



**LIBERTY**  
TOWNSHIP \* FOUNDED 1808

2845 Home Road, Powell, OH 43065  
Zoning Office 740-938-2010 Fax 740-938-2001  
www.libertytwp.org

APPLICATION FOR  
**DEVELOPMENT PLAN  
VARIATION**

FILE DPV# 21-40 DATE: 10-27-21  
FEES: \$600.00 RECEIPT # CR51260095  
CURRENT ZONING DISTRICT PMFR CURRENT DEVELOPMENT PLAN Hyatts Crossing

<b>SUBJECT PROPERTY</b>	ADDRESS: <u>3247 Hyatts Road</u> <u>3254 Sinatra Way</u>
	CITY/STATE/ZIP: <u>Powell, OH</u>
	SUBDIVISION: <u>Hyatt's Crossing</u> LOT #: <u>97</u> ACRES: <u>27.88</u>
	CURRENT ZONING DISTRICT: <u>PMFR</u> CURRENT USE: <u>Condominium</u>
	RANGE: <u>19</u> TOWNSHIP: <u>Liberty</u> SECTION: <u>3</u> FARM LOT(S)#: _____

<b>CURRENT PROPERTY OWNER(S)</b>	NAME: <u>Pulte Homes of Ohio LLC</u>
	ADDRESS: <u>475 Metro Place South, Suite 200</u>
	CITY/STATE/ZIP: <u>Dublin, OH 43017</u>
	TELEPHONE: <u>614-376-1656</u>
	EMAIL ADDRESS: <u>adam.pychewicz@pultegroup.com</u>

<b>DESCRIPTION OF REQUEST AND APPLICABLE CODE SECTION(S)</b>	Requesting variance to 23.5' setback at street facing facades to allow for 17' at the corner of the lot as well as 20.5' on the side yard. No house offered within this community will fit on this lot due to two sides of the lot having a 23.5' setback. The 23.5' setback will be compliant on the front of the house.

<b>SIGNATURES</b>	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><i>Adam Pychewicz</i></u>	DATE: <u>10-20-21</u>
	PROPERTY OWNER(S): _____	DATE: _____
	DEVELOPER: _____	DATE: _____

RECEIVED BY: MBR Johnson DATE: 10-27-21

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

**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.

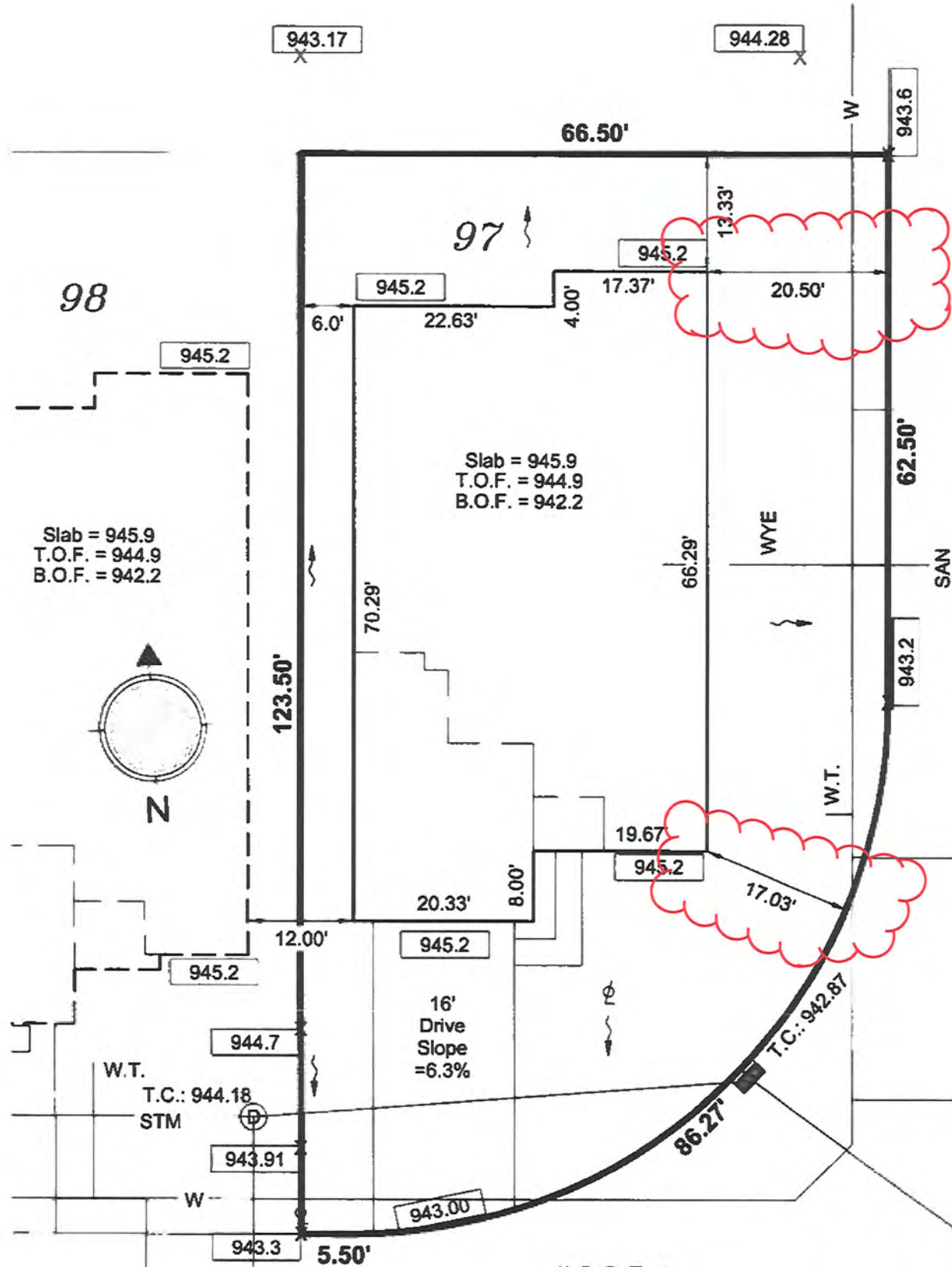
In granting any variance under the provisions of this Section, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions as deemed necessary to secure the objectives of the standards, set forth in this Article and to carry out the general purpose and intent of this Resolution.

**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**





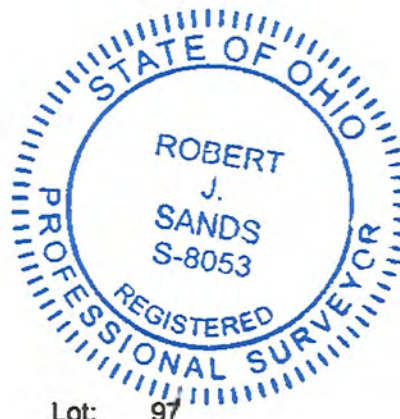
#3254  
**Sinatra Way (28' Wide)**  
 "Private Way"

Note: Field Modifications may be necessary regarding erosion and sediment control.

Zoning Officer Approval \_\_\_\_\_ Date: \_\_\_\_\_

Lot No. 97 lies in zone X (area determined to be outside the 0.2% annual chance flood plain), as determined by graphic interpolation from the flood insurance rate map (FIRM), number 39041C0230K, with an effective date of 6/17/08.

\* Elevation are per. Pulte Homes



Lot: 97  
 Hyatts Crossing

Liberty Twp., Delaware County



\* Stabilized Construction Entrance

Lot Area =	0.170	Acres
Lot Area =	7414	Sq. Feet
Structure Area =	2724	Sq. Feet
Lot Coverage =	36.7	%
Sod Area =	454	Sq. Yards
Driveway Area =	62	Sq. Yards
Approach/Walk =		Sq. Feet
Sidewalk Area =		Sq. Feet
Sanitary Lateral =	10	+/- Feet
Service Walk Area =	53	Sq. Feet



6121 Huntley Rd. Columbus, Ohio 43229  
 (614) 888-0040

*[Signature]*  
 Professional Surveyor No. 8053

Martin Ray  
 Drawn by: dg  
 Job#: 21212002

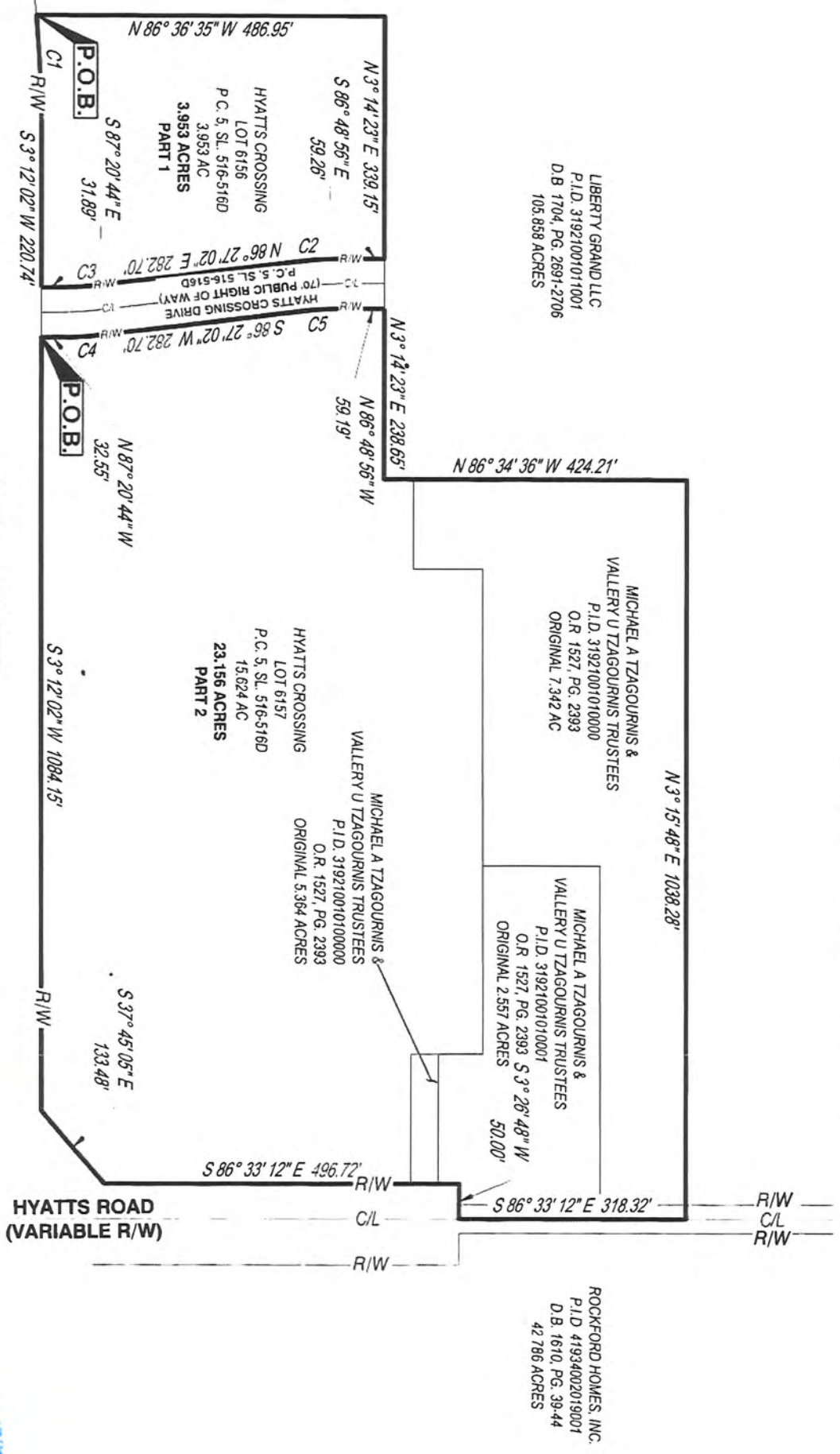
Scale: 1" = 20' Date: October, 2021





# ZONING EXHIBIT

SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE,  
TOWNSHIP OF LIBERTY,  
PART OF FARM LOT E IN SECTION 2, TOWNSHIP 3 NORTH,  
RANGE 19, UNITED STATES MILITARY LANDS



JEFFREY A. MILLER  
OHIO P.S. #7211

DATE

Curve table				
Curve	Radius	Arc Length	Chord	Delta Angle
C1	1766.95'	160.35'	S0° 36' 02" W, 160.30'	5° 11' 59"
C2	535.00'	62.88'	N89° 49' 03" E, 62.84'	6° 44' 02"
C3	415.00'	44.94'	N89° 33' 09" E, 44.91'	6° 12' 14"
C4	485.00'	52.52'	S89° 33' 09" W, 52.49'	6° 12' 14"
C5	465.00'	54.65'	S89° 49' 03" W, 54.62'	6° 44' 02"

### ZONING EXHIBIT

3.953 & 23.156 ACRES

TOWNSHIP OF LIBERTY COUNTY OF DELAWARE		STATE OF OHIO UNITED STATES MILITARY LANDS	
SCALE: 1"=200'	DATE: 10/29/2020	JOB NO.: 756363	
DESIGN: N/A		SHEET NO.: 1 OF 1	
DRAWN: ADB		W W W . C E S O I N C . C O M	
CHECKED: ALB		CEISO	

THIS EXHIBIT WAS PREPARED FROM RECORD INFORMATION FROM THE DELAWARE COUNTY ENGINEER, RECORDER, AND AUDITORS OFFICE, AND IS NOT INTENDED FOR THE TRANSFER OF REAL PROPERTY

# ZONING DESCRIPTION

3.953 Acres

Situated in the State of Ohio, County of Delaware, Township of Liberty, part of Farm Lot E in Section 2, Township 3 North, Range 19, United States Military Lands and being all of Lot 6156 of that subdivision known as Hyatt's Crossing of record in Plat Cabinet 5, Slides 516-516D, all deed references refer to the records of the recorder's office in Delaware County, Ohio and described as follows:

**Beginning** at the southeasterly corner of said lot 6156 in the westerly right-of-way line of Sawmill Parkway at a northeasterly corner of a 105.858 acre tract as conveyed to Liberty Grand LLC., of record in Official Record 1704, Pg. 2691;

Thence with the perimeter of said Lot 6156 the following courses:

North 85° 36' 35" West a distance of 486.95 feet to the southwesterly corner of said Lot 6156;

North 3° 14' 23" East a distance of 339.15 feet to the northwesterly corner of said Lot 6156 at the southwesterly corner of Hyatt's Crossing Drive;

Thence with the southerly right-of-way of said Hyatt's Crossing Drive the following courses:

South 86° 48' 56" East a distance of 59.26 feet to a point of curvature;

With a curve to the left having a central angle of 6° 44' 02", a radius of 535.00 feet, an arc length of 62.88, a chord bearing and distance of North 89° 49' 03" East, 62.84 feet to a point of tangency;

North 86° 27' 02" East a distance of 286.70 feet to a point of curvature;

With a curve to the right having a central angle of 6° 12' 14" a radius of 415.00 feet, and arc length of 44.94, a chord bearing and distance of North 89° 33' 09" East 44.91 feet to a point of tangency;

South 87° 20' 44" East a distance of 31.89 feet to the northeasterly corner of said Lot 6156 in the westerly right-of-way line of said Sawmill Parkway;

Thence with said westerly right-of-way line the following courses:

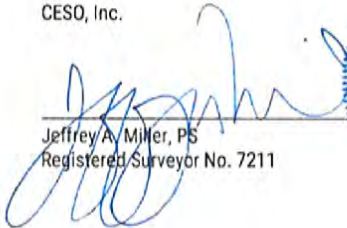
South 3° 12' 02" West a distance of 220.74 feet to a point of curvature;

With a curve to the left having a central angle of 5° 11' 59", a radius of 1766.95 feet, an arc length of 160.35, a chord bearing and distance of South 0° 36' 02" West 160.30 feet to the **Point of Beginning** and containing 3.953 acres of land, more or less.

Basis of bearing is South 3° 12' 02" West for the centerline of a portion of Sawmill Parkway as determined by GPS observations and post processed using an OPUS Solution based on NAD83 (2011) Ohio State Plane North Zone.

This description was prepared from existing records and is for zoning purposes only and is not for Deed Transfer purposes.

CESO, Inc.

  
Jeffrey A. Miller, PS  
Registered Surveyor No. 7211



Current Property Owners per Delaware County GIS data on October 20<sup>th</sup> 2021:

1. For Parcels: 3192-100-100-8000, 3192-100-101-0002, 3192100-100-9000  
Pulte Homes of Ohio, LLC.  
475 Metro Place South, Suite 200, Dublin, OH 43017