



CITY OF BELLBROOK

APPLICATION FOR ZONING VARIANCE

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305

(937) 848-4666 WWW.CITYOFBELLBROOK.ORG

DATE RECEIVED 2 / 26 / 24

STAFF USE APPLICATION # BZA 24-01

APPLICANT INFORMATION

PROPERTY OWNER Scott Nagy PHONE NUMBER 937-304-9426
 OWNER ADDRESS 1912 Sugar Maple Place, Bellbrook, OH 45305
 APPLICANT NAME Scott & Jamie Nagy PHONE NUMBER 937-304-9426
 APPLICANT ADDRESS 1912 Sugar Maple Place, Bellbrook, OH 45305
 APPLICANT EMAIL nagyfam7@gmail.com

REQUEST INFORMATION

PROPERTY ADDRESS 1912 Sugar Maple Place, Bellbrook ZONING DISTRICT PD-1
 SUBDIVISION Highview Terrace LOT NUMBER 22A PARCEL ID L35000100030014000
 DESCRIBE THE GENERAL NATURE OF THE VARIANCE We request a variance that allows an auto-cover (meets all ASTM requirements) over a swimming pool as an approved additional horizontal barrier - in conjunction with our existing vertical four-foot fence to meet zoning requirements.

SEE THE REVERSE OF THIS PAGE FOR ADDITIONAL INFORMATION TO BE INCLUDED WITH AN APPLICATION FOR ZONING VARIANCE.

I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL FOR ANY ADMINISTRATIVE REVIEW, CONDITIONAL USE PERMIT, VARIANCE, OR EXCEPTION FROM ANY OTHER CITY REGULATIONS WHICH ARE NOT SPECIFICALLY THE SUBJECT OF THIS APPLICATION. I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL OF A BUILDING OCCUPANCY PERMIT. I UNDERSTAND FURTHER THAT I REMAIN RESPONSIBLE FOR SATISFYING REQUIREMENTS OF ANY PRIVATE RESTRICTIONS OR COVENANTS APPURTENANT TO THE PROPERTY.

I CERTIFY THAT I AM THE APPLICANT AND THAT THE INFORMATION SUBMITTED WITH THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT THE CITY IS NOT RESPONSIBLE FOR INACCURACIES IN INFORMATION PRESENTED, AND THAT INACCURACIES MAY RESULT IN THE REVOCATION OF THIS ZONING CERTIFICATE AS DETERMINED BY THE CITY. I FURTHER CERTIFY THAT I AM THE OWNER OR PURCHASER (OR OPTION HOLDER) OF THE PROPERTY INVOLVED IN THIS APPLICATION, OR THE LESSEE OR AGENT FULLY AUTHORIZED BY THE OWNER TO MAKE THIS SUBMISSION.

I CERTIFY THAT STATEMENTS MADE TO ME ABOUT THE TIME IT TAKES TO REVIEW AND PROCESS THIS APPLICATION ARE GENERAL. I AM AWARE THAT THE CITY HAS ATTEMPTED TO REQUEST EVERYTHING NECESSARY FOR AN ACCURATE AND COMPLETE REVIEW OF MY PROPOSAL; HOWEVER, AFTER MY APPLICATION HAS BEEN SUBMITTED AND REVIEWED BY CITY STAFF, I UNDERSTAND IT MAY BE NECESSARY FOR THE CITY TO REQUEST ADDITIONAL INFORMATION AND CLARIFICATION.

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT ALL THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.

APPLICANT SIGNATURE Scott Nagy DATE 2 / 26 / 24

OFFICE USE ONLY			
APPLICATION FEE	PAYMENT TYPE		REVIEW AUTHORITY
\$ <u>250.00</u>	CASH	CHECK <input checked="" type="checkbox"/> # <u>1331</u>	ADMINISTRATIVE, BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS	MEETING DATE <u>3</u> / <u>19</u> / <u>24</u>	APPROVED	DENIED	CONDITIONS	

APPLICATION FOR ZONING VARIANCE

OCTOBER 2017

AMENDING THE ZONING CODE

A. PROCEDURES AND REQUIREMENTS FOR VARIANCES (ZONING CODE 20.13)

TO VARY THE STRICT APPLICATION OF ANY OF THE REQUIREMENTS OF THIS ORDINANCE IN THE CASE OF EXCEPTIONALLY IRREGULAR, NARROW, SHALLOW OR DEEP LOTS, OR OTHER EXCEPTIONAL PHYSICAL CONDITIONS, WHEREBY SUCH STRICT APPLICATION WOULD RESULT IN PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP - NOT ECONOMIC IN NATURE – THAT WOULD DEPRIVE THE OWNER OF REASONABLE USE OF THE LAND OR BUILDING INVOLVED BUT IN NO OTHER CASE. THE FACT THAT ANOTHER USE WOULD BE MORE PROFITABLE IS NOT A VALID BASIS FOR LEGALLY GRANTING A VARIANCE. NO NONCONFORMING USE OF NEIGHBORING LANDS, STRUCTURES, OR BUILDINGS IN THE SAME DISTRICT, AND NO PERMITTED USE OF LANDS, STRUCTURES OR BUILDINGS IN OTHER DISTRICTS SHALL BE CONSIDERED GROUNDS FOR THE ISSUANCE OF A VARIANCE. THE VARIANCE REQUESTED SHALL NOT ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY, NOR BE IN CONFLICT WITH THE COMPREHENSIVE MASTER PLAN. IN MAKING THIS DETERMINATION, THE BOARD OF ZONING APPEALS SHALL BE ADVISED BY THE RECOMMENDATION OF THE PLANNING BOARD. IN CASES INVOLVING PROPERTIES SITUATED WITHIN THE VILLAGE DISTRICT, AS DEFINED BY ARTICLE 14, SECTION 14.02 OF THE BELLBROOK ZONING CODE, THE VILLAGE REVIEW BOARD SHALL, WHEN POSSIBLE, MAKE A RECOMMENDATION TO THE BOARD OF ZONING APPEALS REGARDING THE DISPOSITION OF THE VARIANCE REQUEST.

B. APPLICATION AND STANDARDS FOR VARIANCES (ZONING CODE 20.13.2)

A VARIANCE FROM THE TERMS OF THIS ORDINANCE SHALL NOT BE GRANTED BY THE BOARD OF ZONING APPEALS UNLESS AND UNTIL A WRITTEN APPLICATION FOR A VARIANCE IS SUBMITTED TO THE ZONING INSPECTOR AND THE BOARD OF ZONING APPEALS CONTAINING:

- a) NAME, ADDRESS AND PHONE NUMBER OF APPLICANTS;
- b) LEGAL DESCRIPTION OF PROPERTY; AND A SITE PLAN BASED ON AN ACCURATE SURVEY SHOWING EXISTING AND/OR FUTURE BUILDING LOCATIONS AND THE LOCATIONS OF BUILDINGS ON ADJACENT PROPERTIES. THIS SITE PLAN SHOULD BE PREPARED BY A REGISTERED SURVEYOR ATTESTING TO THE ACCURACY OF SAME;
- c) DESCRIPTION OF NATURE OF VARIANCE REQUESTED;
- d) VARIANCES FROM THE TERMS OF THE ZONING ORDINANCE SHALL BE GRANTED ONLY WHERE THE PROPERTY OWNER SHOWS THAT THE APPLICATION OF A ZONING REQUIREMENT TO THE PROPERTY IS INEQUITABLE CAUSING THE PROPERTY OWNER PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY. FACTORS TO CONSIDER INCLUDE, BUT ARE NOT LIMITED TO:
 - 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; 2) WHETHER THE VARIANCE IS SUBSTANTIAL;
 - 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;
 - 4) WHETHER THE VARIANCE WOULD ADVERSELY AFFECT THE DELIVERY OF GOVERNMENTAL SERVICES SUCH AS WATER, SANITARY SEWER OR GARBAGE REMOVAL;
 - 5) WHETHER THE PROPERTY OWNER PURCHASED THE PROPERTY WITH KNOWLEDGE OF THE ZONING RESTRICTION;

- 6) WHETHER THE PROPERTY OWNER'S PREDICAMENT FEASIBLY CAN BE OBIATED THROUGH SOME METHOD OTHER THAN A VARIANCE; AND
- 7) WHETHER THE SPIRIT AND INTENT BEHIND THE ZONING REQUIREMENT WOULD BE OBSERVED AND SUBSTANTIAL JUSTICE DONE BY GRANTING THE VARIANCE. THE BOARD SHALL DETERMINE, AFTER AND WEIGHING THE FACTORS DESCRIBED ABOVE AND ANY OTHER FACTORS THE BOARD DEEMS RELEVANT, WHETHER THE PROPERTY OWNER HAS SHOWN PRACTICAL DIFFICULTIES SO INEQUITABLE AS TO JUSTIFY GRANTING A VARIANCE TO THE PROPERTY OWNER.

C. THE BOARD ASKS THE APPLICANT TO ANSWER ITEMS 1-7 ABOVE IN WRITING TO BE INCLUDED WITH THIS APPLICATION.

APPLICATION FOR ZONING VARIANCE

OCTOBER 2017