

**Wayne Township
Zoning Variance Application**

Date Received 3/26/19

Case # 2019.01

\$500 Filing Fee

Return check (payable to Wayne Township) & completed application to Erin Hartsock, 6050 N. Clarksville Rd., Waynesville, OH 45068 Phone: (513) 897-341; Email: erinhartsock@waynetownship.us

1. Owner

Name: **Lance Pritchard**

Address: **9042 Valdosta Way, Waynesville OH 45068**

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."

9042 Valdosta Way (Parcel ID 0503330001), LOT: 1 of Windfield Estates is defined as a corner lot according to Section 3.103.2 (Yards) 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 without undue hardship based on slope, zoning regulations (not placing over septic drain field) or significant drainage/flooding in low lying areas. This request seeks relief from the Section 3.103.2 definition of "Yard" in order to place an accessory structure in an area away from undue hardship.

Requesting Variance to build a 16 ft x 24 ft outbuilding/shed 50ft from property line adjacent to Chenoweth Rd. This approval would be consistent with the right of way that is imposed on residential structures. There are currently 6 structures on the north side of Chenoweth Rd that are closer to the right-of-way than this request.

* WITH HOME SITUATED AS IT IS - THIS AMOUNTS TO A
65' VARIANCE REQUEST. ELH

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

Address or Sidwell No: **9042 Valdosta Way** Zone District: **Residence Single**

Family Zone or Subdivision and Lot # **WINDFIELD ESTATES LOT: 1**

Nearest Intersection: **Valdosta Way and Chenoweth Rd**

5. 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.
- g) 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.

6. 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 extreme slope of the property (see topographical map), placement of the septic drain field, and water drainage directed at the back of the property, there is no opportunity to build an accessory building within the current "envelope" without undue hardship, including damage or loss from water, or excessive expense to level or re-grade landscape. Not granting the variance would be disallowing the owner the right to appropriately place/install an accessory building, which others in the neighborhood and surrounding areas are entitled to do on their respective properties.

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7. 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 will have zero adverse affect 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. In keeping with character of the surrounding area, there are currently 6 structures north of Chenoweth that stand closer to the road than the proposed accessory building. The accessory building involved in this request will be no detriment to the public safety and has no impact on the road traffic/congestion or on the sight-lines of intersecting roads with Chenoweth Rd. The accessory building will be kept in excellent condition and landscaped appropriately to the point where it will blend in with the surrounding area.

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 owner's right to place an accessory building on the property. A building is needed in order to store tools and equipment to maintain and beautify the property. Other properties in the area may place a shed in "back" or "side" yards away from any hardship. Due to the definition in 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" significantly reducing the building envelope compared to surrounding properties in the area. A 2 acre lot requires a significant amount of equipment in order to maintain property to the high standards of the locality. There is no possible placement of a 16' x 24' accessory building within the current "building envelope" without undue hardship, including significant grading of property (due to slope) or significant risk of loss/damage due to water drainage.

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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 this variance will not be injurious to the use or enjoyment of any neighboring properties in the vicinity. The variance will not change the natural drainage of the area. It will not prevent any adjacent neighbor from using their property for the full intent. The accessory building will be kept in excellent condition and landscaped appropriately to the point where it will blend in with the surrounding area. The accessory building involved in this request will be no detriment to the public safety and has no impact on the road traffic/congestion or on the sight-lines of intersecting roads with Chenoweth Rd.

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

The naturally occurring severe slope of the property and the contractor installed septic tank/drainage field impact the majority of the building envelope. The lot in question includes a significant (~30-40 ft) elevation drop west to east, culminating in a leveling off towards the back quarter of the property. Drainage of water, snow melt, and runoff from roads collects at the back of the lot adjacent to the farm property. Additionally, drain tile was also added by the developer/contractor moving rainwater from downspout system to the back of the property. Significant water drainage is further supplemented as the adjacent Valdosta lot has been shaped to drain back towards this general area.

Due to the above, there is no opportunity to build an accessory building within the current "envelope" without undue hardship, including damage or loss from water, or excessive expense to level or re-grade landscape.

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.).

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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:  _____ Date: 23 Mar 19

Petitioner's Signature
If different than owner: _____ Date: _____

[For Board of Zoning Appeals use only]

Decision and Order of the BZA:

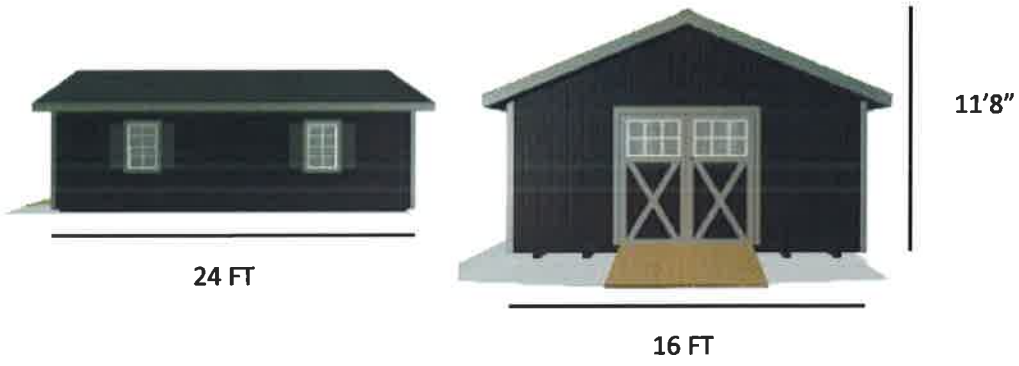
Signature: _____ Date of hearing: _____

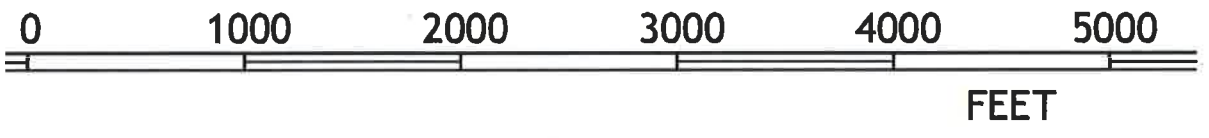
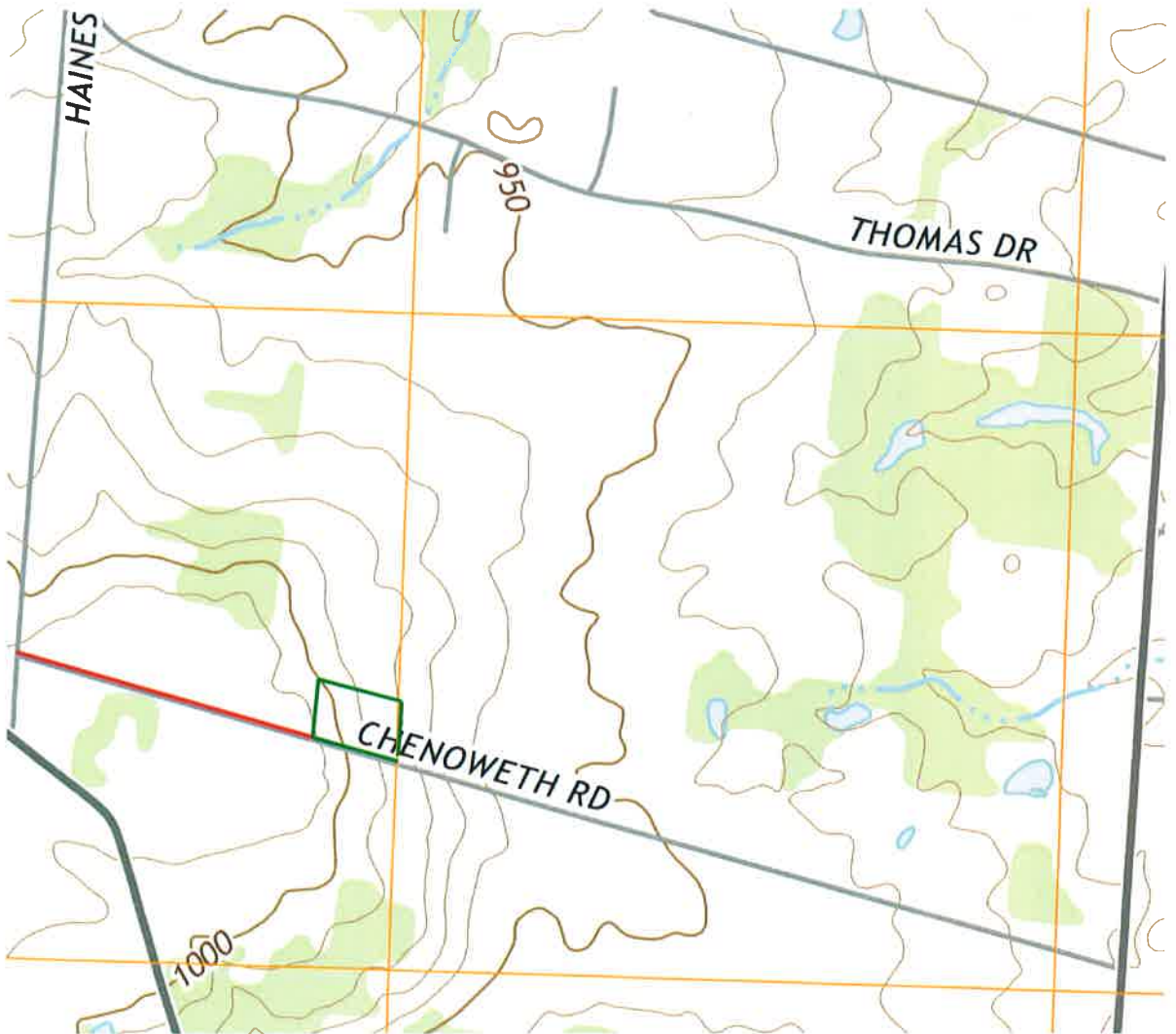
Print name: _____

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.

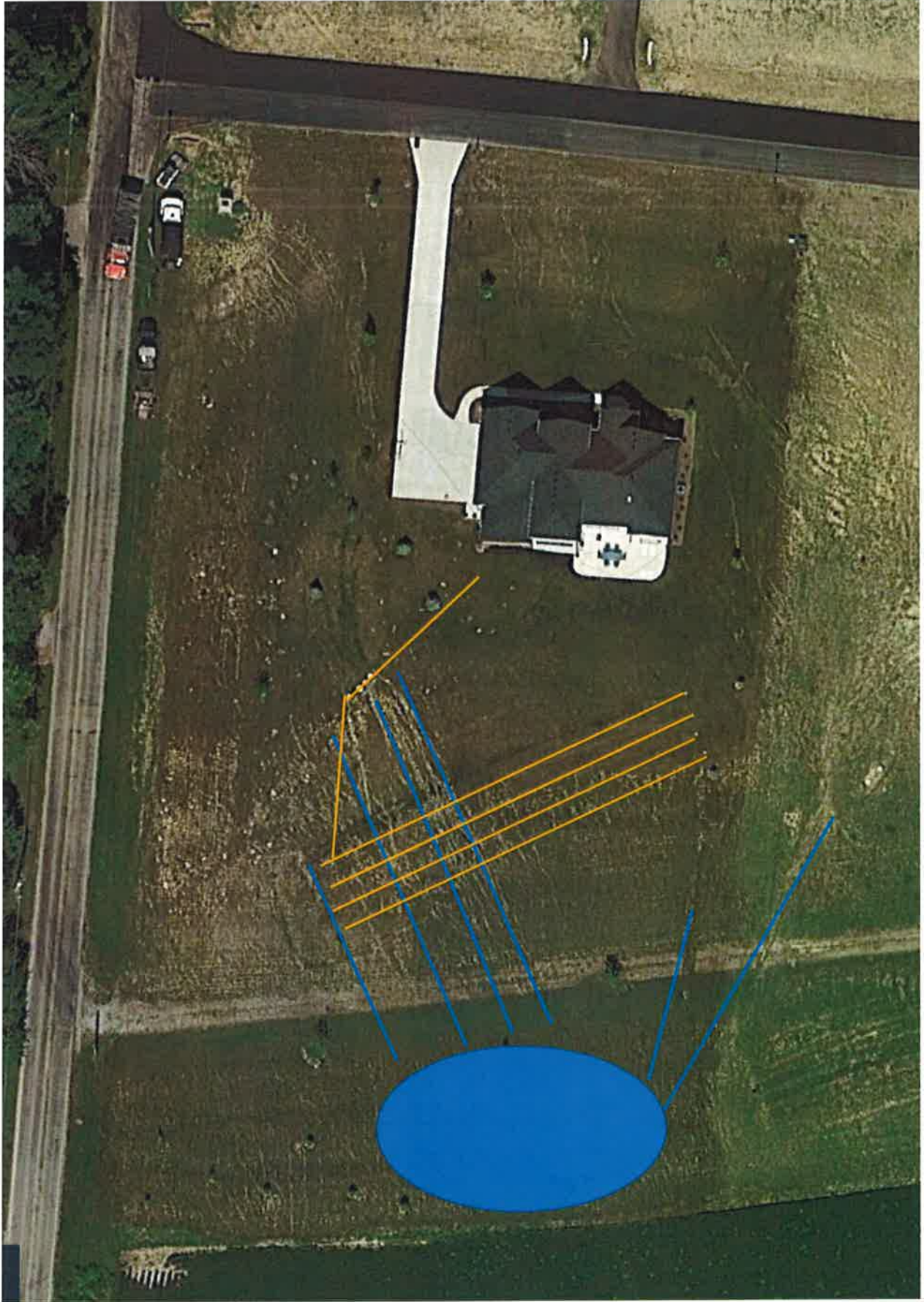
Please return completed application to Erin Hartsock, 6050 N. Clarksville Rd., Waynesville, OH 45068; Fax: (513) 897-3015; e-mail: erinhartsock@waynetownship.us; telephone: (513) 897-3040.











DRAINAGE AREA (EL#)

List of Adjacent Neighbors to 9042 Valdosta Way

MICHAEL AND LORI NAUGHTON

9055 VALDOSTA WAY

WAYNESVILLE 45068

PATRICK AND MELISSA STEWART

9066 VALDOSTA WAY

WAYNESVILLE 45068

NARAYANA KANDULA

CHENOWETH RD (Farmland)

WAYNESVILLE 45068

JAMES AND JILL WEAVER

5386 CHENOWETH RD

WAYNESVILLE 45068

KEVIN AND RONDA BROUWER

5291 CHENOWETH RD

WAYNESVILLE 45068

LEIGH ANN JONES

5333 CHENOWETH RD

WAYNESVILLE 45068