



LIBERTY
TOWNSHIP ★ FOUNDED 1808

10104 Brewster Lane, Suite 125, Powell, OH 43065
Zoning Office 740-938-2010 Fax 740-938-2001
www.libertytp.org

**APPLICATION FOR USE AND AREA
VARIANCE**
Board of Zoning Appeals

FILE BZA# 21-06 DATE: March 24, 2021

FEES: \$600.00 RECEIPT # 03-29-21

CURRENT ZONING DISTRICT FR-1 CURRENT DEVELOPMENT PLAN N/A

Please make sure all required information is provided. Incomplete applications will not be accepted.

SUBJECT PROPERTY	ADDRESS: <u>4467 SELDOM SEEN RD</u>
	CITY/STATE/ZIP: <u>POWELL OH 43065</u>
	SUBDIVISION: <u>CHIPPEWA PARK</u> LOT #: <u>9</u> ACRES: <u>2</u>
	CURRENT ZONING DISTRICT: <u>FR-1</u> CURRENT USE: <u>residence</u>
	RANGE: <u>19</u> TOWNSHIP: <u>3</u> SECTION: <u>3</u> FARM LOT(S)#: _____

CURRENT PROPERTY OWNER(S)	NAME: <u>JESSICA NIEVES + ARON LAU</u>
	ADDRESS: <u>4467 SELDOM SEEN RD</u>
	CITY/STATE/ZIP: <u>POWELL OH 43065</u>
	TELEPHONE: <u>(901) 428-6075</u>
	EMAIL ADDRESS: <u>stonelessaron@hotmail.com</u>

DESCRIPTION OF REQUEST AND APPLICABLE CODE SECTION(S)	<u>request to build accessory building (16'x26') with a 10 foot side setback. current house has existing variance approved for 15 foot side setback</u>

SIGNATURES	The undersigned certifies that this application (both sides) and the attachments thereto contain all information required by the Liberty Township Zoning Resolution, that all information contained herein is true and accurate and is submitted to induce the requested zoning change, and agrees to be bound by the provisions of the Zoning Resolution of Liberty Township, Delaware County, OH. The undersigned also gives Liberty Township permission to place signage on subject property to announce hearings.	
	PROPERTY OWNER(S): <u>Aron Lau</u>	DATE: <u>Mar 24, 2021</u>
	PROPERTY OWNER(S): <u>Jessica Nieves</u>	DATE: <u>March 24, 2021</u>
	DEVELOPER: _____	DATE: _____

RECEIVED BY: Jacey Mullerhou DATE: 03-29-21

Submittal Requirements	<p>Fees AND one (1) completed original application form AND the following arranged into ten (10) packets:</p> <ol style="list-style-type: none"> 1) Legal description of subject property in text and map form. 2) List of all property owners within two hundred (200) feet of the exterior boundaries of the land for which the Variance is requested. 3) All Drawings/plans must be measureable to the scale as listed on the document. <p style="text-align: center;">*You may also include any supporting documentation</p>
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Section 25.06 – PROCEDURE ON APPLICATION FOR USE AND AREA VARIANCE

The Board of Zoning Appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary the strict application of the terms of this Zoning Resolution in harmony with its general purpose and intent, in accordance with the specific rules contained herein.

25.06.A Public Notice: Written application for a Use or Area Variance shall be made to the Township Zoning Inspector who shall transmit said application to the Board of Zoning Appeals. The Board of Zoning Appeals shall cause a public hearing to be held. The Board of Zoning Appeals shall give written notice by ordinary mail to all owners of land within two hundred (200) feet of the exterior boundaries of the land for which a Variance is requested. An application for a Variance shall be advertised at least one (1) time, ten (10) days in advance of the time set for the public hearing, in a newspaper of general circulation within the Township. The notice shall state the time and place of the public hearing and the nature of the proposed appeal or variance.

25.06.B Use Variance: At such hearing, the applicant shall present a statement and adequate evidence in such form as the Township Board of Zoning Appeals may require. The Board of Zoning Appeals shall not grant a Use Variance unless it finds that all of the following conditions apply to the case in question:

25.06.B.1 There are special circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions were not created by the applicant.

25.06.B.2 The granting of a Variance application is necessary for the preservation and enjoyment of substantial property rights.

25.06.B.3 The granting of the application will not materially and adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be materially detrimental to the public welfare, or injurious to property or improvements in such neighborhood.

25.06.C Area Variance: The Board of Zoning Appeals shall not grant an Area Variance unless the property owner has encountered practical difficulties in the use of his/her property. The factors to be considered and weighed by the Board are:

25.06.C.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.

25.06.C.2 Whether the Variance is substantial.

25.06.C.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.

25.06.C.4 Whether the Variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage).

25.06.C.5 Whether the property owner purchased the property with knowledge of the zoning restriction.

25.06.C.6 Whether the property owner's predicament can be obviated feasibly through some method other than a Variance.

25.06.C.7 Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the Variance.

In granting any Variance under the provisions of this Section, the Board of Zoning Appeals shall designate any related conditions that, in its opinion, will substantially secure the objectives of the regulations or provisions in the application on which the Variance is granted.

25.06.D Hearing and Decision: At such hearing, the applicant shall present a statement and adequate evidence, in such form as the Township Board of Zoning Appeals may require.

Within a reasonable period of time after the public hearing the Board of Zoning Appeals shall either approve, disapprove, or approve with supplementary conditions the requested Variance.

In granting any variance under the provisions of this Section, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions as deemed necessary to secure the objectives of the standards, set forth in this Article and to carry out the general purpose and intent of this Resolution.

25.06.E Form of Application: All Applications for Use and Area Variances under this Section shall be submitted on such forms as designated and approved by the Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said Application.

Failure to comply with the terms of a Use or Area Variance shall be regarded as a violation of this Zoning Resolution, and the sanctions may include revocation of such Variance after due process.

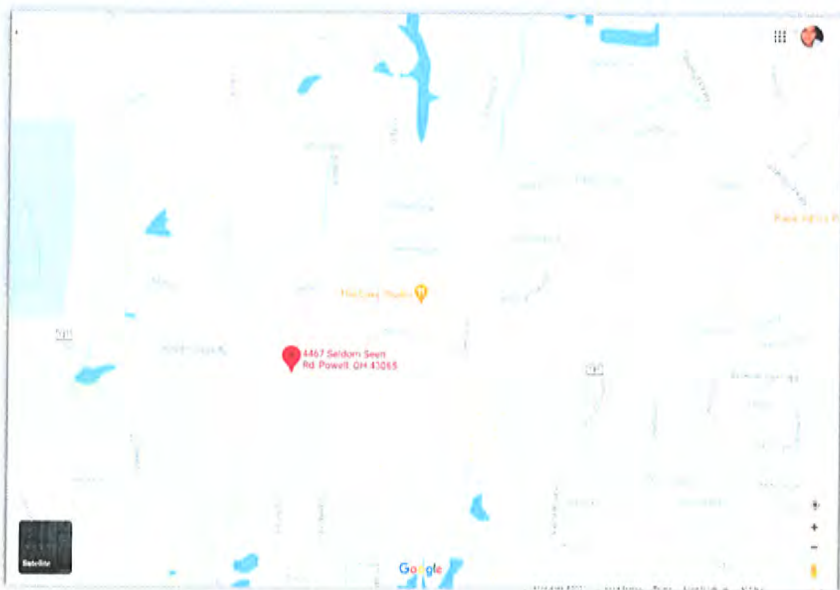
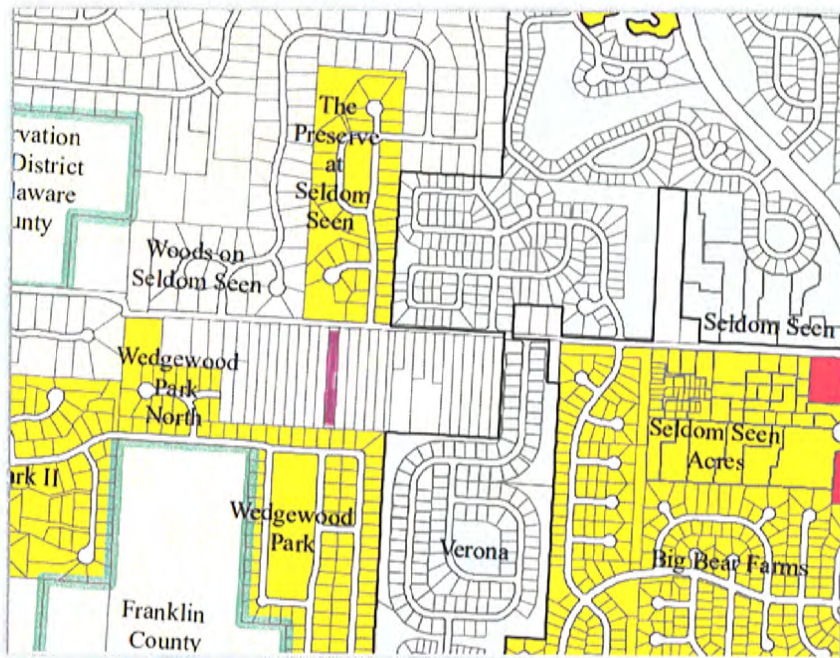
For any questions or concerns, please call the Liberty Township Zoning office at (740) 938-2010

Jessica Nieves & Aron Lau
4467 Seldom Seen Rd
Powell, OH 43065

Description of Property

4467 Seldom Seen Road is a 2-acre plot zoned FR-1. A new 3,700 square foot 2-story house was built and completed in 2018 with an approved 15-ft side setback variance. The property shape is 92 feet wide by 945 feet deep. Approximately one acre of the plot is cleared, and approximately one acre of the plot is wooded.

Property highlighted in purple



Property Owners within two hundred feet

Lauren Westlake - 4447 Seldom Seen Rd

Erin Alleman – 4433 Seldom Seen Rd

Peter Min – 4503 Seldom Seen Rd

Rob Divens – 4485 Seldom Seen Rd

Request side setback for proposed accessory building to be ten feet

Thank you for your consideration.

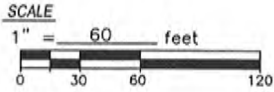
We would like to build an accessory building. The size would be 16' wide by 26' deep, and it will stand approximately 17' at its tallest point. The accessory building will provide us enough space to store our truck, tools, gardening, and homesteading equipment. Our lot is shaped like a bowling alley; the total width of our 2-acre lot is approximately 92'.

A ten-foot setback would accomplish two main goals: It will optimize our property's oddly shaped space as we plan to start a large garden, and the accessory building will not obstruct our view of nature from our house's windows. Moreover, the closest dwelling to the accessory building will be our own house (~100 feet away), thus the setback would cause minimal disruption to adjoining properties.

The current 25' side setback is very limiting in general because any structure we consider building would force us to build in the center of the property. I think most homeowners would agree that a shed or accessory building built near the edge of a property is more efficient.

Accessory building dimensions

- 1.5 story 16' x 26' structure
- 12/12 roof pitch
- 8' tall walls, peak of structure approximately 17' high



BEING LOT 9 OF CHIPPEWA PARK SUBDIVISION
(PB. 4, PG. 179), SECTION 3, TOWNSHIP 3,
RANGE 19, U.S.M.L., LIBERTY TOWNSHIP,
DELAWARE COUNTY, STATE OF OHIO.

ADDRESS OF PROPERTY: 4467 SELDOM SEEN ROAD POWELL OHIO 43065

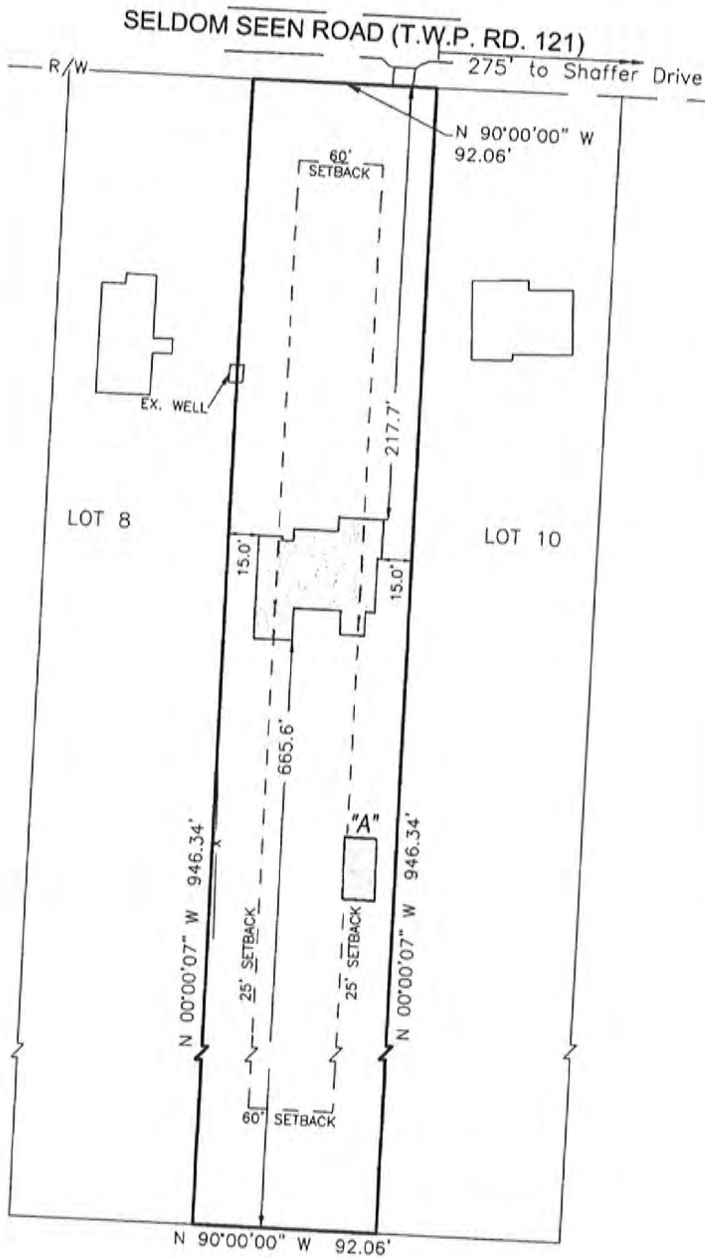
BUILDING SETBACKS

FRONT: 60' (FROM C/L)
SIDES: 25'
REAR: 60'

NOTE: NEED VARIANCE
FOR SIDE SETBACKS.

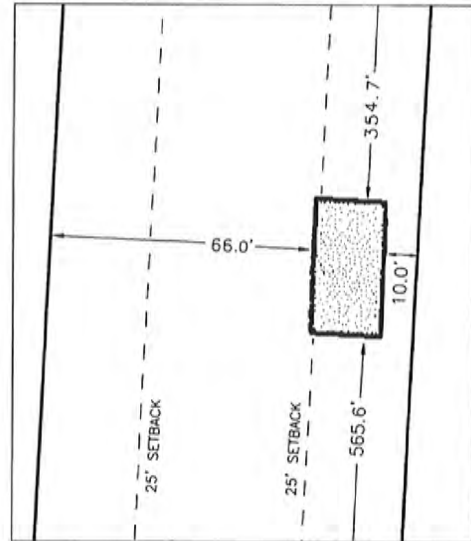
FLOOD INSURANCE NOTE:

All lots on this plat are located in flood
Zone "X" per F.E.M.A. Community Panel
NO. 39041C0236 K dated April 16, 2009



DETAIL "A":

SCALE: 1" = 30'



Sent: From: Tracey Mullenhour <gmhmk@comcast.net>
To: Wednesday, April 21, 2021 2:50 PM
Subject: Tracey Mullenhour
Re: Submission of Use and Area Variance Questions

hi Tracey,
May 4 will work for us! Thank you for checking. I don't have detailed plans on the accessory building at this point since I'm just contracting the Amish to build it. Here are two pictures that we spec'd out with the Amish. Please let me know if you need more information!

thanks,
Aron
901 428 6075



MILLIE IRENE DOZIER
4421 SELDOM SEEN RD
POWELL OH 43065

ALLEMAN @3
4433 SELDOM SEEN RD
POWELL OH 43065

WESTLAKE & AUBREY
4447 SELDOM SEEN RD
POWELL OH 43065

NIEVES K & LAU ARON YEN
HALL
4467 SELDOM SEEN RD
POWELL OH 43065

ROBERT DIVVENS
4485 SELDOM SEEN RD
POWELL OH 43065

MIN
4503 SELDOM SEEN RD
POWELL OH 43065

EMERY A
4521 SELDOM SEEN RD
POWELL OH 43065

COOK G
9030 SHAFFER DR
POWELL OH 43065

PRESERVE SELDOM
HOMEOWNERS ASSOCIATION
INC
METLER CT
POWELL OH 43065

MISURACA D & LISA L
9229 CREIGHTON DR
POWELL OH 43065

STAFFORD E & LISA K
9209 CREIGHTON DR
POWELL OH 43065

THORNTON & AMY
9189 CREIGHTON DR
POWELL OH 43065

WILLIAMS A & KARA L
9169 CREIGHTON DR
POWELL OH 43065

THOMPSON M
9149 CREIGHTON DR
POWELL OH 43065

File No.: 344933

EXHIBIT A

Situated in the County of Delaware, in the State of Ohio, and in the Township of Liberty and bounded and described as follows:

Being Lot Number Nine (9) of Chippewa Park Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 179, Recorder's Office, Delaware County, Ohio.

Parcel # 319-313-04-021-000

9/28/17

(Handwritten signature or initials)