



LIBERTY  
TOWNSHIP \* FOUNDED 1888

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

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

FILE BZA# 22-14 DATE 06-23-22  
FEES \$600.00 RECEIPT # \$600 (10) 6-23-22

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>4235 Seldom Seen Rd</u>
	CITY/STATE/ZIP: <u>Powell, Ohio 43065</u>
	SUBDIVISION: <u>Chippewa Park</u> LOT #: <u>21</u> ACRES: <u>2</u>
	CURRENT ZONING DISTRICT: <u>FR-1</u> CURRENT USE: <u>Unoccupied dwelling</u>
	RANGE: <u>19</u> TOWNSHIP: <u>Liberty</u> SECTION: <u>3</u> FARM LOT(S)#: _____

CURRENT PROPERTY OWNER(S)	NAME: <u>Gerald Timothy Corbey Jr</u>
	ADDRESS: <u>2322 Manchester Rd</u>
	CITY/STATE/ZIP: <u>Toledo, Ohio 43606</u>
	TELEPHONE: <u>419-356-7618</u>
	EMAIL ADDRESS: <u>Tcorbey2322@gmail.com</u>

DESCRIPTION OF REQUEST AND APPLICABLE CODE SECTION(S)	25.06.C - area setback
	Petitioner requests the approval of an area variance allowing the construction of a primary residence.
	Liberty Township requires a 25 foot sideyard setback. With the narrow dimensions of the lot (92.06' at the widest) this would only allow for a 42' wide home, which is no longer in line with many of the new builds in the area.
	The petitioner requests a side yard setback of <del>12.5'</del> each. <u>15'</u> each.

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>Gerald T. Corbey</u>	DATE: <u>6-18-22</u>
	PROPERTY OWNER(S): <u>Eric Hayetsky</u>	DATE: <u>6/22/22</u>
	DEVELOPER: _____	DATE: _____

RECEIVED BY: Eric Hayetsky DATE: 6/23/22

<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>
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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.

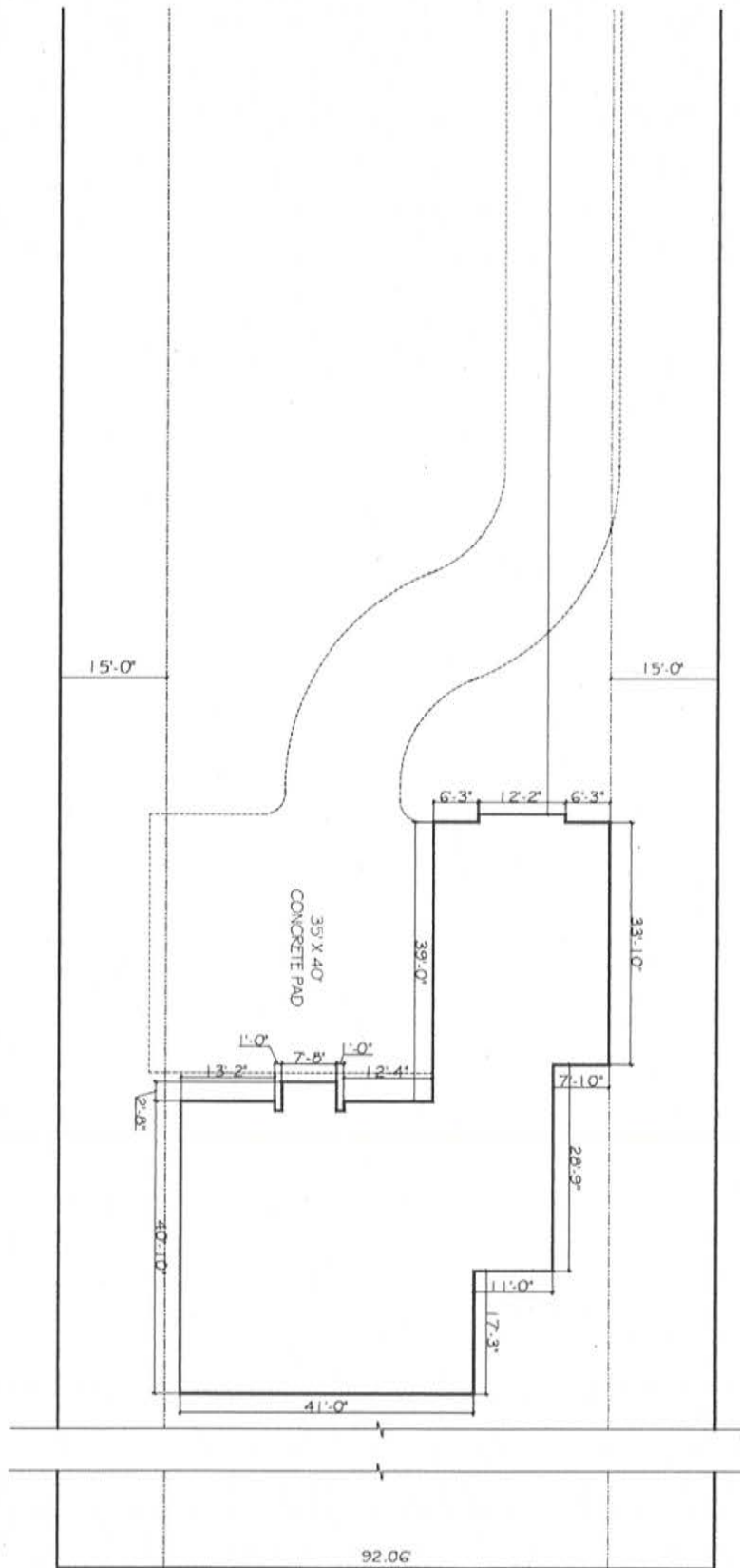
In granting any variance under the provisions of this Section, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions as deemed necessary to secure the objectives of the standards, set forth in this Article and to carry out the general purpose and intent of this Resolution.

**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**





92.06

15'-0"

15'-0"

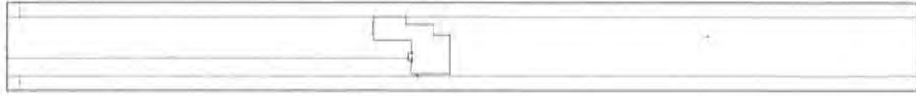
6'-0"

303'-11"

946.34

946.34

SCALE: 1/16" = 1'-0"



- 1/4" Scale
- 1/8" Scale
- 1/2" Scale
- 3/4" Scale
- 1" Scale

**Corbey Residence**  
 Street Address  
 City, State, Zip

**Preliminary Site Plan**

**Memmer Homes, Inc.**  
 3066 North Hampton Drive  
 Powell, Ohio 43065  
 Phone: 614-754-2483



DATE: 11/11/11  
 DRAWN BY: J. J. J.  
 CHECKED BY: J. J. J.  
 PROJECT NO: 11111111

Sheet # 1 of 1



**FRONT ELEVATION**

- 1/4" Scale
- 1/8" Scale
- 1/2" Scale
- 3/4" Scale
- 1" Scale

**Corbey Residence**  
 Street Address  
 City, State, Zip

**Elevations**

**Memmer Homes, Inc.**  
 3066 North Hampton Drive  
 Powell, Ohio 43065  
 Phone: 614-754-2483



DATE: 11/11/11  
 DRAWN BY: J. J. J.  
 CHECKED BY: J. J. J.  
 PROJECT NO: 11111111

Sheet # 2 of 2



**LEFT ELEVATION**

Sheet 1 of 2



REAR ELEVATION



FRONT ELEVATION



Corbey Residence  
Street Address  
City, Ohio Zip  
Elevations

**Memmer Homes, Inc.**  
 2894 North Hampton Drive  
 Powell, Ohio 43065  
 Phone: 614-735-2383

Sheet # 1

Sheet 2 of 2



REAR ELEVATION



FRONT ELEVATION



Corbey Residence  
Street Address  
City, Ohio Zip  
Elevations

**Memmer Homes, Inc.**  
 2894 North Hampton Drive  
 Powell, Ohio 43065  
 Phone: 614-735-2383

Sheet # 2



FIRST FLOOR  
1/8" = 1'-0"

- Hatched
- Stairs
- Glass

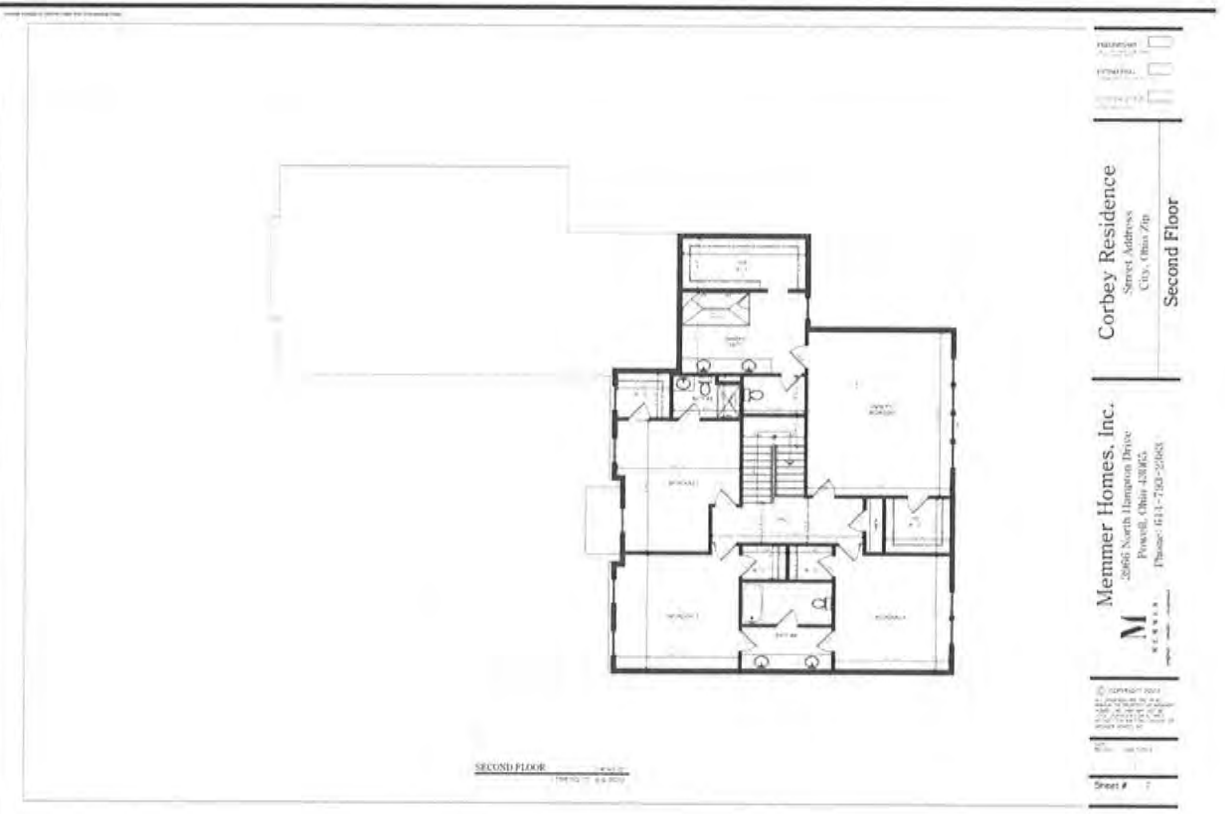
**Corbey Residence**  
 Street Address  
 City, Ohio Zip

**Memmer Homes, Inc.**  
 2866 North Hampton Drive  
 Powell, Ohio 43065  
 Phone: 614-753-2563



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Sheet # 1



SECOND FLOOR  
1/8" = 1'-0"

- Hatched
- Stairs
- Glass

**Corbey Residence**  
 Street Address  
 City, Ohio Zip

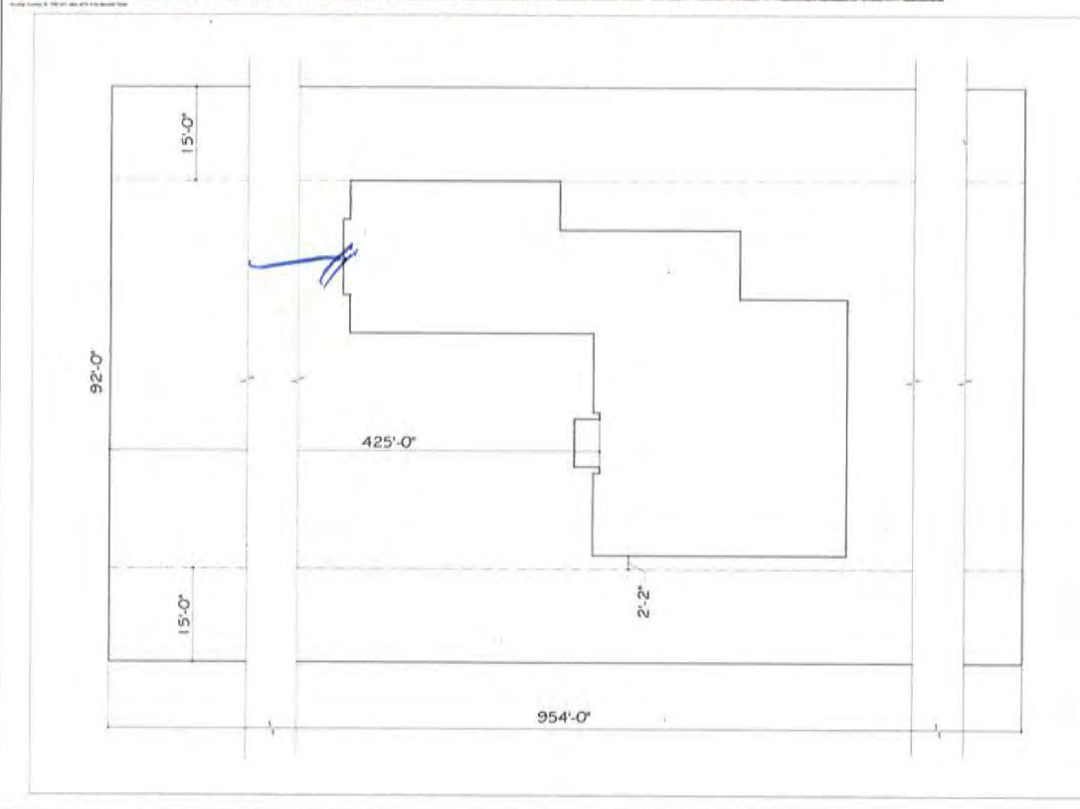
**Memmer Homes, Inc.**  
 2866 North Hampton Drive  
 Powell, Ohio 43065  
 Phone: 614-753-2563



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Sheet # 2





<p><b>Memmer Homes, Inc.</b> 20865 North Thompson Drive Powell, Ohio 43065 Phone: 614-753-2300</p>	<p><b>Corbey Residence</b> Street Address City, Ohio Zip <b>Preliminary Site Plan</b></p>
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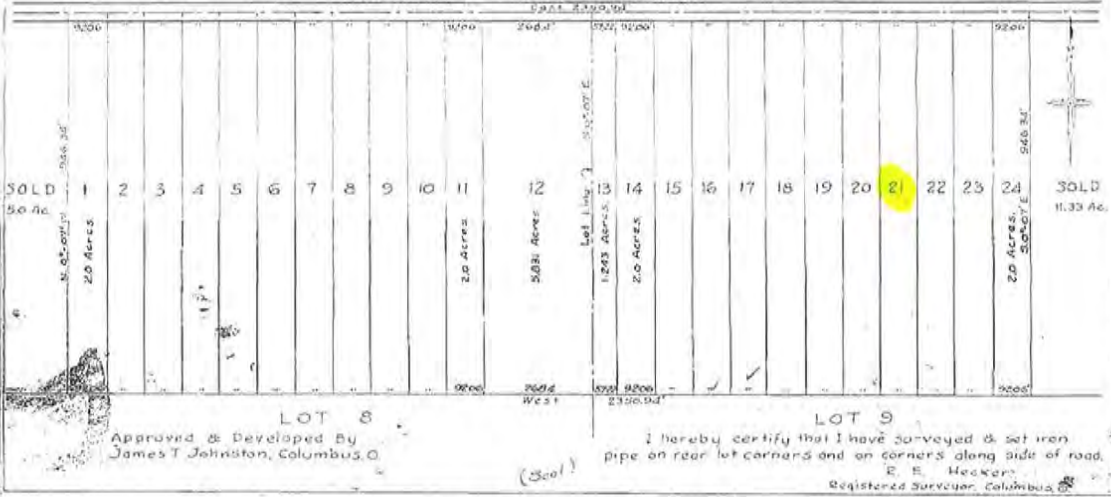


457499

CHIPPEWA PARK SUBDIVISION

Sec. 3, Twp. 3, Rg. 13, U. S. M. Lands.  
 Liberty Twp - Delaware Co., Ohio  
 Scale 1" = 200'

SELDON SEEN ROAD 40'



I, the undersigned, James T. Johnston, do hereby certify that the annexed plat correctly represents my CHIPPEWA PARK SUBDIVISION, '15 being situated in the County of Delaware, State of Ohio and Township of Liberty and being parts of Lots 8 and 9 of Section 3, Township 3 Range 13, U. S. Military Lands and being 21.000 Acs. more or less of a 21.000 Acs. tract, which was conveyed to me by deed shown of record in Deed Book 209, Page 541, Records Office, Delaware County, Ohio. The dimensions of Lots and Road are shown on the attached plat in feet and decimal parts thereof. Depth and frontage measurements, were made to and on the center line of Seldon Seen Road.

J. A. Saxon  
 Notary Public  
 Ainsie Dastin

Witnesseth

James T. Johnston  
 Iva M. Johnston

STATE OF OHIO  
 COUNTY OF DELAWARE ss

Before me, a Notary Public in and for said County, personally came the above named James T. Johnston and Iva M. Johnston his wife, who acknowledged the signing of the foregoing certificate to be their voluntary act and deed, for the purposes and uses therein dedicated.

In testimony whereof, I have hereunto set my hand and affixed my Notarial Seal this 22nd day of Sept. 1945.

(Seal) L. W. Redmond, Notary Public  
 Delaware Co., O.  
 My Com. Expires Apr. 30, 1946

Approved this 22nd day of Sept. 1945

Lot D. Jones  
 Delaware County Engineer

Approved and accepted this 24th day of September 1945 and Seldon Seen Road, if not heretofore dedicated to public use is hereby accepted as such for the County of Delaware, State of Ohio.

S. H. Miller  
 Paul Rowlands  
 Carroll Conklin  
 Commissioners, Delaware Co., O.

Transferred this 26 day of Sept. 1945

J. A. Saxon  
 Auditor, Delaware County, Ohio  
 Filed for record this 27 day of September 1945 at 2:00 P.M.  
 Recorded this 2nd day of October 1945 in Plat Book 4, Page 179.  
 Fee 45.00

J. G. Thompson  
 Recorder, Delaware County, O.

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

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 Twenty-One (21) in CHIPPEWA PARK SUBDIVISION, as numbered and delineated on the record plat thereof, of record in Plat Book 4, Page 179, Recorder's Office, Delaware County, Ohio.

Parcel Number: 319-313-04-006-000

DESCRIPTION APPROVED  
3/31/21 FOR TRANSFER  
Chris Bauserman  
Delaware County Engineer

**Property owners within 200 feet of exterior boundaries**

Margaret White	4193 Seldom Seen Rd	(Parcel# 31931304003000)
Kayleigh Rice	4201 Seldom Seen Rd	(Parcel# 31931304004000)
Unlisted	4211 Seldom Seen Rd	(Parcel# 31931304005000)
Gerald Corbey Jr	4253 Seldom Seen Rd	(Parcel# 31931304007000)
Gerald Corbey III	4273 Seldom Seen Rd	(Parcel# 31931304008000)
Dave Thomas	4289 Seldom Seen Rd	(Parcel# 31931304009000)
Richard Rinsma	4315 Seldom Seen Rd	(Parcel# 31931304010000)
Arora Mohit	9009 Bakircay Ln	(Parcel# 31931305026000)
Maniar Pravin	9010 Bakircay Ln	(Parcel# 31931307001000)
Jennifer Wilson	8990 Bakircay Ln	(Parcel# 31931307002000)
Joseph Culver	9078 Francine Ln	(Parcel# 31931307009000)
Daniel Caskey	9070 Francine Ln	(Parcel# 31931307010000)
Robin Dever	9058 Francine Ln	(Parcel# 31931307011000)
Verona LLC	9051 Advocet Dr	(Parcel# 31931610035000)
Verona LLC	9249 Advocet Dr	(Parcel# 31931610025000)
M&M 0410 LLC	9259 Advocet Dr	(Parcel# 31931610024000)
Kyle Takavitz	9269 Advocet Dr	(Parcel# 31931610023000)
Jeffrey Blind	9279 Advocet Dr	(Parcel# 31931610022000)
David Eckert	9285 Waterford Dr	(Parcel# 31931610021000)
Daniel Borsky	9287 Waterford Dr	(Parcel# 31931610020000)