



BEAVERCREEK BOARD OF ZONING APPEALS
Regular Meeting – December 14, 2016, 6:00 p.m.
LOCATION: Beavercreek Senior Center
3868 Dayton-Xenia Road

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
 - A. October 12, 2016
- V. PUBLIC HEARINGS
 - A. BZA-16-1, Edward & Carolyn Fitch, 1436 Hanes Road
 - B. V-16-5, Debra Edwards, 1820 Maple Lane
- VI. ADJOURNMENT

BEAVERCREEK BOARD OF ZONING APPEALS
REGULAR MEETING, October 12, 2016

PRESENT: Mr. Hung, Mr. Morter, Mr. Roach

ABSENT: Mr. Curnutte, Mr. Raber

Chairman Hung called the meeting to order followed by roll call.

Mr. Roach MOVED to excuse Mr. Curnutte and Mr. Raber from the meeting, seconded by Mr. Morter. Motion PASSED by majority voice vote.

Mr. Roach MOVED approval of the agenda, seconded by Mr. Morter. Motion PASSED by majority voice vote.

Mr. Roach MOVED approval of the minutes of August 10, 2016, seconded by Mr. Morter. Motion PASSED by majority voice vote.

PUBLIC HEARING

V-16-4, Eric Jankowski, 4073 Dayton-Xenia Road

Clerk Gillaugh read the notice of public hearing on an application filed by Eric Jankowski, 4073 Dayton-Xenia Road, Beavercreek, OH 45432, requesting a variance from Chapter 158.104 (E)(1)(a) of the City of Beavercreek Zoning Code, requesting permission to construct an accessory structure that would exceed the maximum allowed square footage permitted within a R-1A District. The property is located on the south side of Dayton-Xenia Road, two lots west of the intersection of Ken Klare Drive and Dayton-Xenia Road further described as Book 2, Page 4, Parcel 21 on the Greene County Auditor's Property Tax Atlas.

Eric Jankowski stated his property was greatly impacted with the widening of Dayton-Xenia Road, and said he would like to extend the driveway back and put a detached garage behind the house. He explained it is very difficult to turn around in his existing driveway if there are two vehicles parked there. Mr. Jankowski said he previously was asking for too large of a variance, and the Board denied it. He stated he has worked with Zoning to reduce the size down to an agreeable size. Mr. Jankowski said for his last variance case he had letters from all of his neighbors saying they had no objections to the variance.

Ms. Pereira summarized the staff report dated October 7, 2016, stating if the variance is approved it would grant the applicant permission to construct a 900 square foot garage, which be 172 square feet over the maximum allowed for the property. Ms. Pereira explained where the property is located, and how the square footage for accessory structures is calculated per Chapter 158.104 in the Zoning Code. She said when Dayton-Xenia Road was widened a lot of his front yard was acquired by the City as right-of-way, and he doesn't not have much of a driveway left. She explained he did add a turnaround in that area, and only currently has a one-car garage. Ms. Pereira stated the applicant did come before the Board in October 2015, and was asking for a 1200 square foot garage.

Staff felt that request was excess and the Board agreed and directed him to work with staff to see if an agreement could be reached. Staff does feel the request tonight is adequate, not excessive, and is more of a minimal request especially since the City does allow 900 square foot detached garages on properties. Ms. Pereira showed several photos of the property, and recommended approval of the case with two conditions.

There being no public input, the public hearing was closed.

Mr. Roach thanked the applicant for working with staff, and felt it was a very acceptable proposal.

Mr. Hung echoed Mr. Roach's comments, and asked if there were any concerns about setbacks. Ms. Pereira said the garage would be in compliance with the setbacks, and the variance is strictly for the size.

Mr. Roach MOVED to approve V-16-4 with two conditions:

1. An Accessory Structure Zoning Permit must be approved by the Planning and Zoning Department prior to the construction of the garage.
2. The material colors shall be consistent with those of the main structure.

Motion was seconded by Mr. Morter. Motion PASSED by unanimous voice vote.

ADJOURNMENT

Mr. Roach MOVED adjournment at 6:14 p.m., seconded by Mr. Morter. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk

CITY OF BEAVERCREEK
ADMINISTRATIVE APPEAL TO BOARD OF ZONING APPEALS
DOCUMENT STATING GROUND OF APPEAL

Date NOVEMBER 2, 2016

Application No. BEA-16-1

Name of Applicant EDWARD & CAROLYN FITCH

Applicant's Mailing Address 1436 HANES ROAD BEAVERCREEK OH 45434

Applicant's Phone Number 937-429-1698

Applicant's Email Address edward.fitch@att.net

1. Location of Property

~~B42000500130000200~~ Parcel ID B42000500130000100 Lot Number 1

Subdivision ~~XXXX~~ N/A

2. GROUNDS AND BASIS OF THE APPEAL: Describe precisely what decision or act the appellant is appealing. Applicant shall attach additional sheets and supplementary information. Please number all attached pages.

3. If appeal involves or relates to a particular lot or parcel located in the City of Beavercreek, please attach list of property owners located within the 500-foot buffer area from the Greene County website. To obtain the list use the link: <http://gis.co.greene.oh.us/onlinemaps/>.

4. Administrative appeals must be submitted within 15 days of date of decision or determination made by the Enforcing Officer.

I certify that the information contained in this application and its supplements, if any, are true and correct.

Date November 2, 2016

Carolyn K Fitch & Edward J Fitch
Appellant's Signature *clf*

CAROLYN FITCH & EDWARD J. FITCH
Printed Name of Appellant

FOR OFFICIAL USE ONLY

Date Filed 11/2/16 Fee Paid 100.00 Received by MG

RECEIVED

NOV 02 2016

November 2, 2016

City of Beavercreek
Planning and Zoning Department, Board of Zoning Appeals
1368 Research Park Drive
Beavercreek, OH 45432

Re: Notice of Violation dated 10/10/16 for 1436 Hanes Road
"Brush and yard debris" and "Firewood" in the front yard - Section 153.30

This is a Written Appeal of the alleged violations noted above for the following reasons:

1. There was a pile of brush (which has been removed) and a small amount of debris (which has been removed) on the lot next door;
2. There is an earth berm being created on the lot next door which complies with the code's definition of a "screen", (contained in Section 153.20), because it consists of "vegetation and/or mounding" which is designed, intended and will be grown to an opaque state and maintained as such."
3. The logs are not "firewood", "debris" or "yard waste" but instead are part of a solid screen, mound and earthen berm which is being created to screen the adjacent property, i.e. the Hanes Road right-of- way which has 8,000 to 10,000 vehicles a day driving on it. The earthen berm consists primarily of soil with some mulch on top to keep the weeds down. There are some logs/vegetation which will be completely covered, incorporated within, and indistinguishable from the solid earth mound which is being created. The earth berm will be landscaped and the landscaping maintained when the mound reaches the required size and slope;
4. The lot next door does not have any "firewood" by definition because there is no wood on it which is "intended to be used as heating fuel ..." or "which is offered for sale". We have repeatedly refused all requests from people who want the logs;
5. The lot next door does not have any "debris" in the front yard because there is no "debris" as defined in Section 153.20, i.e. no "broken, destroyed, used or damaged materials".
6. Not included in the Notice of Violation but included in the letter dated 10/25/2016 from the Code Enforcement Officer was a reference to "yard waste". The lot does not have any "yard waste" in the front yard because it does not have "leaves, grass clippings, tree limbs, brush, soil, rocks, or debris *that resulted from* landscaping, gardening, yard maintenance or land cleaning operations." It has opaque materials which were moved there to create the screen/mound/earth berm.

Edward F. Fitch

Edward Fitch & Carolyn Fitch

**BOARD OF ZONING APPEALS
ADMINISTRATIVE APPEAL
CASE #: BZA-16-1**

I. ADMINISTRATIVE APPEAL REQUESTED BY:

Edward & Carolyn Fitch
1436 Hanes Road
Beavercreek, Ohio 45434
Parcel ID: B42000500130000100 & B42000500130000200

II. OVERVIEW:

The Board is meeting to hear an Administrative Appeal to a Notice of Violation issued to Edward & Carolyn Fitch on October 10, 2016. The Notice of Violation addresses violations at 1436 Hanes Road, Paradise Acres Lot 1 and may partially extend to Paradise Acres Lot 2. Property Maintenance Code Section 153.11 (A) states: "Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Zoning Appeals, provided that a written application for appeal is filed within 15 days from the date of the decision, notice or order. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. Appeals heard by the Board of Zoning Appeals shall be submitted on forms provided by the City. Each application shall be accompanied by such fee as indicated in the fee schedule as approved by the City Manager."

The Board of Zoning Appeals is required to hear the case and render a decision in accordance with Property Maintenance Code Section 153.11 (F) which states: "The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official. The code official shall take immediate action in accordance with the decision of the board."

III. CHRONOLOGY:

A Notice of Violation was posted at 1436 Hanes Road on October 10, 2016. The Notice of Violation was issued for violations relating to brush, yard debris and the storage of firewood in the front yard.

On October 24, 2016, the City received a letter from Edward and Carolyn Fitch appealing the Notice of Violation.

On October 25, 2016, a response letter was mailed back to Edward & Carolyn Fitch clarifying the Notice of Violation and notifying Edward and Carolyn Fitch of the need to complete an Administrative Appeal Application if they intended to appeal. The letter included an extension to allow for the submission of an appeal application.

On November 2, 2016, Edward & Carolyn Fitch filed an Administrative Appeal Application with the Planning and Zoning Department.

IV. EXPLANATION AND BASES FOR THE VIOLATIONS:

The Fitches were originally issued a notice for 2 separate violations of Property Maintenance Code Section 153.30. The violations addressed on the Notice of Violation, posted on October 10, 2016, were as follows:

Property Maintenance Code Section 153.30 (L) - Firewood

§ 153.30 (L) states that “firewood may be stored upon residential property solely for use on the premises and not for resale. Firewood stored outdoors on a residential property shall be stored in the following manner:

1. Cut/split and prepared for use.
2. In neat, stable and secure stacks not exceeding 5 feet in height and 48 inches in width.
3. Not stored in the front yard.
4. Not in a deteriorating state.”

At the time of inspection, there was stacked wood along the front of the property parallel to Hanes Road. Typically, stacked wood would be intended to be used as firewood. The violation was cited because the wood is being stored in the front yard, is not split and prepared for use, and is in a deteriorating state.

Mr. & Mrs. Fitch contend that the wood is not firewood because it is not intended to be used for that purpose. The City acknowledges that if the Fitches have no intent to burn or sell the wood that it would not be considered firewood. However, as stated in the October 25, 2016 letter, the tree remains (the wood) would then be considered yard waste/ debris and would still be in violation of Property Maintenance Code Section 153.30.

Property Maintenance Code Section 153.30 (K) – Junk, yard waste and debris

§ 153.30 (K) states that “No person shall maintain, accumulate, cause to be accumulated, or allow to be accumulated junk, yard waste or debris upon any property located within the city.”

Yard waste in Property Maintenance Code Section 153.20 is defined as “Leaves, grass clippings, tree limbs, brush, soil, rocks, or debris that results from landscaping, gardening, yard maintenance or land cleaning operations.” Furthermore, the definition of debris in Property Maintenance Code Section 153.20 is defined as “The remains of something broken down or destroyed. Additionally, any used or damaged materials including, but not limited to, concrete, sand, gravel, asphalt and lumber.”

The leaves, wood and other material being stacked and piled along the front of the property would meet the definition of yard waste and debris. The accumulation and maintaining of yard waste and debris on the property constitutes a violation of Property Maintenance Code Section 153.30.

V. DISCUSSION

Edward and Carolyn Fitch are claiming that the stacked wood, leaves and other debris along the front property line is an earth/earthen berm. Zoning Code Section 158.002 defines an earthen berm as a “Solid earth mound shaped in a curvilinear form with a slope no greater than 3:1, typically for the purposes of screening adjacent properties with landscape plantings.”

Based upon this definition, an earthen berm must be constructed of solid earth (soil). The Fitches assert in their appeal application that “the earthen berm consists primarily of soil with some mulch on top to keep the weeds down.” However, based upon observations during inspections, the pile consists of mostly stacked wood with leaves on top and along the side. This pile of materials is not solid earth and therefore does not meet the definition of an earthen berm.

Additionally, the Fitches argue in their appeal that they do not have yard waste and debris but “opaque materials which were moved there to create the screen/mound/earth berm”. Nevertheless, these “opaque materials” are not soil and meet the definition of yard waste and debris and are being treated as such.

The City has no objection to the creation of an earthen berm. However, if Edward and Carolyn Fitch would like to create an earthen berm on their property, they must first remove the yard waste and debris to correct the violations and then construct an earthen berm in compliance with applicable city codes.

VI. CONCLUSION

It is staff’s opinion that Edward and Carolyn Fitch’s property is in violation of Property Maintenance Code Section 153.30 because they have maintained, accumulated, caused to be accumulated, or have allowed to be accumulated yard waste and debris on their property.

The Board of Zoning Appeals is tasked with determining if staff acted in accordance with the specified Code and may choose to decide one of the following:

1. Approve the Administrative Appeal and as a result, reverse staff’s decision. The applicant would not be required to correct the violations of Property Maintenance Code Section 153.30, as stated in the Notice of Violation, dated October 10, 2016.
2. Deny the Administrative Appeal thus finding staff’s action lawful and in accordance with Property Maintenance Code Section 153.30. Staff would continue to work with the applicant to bring the property into compliance.
3. Modify the decision of the Code Enforcement Officer.

Date: December 1, 2016

Submitted:

Matthew Funk
Code Enforcement Officer

NOTICE OF VIOLATION

City of Beavercreek

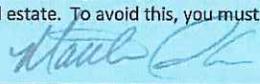
Property in Violation: 1436 Hanes

The City of Beavercreek, in an attempt to ensure compliance with City Ordinances and to maintain the health, safety and welfare of its residents, as warranted, will investigate complaints and conduct inspections within the community. During an inspection of the property, the following violation(s) of the Beavercreek Code of Ordinances has been identified and must be corrected:

Violation	Corrective Action	Violation Location	Correction Date
<input type="checkbox"/> Trash and junk §153.30	Remove and properly dispose of the trash and junk	Yard (front, rear, right, left) Porch Deck Patio Driveway	
<input checked="" type="checkbox"/> Brush and yard debris - §153.30	Remove and properly dispose of the brush and yard debris	Yard (front, rear, right, left) Porch Deck Patio Driveway	10/30/16
<input type="checkbox"/> Junk vehicle(s) §153.30	Make vehicle(s) licensed & operable; place within a completely enclosed building; or remove from the premises	Yard (front, rear, right, left) Driveway	
<input type="checkbox"/> Yard parking §158.118	Relocate the vehicle(s) onto a complaint & paved surface	Yard (front, rear, right, left)	
<input checked="" type="checkbox"/> Firewood §153.30	Firewood must be cut/split; in neat & stable stacks; not in the front yard; not for sale	Yard (front, rear, right, left) Driveway	10/30/16
<input type="checkbox"/> Grass & weeds exceed 10 inches §97.10	Cut & maintain grass & weeds 10 inches or below	Yard (front, rear, right, left)	
<input type="checkbox"/> Overgrown/unsightly vegetation - §97.12	Cut overgrown vegetation to eliminate the blighting factor to adjoining property.	Yard (front, rear, right, left)	
<input type="checkbox"/> Missing/ peeling paint - §153.32	Remove loose paint and repaint the exposed surface(s)	Porch Deck Fence Main Structure Accessory Structure	
<input type="checkbox"/> New or expanded gravel driveways or parking areas are prohibited- §158.118	Remove the gravel & restore the lawn or pave with concrete, asphalt or brick pavers	Yard (front, rear, right, left)	
<input type="checkbox"/> Illegal structure §158.173	Apply for a permit for the structure and ensure the structure is in compliance	Yard (front, rear, right, left)	
<input type="checkbox"/> Other:		Yard (front, rear, right, left) Porch Deck Patio Driveway	

Comments: _____

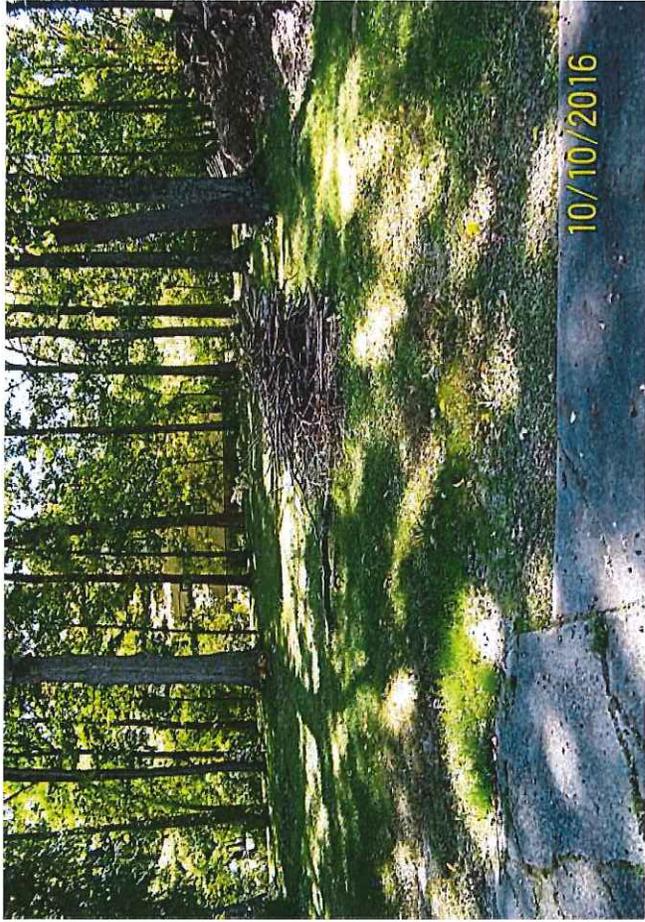
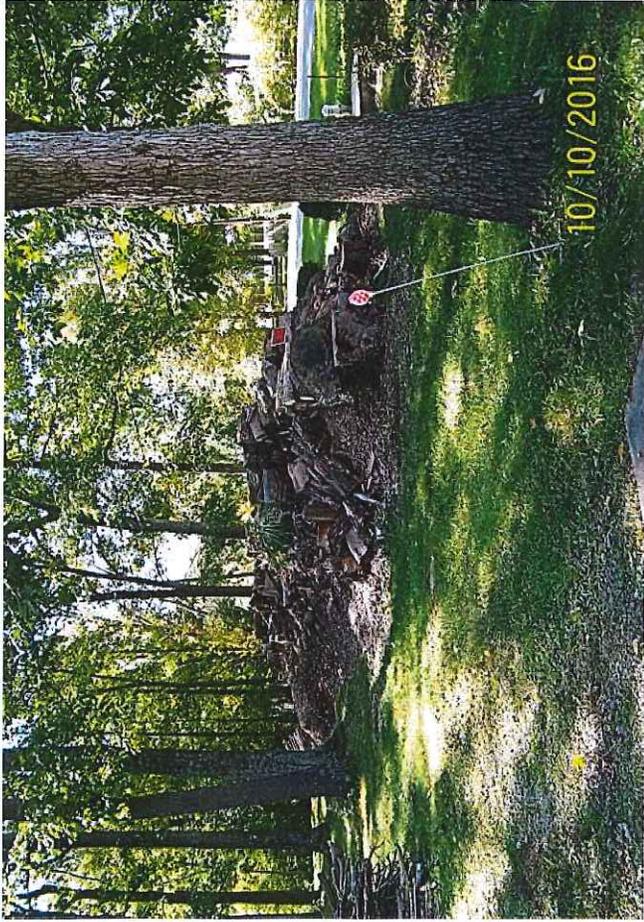
NOTICE OF YOUR RIGHT TO APPEAL: Any person having an interest in the property may appeal this Notice of Violation. An appeal shall be in writing and must be filed with the Planning and Zoning Department within 15 days from the date of Notice. Failure to appeal shall be deemed a waiver of all rights to an administrative hearing. Continued violations may result in you being charged, prosecuted and having to appear in court to answer to the charge. Additionally, any uncorrected violations may be abated through action taken by the City. The cost of such action may be charged against the real estate upon which the violation is located and, if unpaid, shall be a lien upon such real estate. To avoid this, you must comply on or before the correction deadline set forth above.

Code Enforcement Officer:  Date: 10/10/16

1368 Research Park Drive
Beavercreek, Ohio 45432

Planning and Zoning Department

Phone: (937) 427-5512
Fax: (937) 427-5544



October 22, 2016

City of Beavercreek
Planning and Zoning Department
1368 Research Park Drive
Beavercreek, OH 45432

Attention: Code Enforcement Officer

Re: Notice of Violation dated 10/10/16 for 1436 Hanes Road
"Brush and yard debris" and "Firewood" in the front yard"

This is a Written Appeal of the alleged violations noted above for the following reasons:

1. There is no brush, yard debris or firewood in the front yard at 1436 Hanes Road besides leaves which are still falling. There was a little pile of brush and a small amount of debris (which has been removed) on the lot next door which has a different address;
2. The lot next door does not have a "front yard" by definition because there are no buildings on it;
3. The lot next door does not have any "firewood" by definition because there is no wood on it which is "intended to be used as heating fuel ..." or which is offered for sale. We have refused all requests from people who want the logs;
4. The lot next door does not have any debris (certainly NOT in the "front yard" since it doesn't have a front yard). There is no debris because there are no broken, destroyed, used or damaged materials. The lot next door has an *earth berm* to help reduce the traffic noise from about 8,000 vehicles and school buses a day on Hanes Road. The *earth berm* consists primarily of top soil, mulch, wood chips and composted leaves. There are also some logs which are in the process of being covered by additional organic material. Once the *earth berm* reaches the desired size, it will be landscaped.

Regards,



Edward Fitch



Carolyn Fitch

RECEIVED

OCT 24 2016

CITY OF BEAVERCREEK
PLANNING DEPARTMENT

City of
BEAVERCREEK

October 25, 2016

Edward & Carolyn Fitch
1436 Hanes Road
Beavercreek, Ohio 45434

Re: Violation @ 1436 Hanes Road (specifically Paradise Acres, Lots 1 & 2)
Parcel ID: B42000500130000100 & B42000500130000200

Mr. & Mrs. Fitch,

I am writing in response to your letter, dated October 22, 2016. In your letter you stated that the violations occurred on a different address than 1436 Hanes Road. For clarification, the violation is located on Paradise Acres, Lot 1 and has a Parcel ID of B42000500130000100 and may partially extend to Paradise Acres, Lot 2, Parcel ID B42000500130000200. The mailing address for these parcels is 1436 Hanes Road. It was not apparent at the time of inspection that 1436 Hanes Road consisted of 4 adjoining lots since all the lots appear to be utilized and associated with this address.

Additionally, for clarification purposes, lots have a required front yard. It is the area located within the minimum front yard setback. The specific distance is defined within each zoning district. The reference to front yard on the Notice of Violation was primarily being used to provide a general location of where the violation was occurring on the lot. For example, front as opposed to rear.

Based upon your response, you do not intend to use the stacked/piled wood for firewood. However, you are still accumulating wood, leaves and other yard waste. This activity is in violation of Property Maintenance Code Section 153.30 which prohibits the accumulation of yard waste and debris upon the property.

Since you wish to appeal the Notice of Violation, I have included the Administrative Appeal application form that must be completed and submitted to the Planning and Zoning Department. The fee for the Administrative Appeal is \$100. Per Property Maintenance Code Section 153.11, the application for appeal is to be based on a claim that the true intent of this code or the rules adopted have been incorrectly interpreted, the provisions of the code do not fully apply, or that the requirements of the code are adequately satisfied by other means. Once the Administrative Appeal application and fee have been submitted, your case will be scheduled to go before the Board of Zoning Appeals. Your deadline for appeal will be extended to November 2, 2016 to allow for the completion and submittal of the application and fee.

If you have any questions, please feel free to contact me.

Sincerely,



Matthew Funk
Code Enforcement Officer

December 7, 2016

STAFF REPORT
VARIANCE REQUEST
CASE NO. V-16-5

I. VARIANCE REQUESTED BY:

Debra Edwards
1820 Maple Lane
Beavercreek OH 45432

II. NATURE OF REQUEST:

The applicant is requesting a variance from §158.104 (D) of the City of Beavercreek Zoning Code and is requesting permission to construct a 22-foot tall accessory structure that would exceed the maximum allowed height limit for a single family residential property by 6 feet.

III. FINDINGS:

1. The property under discussion is located on the one lot north of the intersection of Hohl Road and Maple Lane.
2. §158.104 (D) of the City of Beavercreek Zoning Code states within any residential district "a detached accessory building or structure shall not exceed 16 feet in height, as measured from adjacent grade to the peak of the roof.
3. The applicant is requesting a variance for an additional 6 feet over what is permitted for this specific property.
4. The property consist of 6.283 acres and is heavily wooded.
5. The proposed accessory structure is 22 feet tall and will not be visible from the street or any adjacent properties.
6. The applicant is requesting the variance in height in order to construct a gambrel style roof that would allow for additional useable space.

IV. DISCUSSION

The property is located on approximately 6.2 acres of residentially zoned land. In most cases, properties zoned residentially are located on lots that are less than one-half of an acre. The applicant does have the option of rezoning his property to the A-1 Agricultural designation, which would allow for an accessory structure of any size and height, however, the rezoning process can take up to six months. Staff feels that going through the variance process is much simpler and less time consuming for all parties, while still achieving the same outcome. The applicant can, at any future date, still have the property rezoned. Because of the size of the parcel and location of the proposal and the fact that this request will not have any effect on any neighboring properties, Staff finds that the variance request from §158.105 (C) meets the requirements for approval per §158.172 (H)(5)(a) of the City of Beavercreek Zoning Code.

V. RECOMMENDATION:

Staff recommends that the Board of Zoning Appeals find that:

1. The reasons set forth in the application valid and justify the granting of the requested variance, and
2. The eight items in §158.172 (H)(5)(a) have been fully satisfied.

Staff further recommends that the Board of Zoning Appeals adopt the attached resolution approving a variance from §158.105(C) with the following conditions:

1. An Accessory Structure Zoning Permit must be approved by the Planning and Zoning Department prior to the construction of the barn.
2. The material colors shall be consistent with those of the main structure.

**RESOLUTION
BOARD OF ZONING APPEALS
CASE NO. V-16-5**

WHEREAS, Debra Edwards has made application for a variance from the strict application of the requirements of the City of Beavercreek Zoning Code for the property located 1820 Maple Lane; and

WHEREAS, the applicant is requesting permission to construct an accessory structure that would exceed the maximum allowed height within a R-1A district; and

WHEREAS, a public hearing was held on December 14, 2016 at which time all persons were given opportunity to comment on the application; and

WHEREAS, the Board of Zoning Appeals finds that the reasons set forth in the application are valid and justify the granting of the variance; and

WHEREAS, the Board of Zoning Appeals finds that subparagraphs 1 through 8 of §158.172 (H)(5)(a) have been fully satisfied.

NOW therefore the Board of Zoning Appeals orders that:

A variance from §158.104 (D) of the City of Beavercreek Zoning Code to allow construction of said accessory structure, that would exceed the 16 foot height limit for this property by 6 feet, be approved with the following conditions:

1. An Accessory Structure Zoning Permit must be approved by the Planning and Zoning Department prior to the construction of the garage.
2. The material colors shall be consistent with those of the main structure.

ACTION BY BOARD OF ZONING APPEALS

(Date)

Chairman

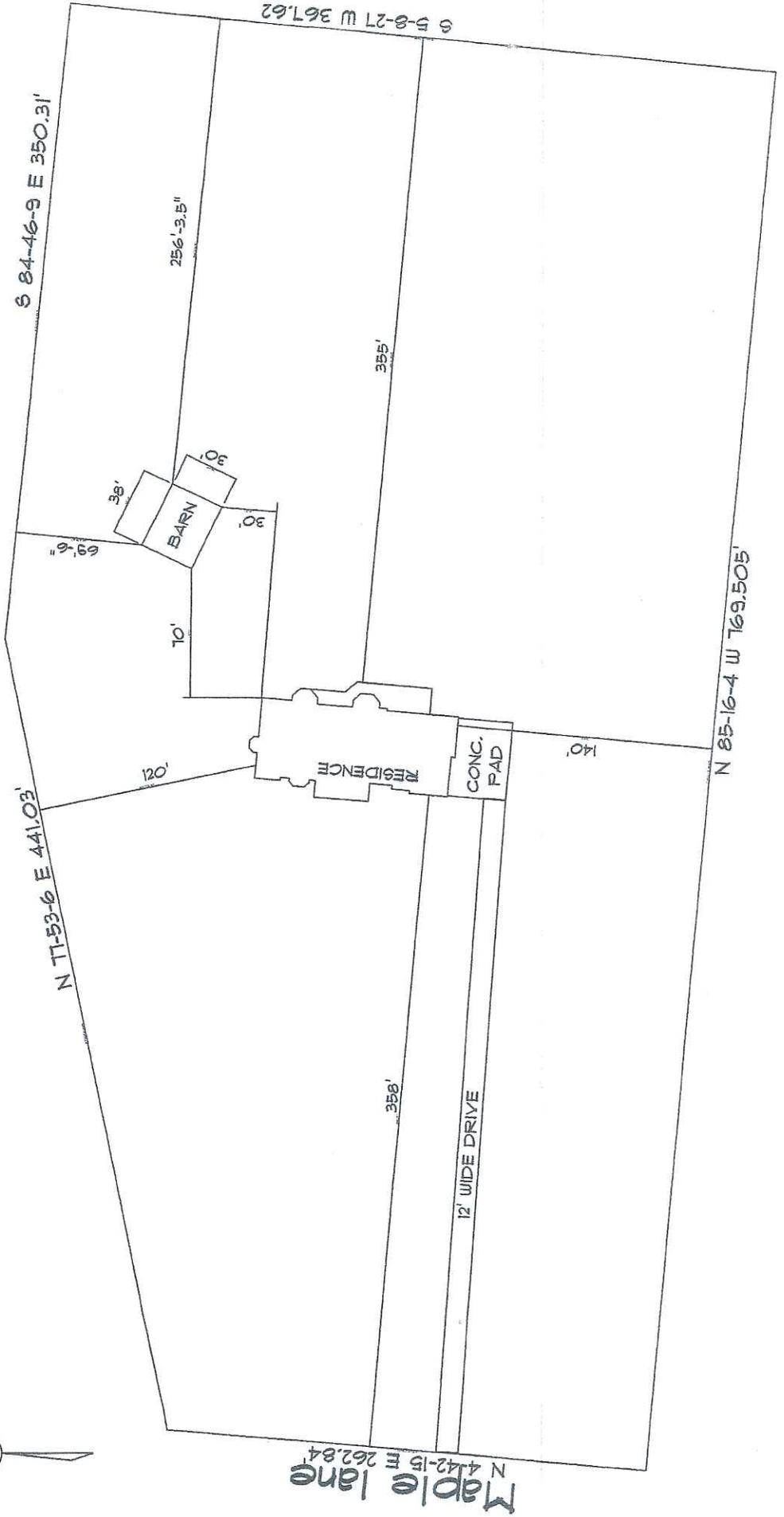


MAPLE

HOHL

1 inch = 100 feet

THE EDWARDS/FRANKS RESIDENCE MAPLE LANE SCALE 1"=100'

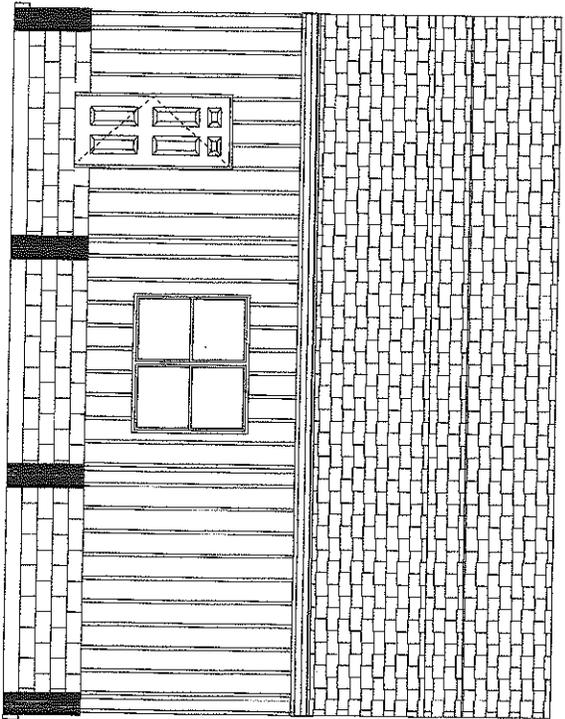
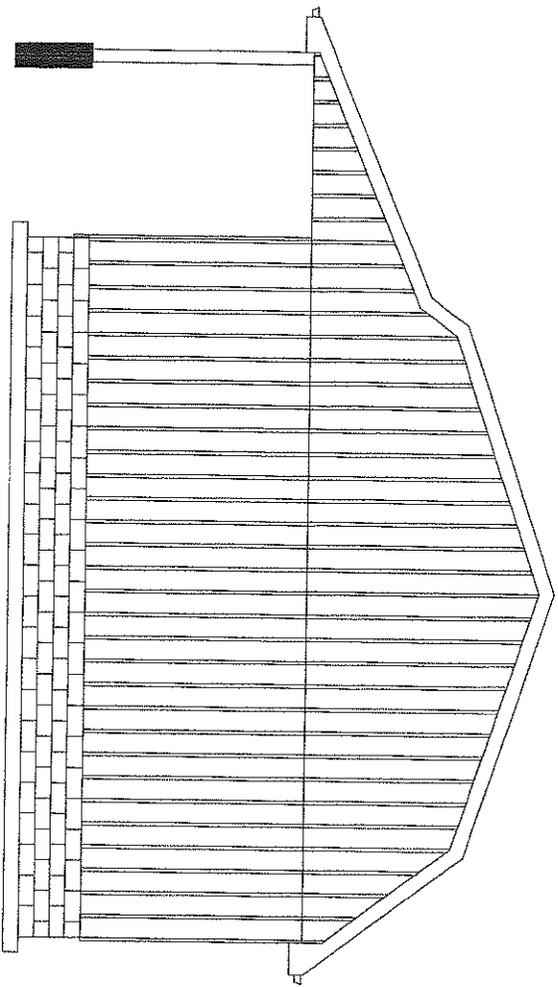
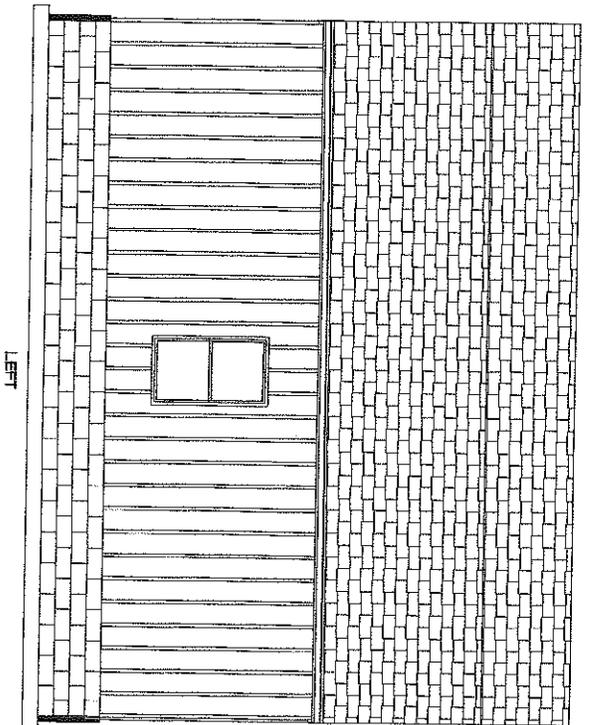
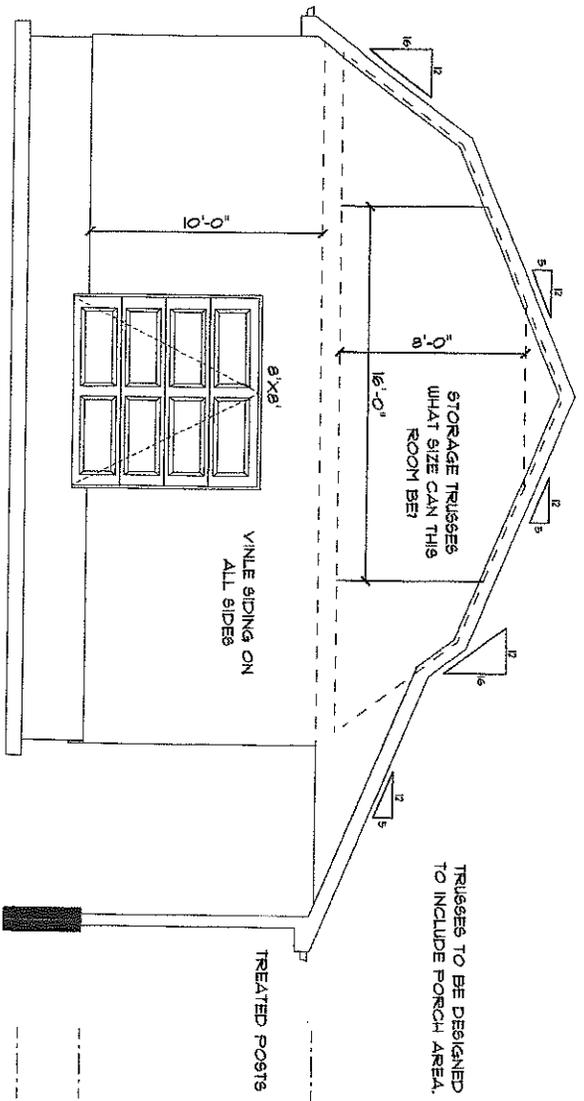


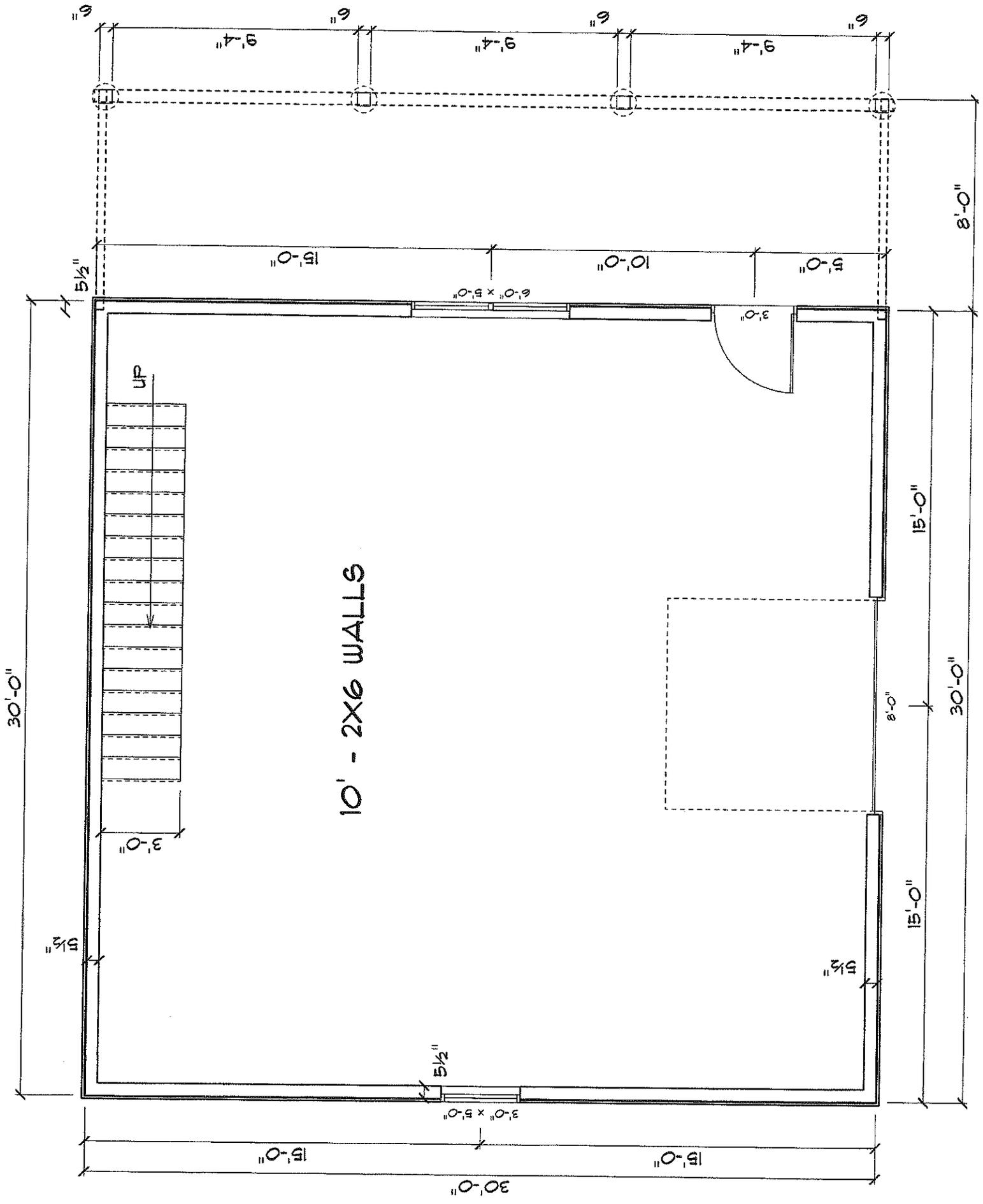
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CITY OF BEAVERCREEK
PLANNING DEPARTMENT

[Handwritten signatures and initials]





Justification of Variance

As the property owners of 1820 Maple Ln, we are requesting variance approval pursuant to Chapter 158.172 of the Beavercreek City Zoning Code. This request is to allow a 6 foot height variance to the requirement of Chapter 158.104- Accessory buildings, structures, appurtenances and carports within residential and commercial districts. The projected accessory building is designed/engineered with a second story area that utilizes storage trusses. The design of those trusses resulted in a final accessory building height of 22 feet.

A couple of factors to consider; we do view the 6 foot variance as the minimum variance and the least impact solution. The alternative of having the property rezoned would involve considerably more time and effort from not only our perspective, but require greater involvement on the side of the Beavercreek Zoning Department to make that assessment and change. As a secondary consideration, the property is a 6.28 acre wooded lot and the accessory building will be completely isolated from view of any of the neighbors and also nearly 488 feet aft on the lot and not visible from Maple Lane.

As presented in the variance package and supported by the site plan and drawings, we believe that the following criteria are met:

1. There exist conditions and/or circumstances relating to the property that would create practical difficulties for the property owner if strict conformance to the requirements of this Zoning Code were required.
2. The variance to be granted is the minimum variance possible and other alternatives for resolving the conflict between the applicant's plan and the requirements of the Zoning Code are impractical or infeasible.
3. The granting of the variance will be in harmony with the general spirit, intent and purpose of this Zoning Code.
4. The granting of the variance will not be injurious to surrounding properties and the general neighborhood or be otherwise detrimental to the public welfare.
5. The granting of the variance will not result in a deleterious change in the character of the community.

6. The granting of the variance will not infringe upon the rights and quiet enjoyment of adjacent property owners and will not diminish property values, endanger the public safety, or create a public nuisance.
7. The granting of the variance is for a compelling reason and not simply because the applicant's plans conflict with the Zoning Code requirements when reasonable alternatives are available.
8. The granting of the variance is not solely for economic benefit to the applicant.

We request the consideration of the Board of Zoning in approving this variance.

Respectfully,