

**Wayne Township
Zoning Variance Application**

Date Received 2/22/2016

\$500 Filing Fee

Case # 2016. 1

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: John & Tracy Schmidt

Address: 3119 N. Waynesville Rd

Telephone: (daytime): 937-572-2405 (evening) 937-572-2405

Applicant if other than owner:

Address:

Telephone:

2. Describe Variance Request:

The owners request a variance to construct an accessory building in the front side yard of the residential dwelling. The proposed 38"W X 40"L X 17'-4" building would be located parallel to the existing driveway.

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

Address or Sidwell No: 3119 N. Waynesville Rd Zone District: R-1

or Subdivision and Lot #

Nearest Intersection: N. Waynesville and Red Oak 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?

The topography behind the residential dwelling "drops off" dramatically. Construction of an accessory building in this location would require:

1. A significant and costly grading effort after feasibility is proven
2. Driveway access to the accessory building would require an additional costly grading effort AND the destruction of a large number of mature trees

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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?

We assume the objective of the zoning ordinance requiring accessory buildings be constructed behind the residential structure (SEC 3.102) was established to prohibit "eyesore" and view blocking structures between the road and the residential dwelling.

In our case, neither the residential dwelling nor the accessory building (if allowed) can be seen from N. Waynesville Rd. due to the significant elevation difference. The requested location will not affect public interest in any manner.

Due to the staggered placement of each residential dwelling along our shared driveway, the potential negative impact of the exact placement of an accessory building is essentially nullified. (One neighbors "front" is another neighbors "back"). In fact, our adjacent neighbor to the North has a detached garage that is behind their residential dwelling; however, it is in front of our porch. This building does not bother us at all and is aesthetically pleasing with the core architecture of the residential dwelling of that property.

We believe the requested location for the accessory building will be aesthetically pleasing and is the best location to minimize any potential impact on the heavily wooded lot.

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?

(More for commercial?)

Please see above.

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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?

The proposed location of the accessory building will not have any adverse effect on property in the vicinity or zoning district because:

1. The proposed location "matches" the staggered placement and positioning of adjacent and nearby residential dwellings and accessory buildings.
2. Due to the heavily wooded lot and elevation difference between N. Waynesville Rd. and the proposed location, the accessory building will only be visible to the adjacent neighbors.
3. The proposed location will minimize the environmental impact on the existing lot.

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

The narrow lot is heavily wooded and the elevation descends rapidly adjacent to and just past the residential dwelling as you progress due west. Attempting to place and build an accessory building adjacent to or due west of the residential dwelling will require an extraordinary amount of grading effort and will require an additional long driveway for access. Clearing for this long driveway and accessory building will negatively affect the character of the wooded lot.

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.

Date: 02-21-2016

Date: _____

Decision and Order of the BZA:

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EXHIBIT "A"
LEGAL DESCRIPTION

SITUATED IN THE TOWNSHIP OF WAYNE, COUNTY OF WARREN, AND STATE OF OHIO: BEING A PART OF FRACTIONAL SECTION 9, TOWN 4, RANGE 4, BETWEEN THE MIAMIS, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POST AND IRON PIN MARKING THE SOUTHWESTERLY CORNER OF FRACTIONAL SECTION 9; THENCE WITH THE SOUTHERLY BOUNDARY OF SAID SECTION 9 SOUTH 84° 47' 30" EAST A DISTANCE OF 1940.41 FEET TO A SPIKE IN THE CENTERLINE OF WAYNESVILLE ROAD (TOWNSHIP ROAD NO. 39); THENCE WITH SAID ROAD CENTERLINE NORTH 00° 57' 30" WEST A DISTANCE 64.56 FEET TO A SPIKE; THENCE ALSO WITH SAID ROAD CENTERLINE NORTH 03° 20' 41" WEST A DISTANCE OF 157.56 FEET TO A RAILROAD SPIKE MARKING THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE WITH A NEW DIVISION LINE FOR THE NEXT THREE CALLS: (1) NORTH 84° 47' 30" WEST PASSING AN IRON PIN AT 25.00 FEET A TOTAL DISTANCE OF 1074.52 FEET TO AN IRON PIN; (2) NORTH 05° 12' 30" EAST A DISTANCE OF 200.00 FEET TO AN IRON PIN; (3) SOUTH 84° 47' 30" EAST PASSING AN IRON PIN AT 108.218 FEET, A TOTAL DISTANCE OF 1107.18 FEET TO A RAILROAD SPIKE IN THE CENTERLINE OF WAYNESVILLE ROAD; THENCE WITH SAID ROAD CENTERLINE SOUTH 15° 26' 09" WEST A DISTANCE OF 192.70 FEET TO A SPIKE; THENCE WITH SAID ROAD CENTERLINE SOUTH 02° 20' 41" EAST A DISTANCE OF 10.48 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 5.001 ACRES OF LAND. SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY OF RECORD. THE ABOVE DESCRIPTION IS A PART OF THE 184.844 ACRE TRACT OF LAND AS OWNED BY CHARLES F. STEPHENS, KAREN S. STEPHENS, MARTIN G. LEBOEUF, AND MARTHA J. LEBOEUF, RECORDED IN VOLUME 511, PAGE 724, OF THE WARREN COUNTY DEED RECORDS. RESTRICTIONS: 1) SAID PREMISES SHALL BE USED SOLELY AND EXCLUSIVELY FOR SINGLE FAMILY RESIDENCE PURPOSES AND THE LIVING AREA OF SUCH DWELLING HOUSE, EXCLUSIVE OF ONE-STORY OPEN PORCHES AND GARAGES SHALL BE NOT LESS THAN 1400 SQUARE FEET. 2) THE PREMISES HEREBY CONVEYED SHALL NOT BE DIVIDED INTO SMALLER PARCELS. 3) THESE RESTRICTIONS SHALL BE DEEMED AS COVENANTS AND NOT AS CONDITIONS HEREOF, AND SHALL RUN WITH THE LAND, AND SHALL BIND THE GRANTEE, THEIR SUCCESSORS AND ASSIGNS, UNTIL THE FIRST DAY OF JANUARY, 1987, AND CONTINUOUSLY THEREAFTER, UNLESS AND UNTIL ANY PROPOSED CHANGE SHALL HAVE BEEN APPROVED AS PROVIDED BY LAW. SUBJECT TO JOINT DRIVEWAY EASEMENT AS RECORDED IN VOLUME 26, PAGE 921, OF THE RECORDS OF WARREN COUNTY, OHIO.

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

COMMONLY KNOWN AS: 3119 NORTH WAYNESVILLE ROAD, OREGONIA, OHIO 45054

PARCEL NUMBER: 09093000380

SCHMIDT
1-30-16

N. WAYNESVILLE RD

SHARED DRIVEWAY

HOUSE

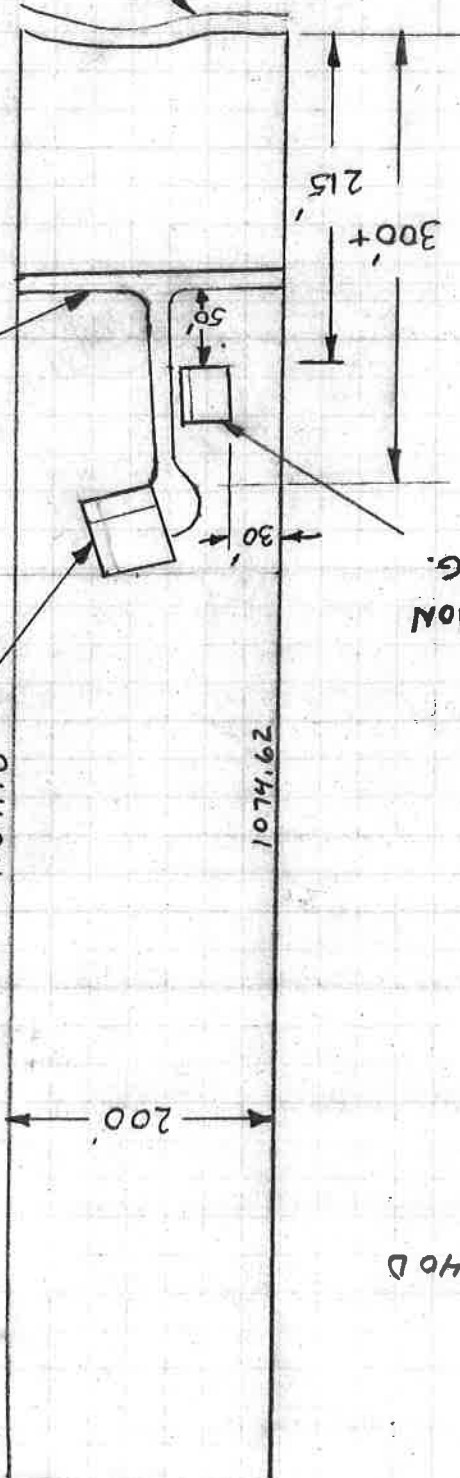
PROPOSED LOCATION
ACCESSORY BLDG.

8' OVERHANG

INTERIOR: 30' W X 40' D

38' W X 40' L

POLE BARN:

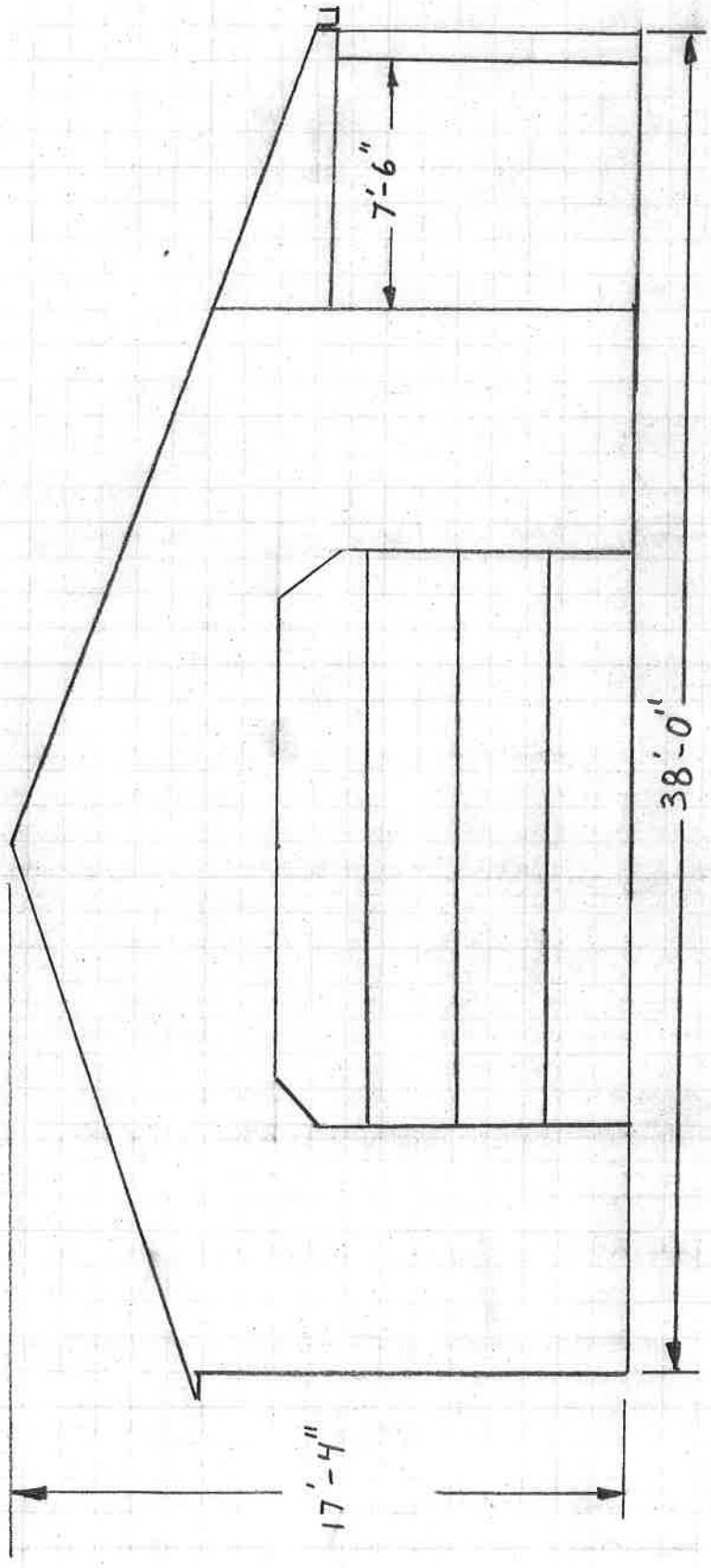


PL

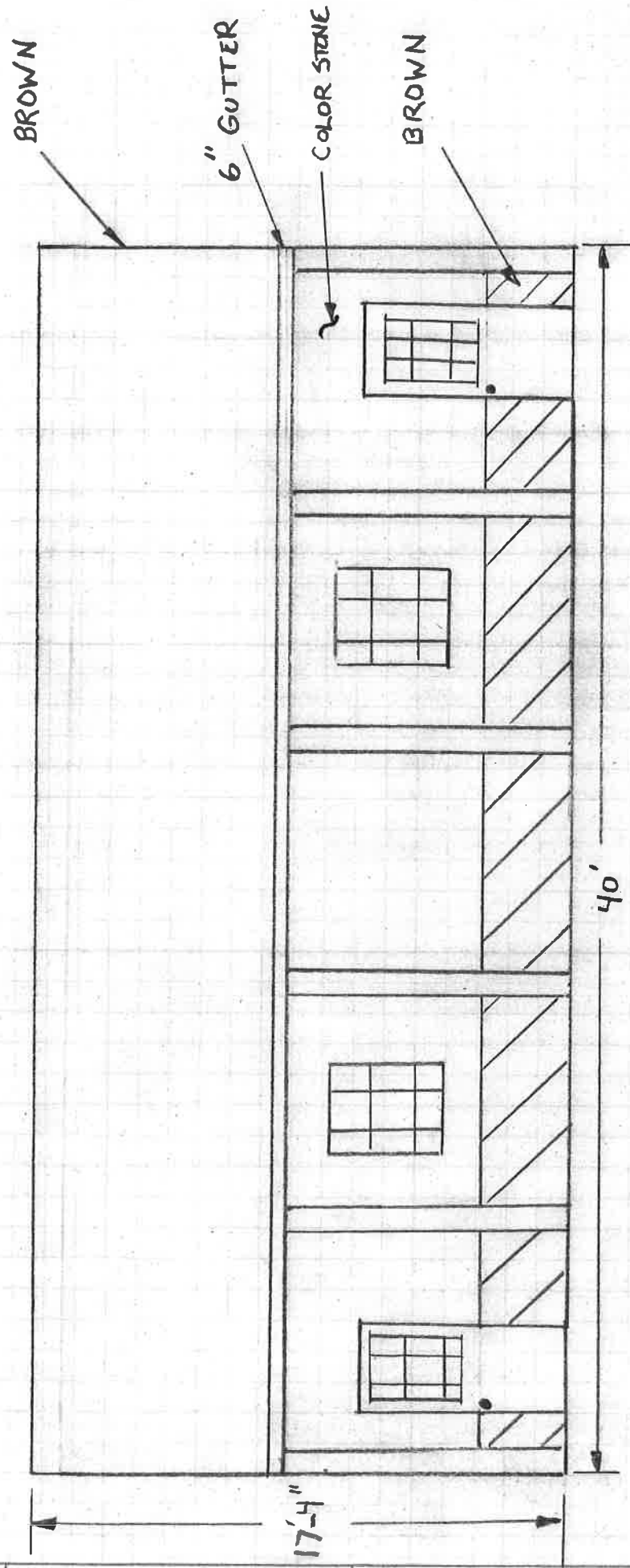
END VIEW TOWARDS N. WAYNESVILLE RD

1"=5'

SCHMIDT
02-12-16



ELEVATION TOWARDS DRIVEWAY



P4
N.T.S.
SCHMIDT
02-12-16

N

FRAMED FOR 12'-0"
GARAGE DOOR
(BY CUSTOMER)

FRAMED FOR 16'-0"
GARAGE DOOR
(BY CUSTOMER)

38'-0"

40'-0"

EXISTING DRIVEWAY

W

W

W

W

D

D



3119 N WAYNESVILLE
ZONING VARIANCE REQUEST
ACCESSORY BUILDING

RESIDENTIAL DWELLING

PART 1: 36' X 26' X 19'-6" H

PART 2: 24' X 20' X 17' H

LEACHFIELD APPROX.

SEPTIC TANK APPROX.



REMOVE EXISTING SHED

WELL APPROX.

PROPOSED LOCATION ACCESSORY BLDG.
38W X 40L X 17'-4" H

N. WAYNESVILLE RD



John & Tracy Schmidt ~ 3119 N. Waynesville Rd

1 Mike & Linda Luti ~ 3121 N. Waynesville Rd

3

Dave & Joanne Kelch ~ 3068 N. Waynesville Rd

2 Fred Tweel ~ 3117 N. Waynesville Rd

4

Terry & Judy Russell ~ 3158 N. Waynesville Rd

