand that if the requested variance is granted, I am in no way relieved from all other applicable requirements of the Wayne Township Zoning Ordinance. It is also understood that any approval by the BZA involving site improvements, use, and/or construction does not relieve the applicant from obtaining other applicable authorizations (for example, site plan, building, health department, soil erosion, and engineering approval, etc.).

I authorize Wayne Township (staff, appointed board, Trustees, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application.

I certify that all the above information in this Zoning Variance Application is accurate to my fullest knowledge.

Owner's Signature: Timothy S Osborne Date: 4/29/2019

Petitioner's Signature  
If different than owner: \_\_\_\_\_ Date: \_\_\_\_\_

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[For Board of Zoning Appeals use only]

**Decision and Order of the BZA:**

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Signature: \_\_\_\_\_ Date of hearing: \_\_\_\_\_

Print name: \_\_\_\_\_

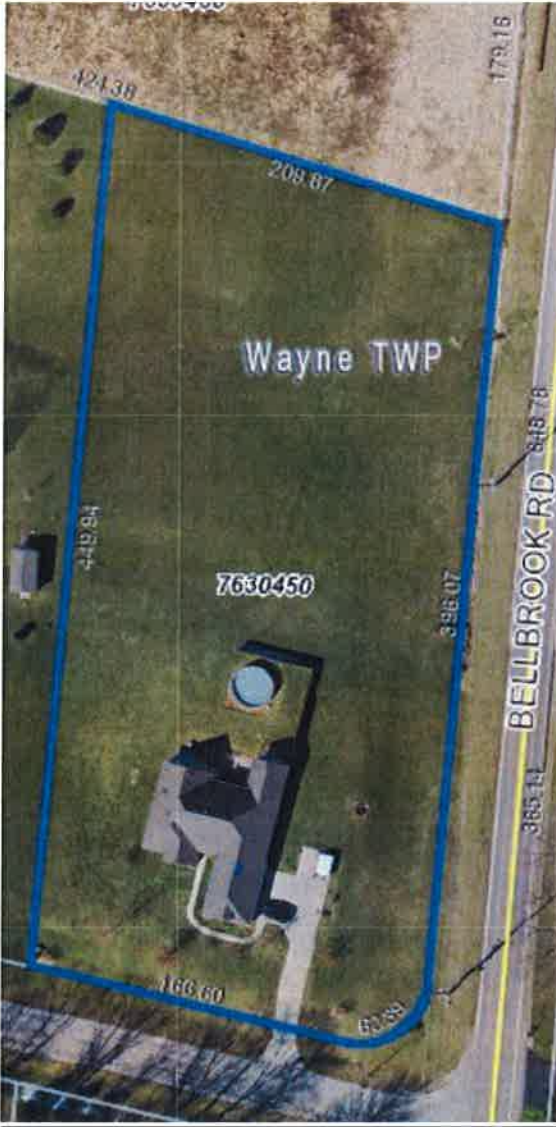
**NOTE:** Applications must be received three weeks prior to the BZA meeting on the second Monday of the month. If this timeframe is missed, the case will not be considered until the following month.

Please return completed application to Erin Hartsock, 6050 N. Clarksville Rd., Waynesville, OH 45068; Fax: (513) 897-3015; e-mail: [erinhartsock@waynetownship.us](mailto:erinhartsock@waynetownship.us); telephone: (513) 897-3040.



Attachments

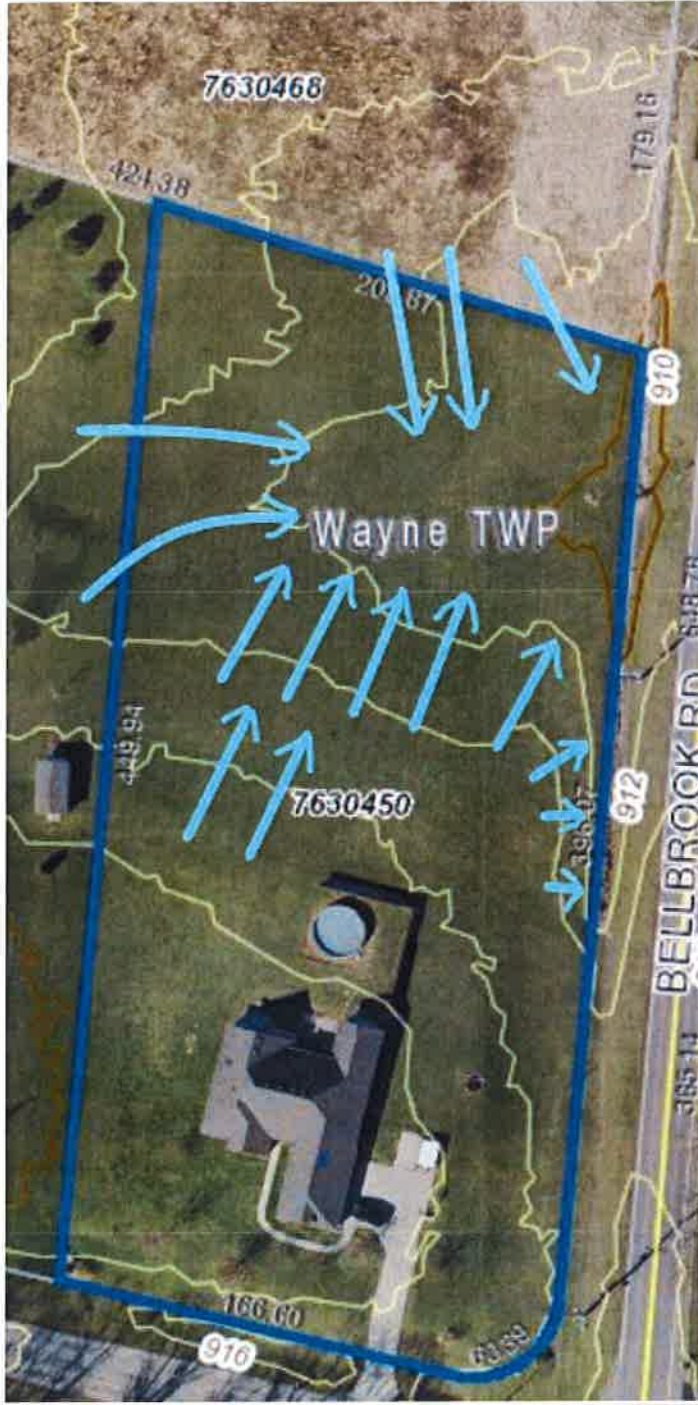
a) Property Boundaries, with property line dimensions







**Topo**  
Runoff Drainage



c) Existing and Proposed Building, with dimensions (indicate height also)





The example building shown here is a 20x24 Loft Barn and is 18ft at its tallest point. The proposed building is 20x28 and 18.8ft at its tallest point. The floor will be poured concrete with footer as required by the Warren County building code.



- d) **The Distance from the Lot Lines of Each Existing or Proposed Building**  
See Subsection c)
- e) **Unusual Physical Features of the Site or Building.**  
None
- f) **Abutting Streets**  
See subsection b).

**g) Approximate Well and Septic Tank, and Field Location.**

The first representation superimposed on the photo is the most accurate. The actual tank covers can be seen in the photo. The leach lines are clearly seen in the spring and summer.



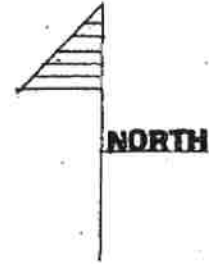
209.37'

Drainage Swale

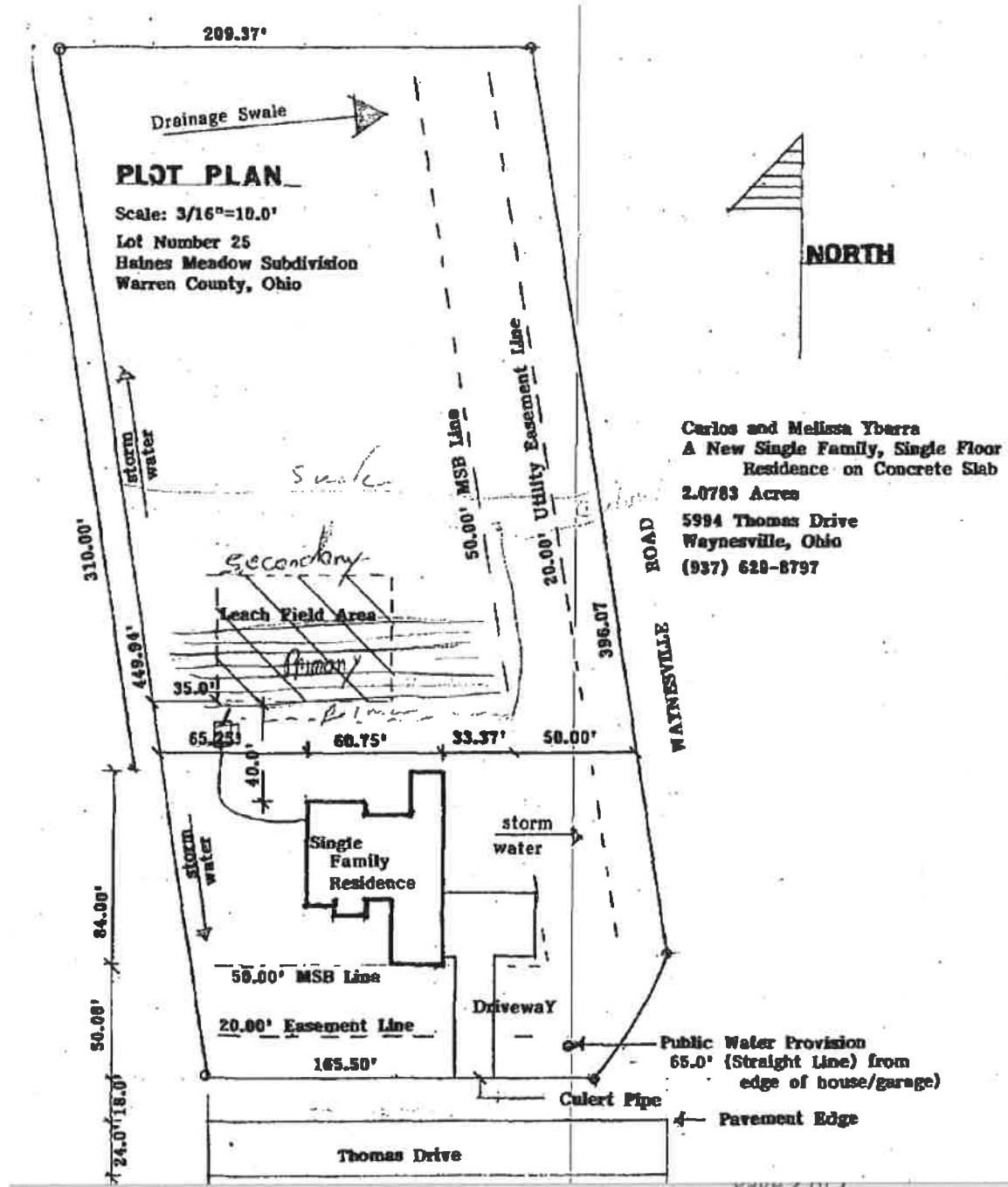
### PLAT PLAN

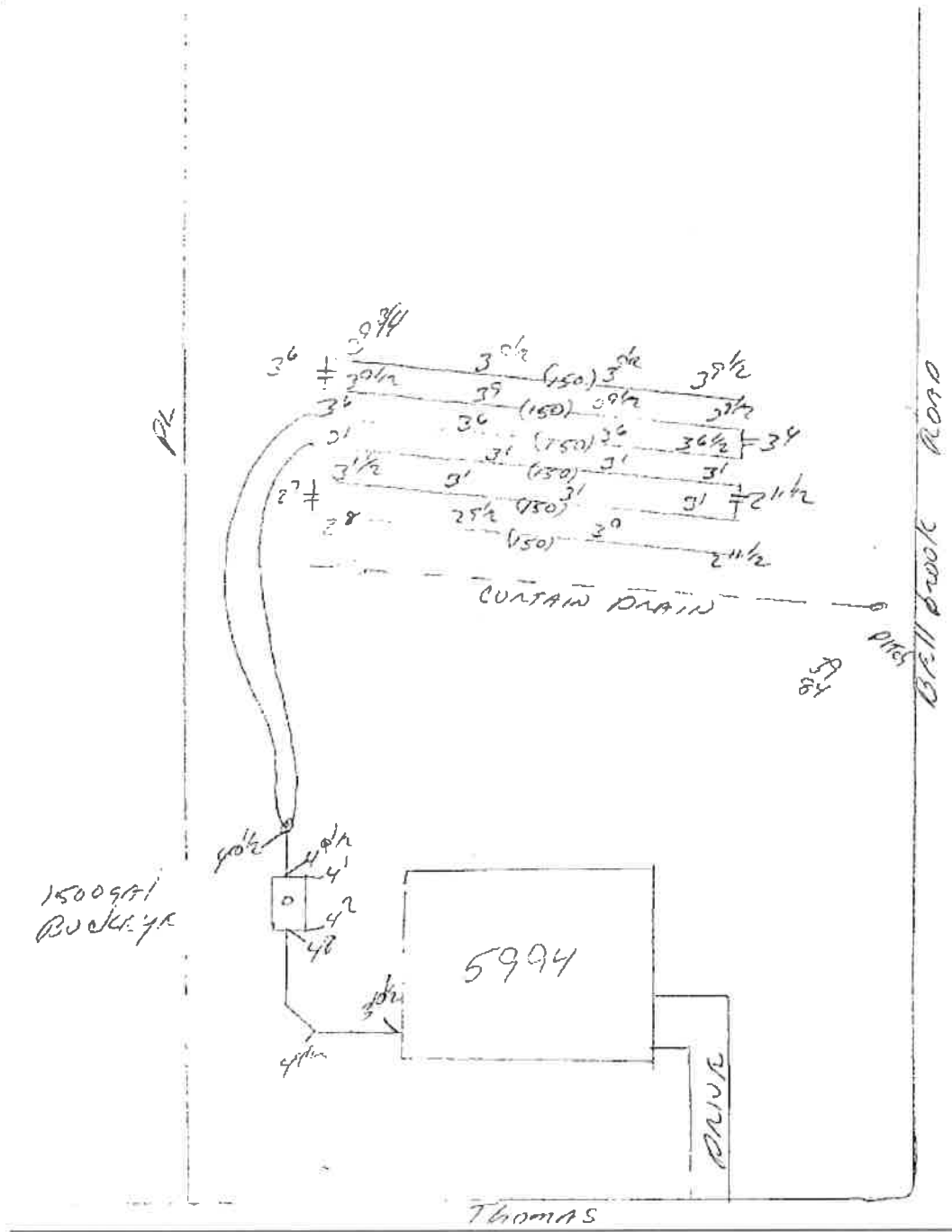
Scale: 3/16"=10.0'

Lot Number 25  
Haines Meadow Subdivision  
Warren County, Ohio



Carlos and Melissa Ybarra  
A New Single Family, Single Floor  
Residence on Concrete Slab  
2.0783 Acres  
5994 Thomas Drive  
Waynesville, Ohio  
(937) 628-8797





**h) Properties Adjacent Or Across From 5994 Thomas Dr.**

06331000110  
GOLDEN DUANE A & DAWN R  
9594 BELLBROOK RD  
WAYNESVILLE, OH 45068

06331000190  
BARKER CAROL A TRUSTEE  
9754 BELLBROOK RD  
WAYNESVILLE, OH 45068

05032000100  
BRIGGS BARRY & NICOLE  
9543 BELLBROOK RD  
WAYNESVILLE, OH 45068

05032400050  
FERGUSON LANCE E & LANA M  
9763 BELLBROOK RD  
WAYNESVILLE, OH 45068

05032400020  
HOLLAND JOAN  
9915 BELLBROOK RD  
WAYNESVILLE, OH 45068

06331000140  
BARKER CAROL A TRUSTEE  
9754 BELLBROOK RD  
WAYNESVILLE, OH 45068

06331000180  
MITCHELL MARK L & DEBBIE  
9756 BELLBROOK RD  
WAYNESVILLE, OH 45068

05032400040  
HOLLAND JOAN  
9915 BELLBROOK RD  
WAYNESVILLE, OH 45068

05032000480  
DRESSEL LORI B  
9599 BELLBROOK RD  
WAYNESVILLE, OH 45068

06331000060  
BARKER CAROL A TRUSTEE  
9754 BELLBROOK RD  
WAYNESVILLE, OH 45068

06331000090  
OSBORNE KENNETH A  
9646 BELLBROOK RD  
WAYNESVILLE, OH 45068

05032400060  
0

05032000520  
GALLAGHER EDWARD W II & THERESA A  
5860 THOMAS DR  
WAYNESVILLE, OH 45068

06331000220  
CALLAHAN MARK S & CAROLYN S  
9506 BELLBROOK RD  
WAYNESVILLE, OH 45068

06331000230  
CALLAHAN MARK S & CAROLYN S  
9506 BELLBROOK RD  
WAYNESVILLE, OH 45068

05032000490  
ROGERS TIMOTHY & ELIZABETH  
5917 THOMAS DR  
WAYNESVILLE, OH 45068

05032000290  
SUITTOR ANDREW & MELDOY  
5930 THOMAS DR  
WAYNESVILLE, OH 45068

05032000300  
MILLER KELLY & CHRISTOPHER  
5962 THOMAS DR  
WAYNESVILLE, OH 45068

05032000310  
OSBORNE TIMOTHY S  
5994 THOMAS DR  
WAYNESVILLE, OH 45068

05032000320  
MC CALL PATRICK R & KELLI J  
9012 ACADEMY VIEW CT  
WASHINGTON TWP, OH 45458

05032000330  
ROGERS TIMOTHY J & ELIZABETH L  
5917 THOMAS DR  
WAYNESVILLE, OH 45068

05032000340  
WINTERBOTHAM DARIN M & ANGIE M  
5879 THOMAS DR  
WAYNESVILLE, OH 45068



7600709

7022511

7623933

779

7601952

New Large Barn

7609027

7626210

7622252

7630108

7633730

7630433

7630443

7630450

7600277

Accessory Bldg

7630174

7607199

BELLBROOK RD

7630476

7618506

7618573

7607458

7629621

Accessory Bldg

Home

7604939