

Variance Application
FAIRFIELD TOWNSHIP
BOARD OF ZONING APPEALS
6032 Morris Road
Fairfield Township, OH 45011
(513) 887-4400

FOR OFFICE USE ONLY

Case No. FTZA23-2V
Date Filed 12-18-23 Fees 350.00
FTZA Meeting Date 1-25-2024
Newspaper Journal

PLEASE PROVIDE NINE COPIES OF THIS FORM AND ALL MATERIALS

PROPERTY LOCATED AT: 3065 Foxhound Dr. Fairfield Twp, Oh 45011

PARCEL IDENTIFICATION NUMBER: A0300131000065

APPLICANT INFORMATION

APPLICANT: Larry and Gayle Mlakar

MAILING ADDRESS: 3065 Foxhound Dr. Fairfield Twp, Oh 45011

PHONE: 216-533-5545

PROPERTY OWNER: Larry and Gayle Mlakar

MAILING ADDRESS: 3065 Foxhound Dr. Fairfield Twp, Oh 45011

PHONE: 216-533-5545

CONTACT PERSON: Larry Mlakar

MAILING ADDRESS: 3065 Foxhound Dr. Fairfield Twp, Oh 45011

PHONE: 216-533-5545

VARIANCE INFORMATION

A. I hereby request the Board of Zoning Appeals to grant a variance(s) from Section(s)

10.7


B. Please describe generally each variance requested.

Respectfully requesting a variance to have a sunroom built on an existing patio that has a pergola.
Current patio and pergola have a footprint of 12' out, 16' wide and sunroom will be the exact same
dimension. Pergola will be removed and sunroom will be professionally installed by licensed
builder, Better Living Sunrooms. House is approximately 42' from back boundary so we request
a variance of 10' into setback. If sunroom is approved 30' to back property line remains. The back
property line is heavily landscaped with mature trees.

- C. Please state the zoning district(s) of the property: R-2
- D. For **each** variance requested, please complete the attached form "Exhibit A" (located in the application)
- E. Please provide nine copies of the following:
- a. List of adjacent property owners. Attached 1
 - b. Tax map with subject property highlighted Attached 2
 - c. Legal description of the property. Attached 2
 - d. Site plan showing the parcel and proposed use of the property. Attached 3
- F. Please enclose application fee. Enclosed

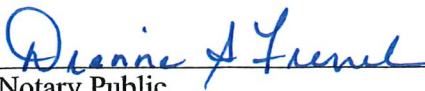
AFFIDAVIT

I hereby depose and affirm that I have familiarized myself with the rules and regulations of the Fairfield Township Zoning Resolution in preparing this application. I certify that I have read the foregoing document and supplements attached thereto, and hereby attest to the truth and exactness of the information supplied herewith.


Applicant

STATE OF OHIO
COUNTY OF Butler

Subscribed and sworn to before me this 18 day of December, 20 23.


Notary Public

My commission expires 12-28-2023

Fairfield Township Zoning/Administration acknowledgement of receipt.

Signature

Title


Date

PROPERTY OWNERS AFFIDAVIT

**STATE OF OHIO
COUNTY OF BUTLER**

I (we) Larry and Gayle Mlakar

Hereby certify that we are all of the owners and of the real estate which is subject of the pending zoning application; that we hereby consent to the Zoning Appeals Board acting on my/our request for the subject real estate. I/we understand that our application will be considered and processed in accordance with the regulations as set forth by the Fairfield Township Zoning Department and Zoning Resolution; that we agree to accept, fulfill, and abide by those regulations and all stipulations and conditions attached to the decision by the Zoning Appeals Board. As owner(s) of the real estate which is the subject of the pending zoning application, I hereby consent to the Fairfield Township Zoning Department temporarily placing a sign advertising the zoning request on the subject property. The statements and attached exhibits are in all respects true and correct to the best of my/our knowledge and belief.


Signature

Larry Mlakar Gayle Mlakar
Printed Name

3065 Foxhound Dr
Mailing Address

Fairfield, Oh 45011
City, State, Zip Code

216-533-5545
Telephone

Subscribed and sworn before me this 18 day of December 20 23.


Notary Public



DIANNE FRENCH
Notary Public, State of Ohio
My Commission Expires
December 28, 2023

Exhibit A

Please describe how the variance requested conforms to standards stated in Section 431.5(a-g) set forth below (a response to each of the subsections 431.5 (a-g) must be provided for each variance requested, additional sheets and/or additional copies of this page may be used).

Section to which a variance is requested: 10.7

431.5.a. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Resolution on the district in which it is located and shall not be injurious to the area or otherwise detrimental to the public welfare.

Granting this variance accords with the intent and purpose of established zoning ordinance of Fairfield Twp.
and will not be detrimental to the neighborhood or neighbors nor be detrimental to public welfare. Sunroom
is glass paneled and will have the exact footprint of existing patio and pergola. It will not hinder other
property owners view more than the existing pergola.

431.5.b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.

Sunrooms of this exact nature are approved in Fairfield Township, Ohio including multiple sunrooms
on this street and neighborhood.

431.5.c There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.

Property owner, Gayle Mlakar, is a leukemia survivor and due to chemotherapy and radiation treatments
suffers from a compromised immune system and vitamin D deficiency. Due to the severity of her cancer,
she is more susceptible to airborne toxins and pollutants, and per doctors recommendations, needs to limit
her exposure. Due to this medical condition, she is deprived from the use of her backyard. Having an enclosed
sunroom with a HEPA filter will allow her to enjoy her backyard safely and receive Vitamin D without exposure.

-Proof of Gayle's Leukemia treatment at The Cleveland Clinic can be provided on request.

431.5.d. There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Resolution; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.

If this variance is not approved, Gayle Mlakar will not be able to safely enjoy her backyard due to her cancer treatment. Approving this variance will allow Gayle to have a safe space to enjoy her backyard and receive vitamin D.

431.5.e The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.

Due to Gayles' ADA protected medical issue, this is the minimum variance that will allow her to enjoy her backyard safely.

431.5.f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

The proposed variance will not impair light or air to neighbors, increase congestion or create any sort of safety issue nor impair property values of neighbors.

431.5.g. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

Per the Americans with Disability Act, accommodations due to protected medical condition can never be inferred as a special privilege. <https://www.ada.gov/>

ARTICLE 10**R-2 SINGLE-FAMILY RESIDENCE DISTRICT**

10.1 **PURPOSE.** The intent of the R-2 Single-Family Residence District is to reserve certain land areas for one-family homes on lots containing a minimum of nine thousand (9,000) square feet. These areas will constitute area of sound residential development at medium densities.

10.2 **PRINCIPAL PERMITTED USES.**

10.2.1 One-family detached dwellings, including approved modular housing.

10.2.2 Schools and colleges located not less than fifty (50) feet from any lot in any R-District or a recorded residential subdivision.

10.2.3 Neighborhood and community park land, open space; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in an R-District or a recorded residential subdivision.

10.3 **CONDITIONAL USES REQUIRING BOARD APPROVAL.** These conditional uses are subject to the additional regulations found in sections 26.41 and 26.5 of this code.

10.3.1 Country clubs, golf courses and other recreation areas and facilities including swimming pools.

10.3.2 Nursery schools and child care centers.

10.3.3 Hospitals, religious or charitable institutions not including penal or corrective institution.

10.3.4 Cemeteries.

10.3.5 Home occupations as regulated in Section 26.

10.3.6 Public Buildings of administrative, cultural, recreational or service type.

10.3.7 Group Homes.

10.3.8 Nursing homes.

10.3.9 Living quarters of persons employed on the premises, not rented or otherwise used as a separate dwelling.

10.3.10 Churches and other similar places of worship.

10.4 **ACCESSORY USES.** Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, including:

10.4.1 A private garage or parking lot.

10.4.2 Temporary real estate, political and small announcement signs subject to the provisions specified in section 23.2.

10.4.3 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.

10.5 **KEEPING OF ANIMALS.** The keeping of up to four (4) animals customarily considered as house pets shall be allowed provided that such animals are no vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, not shall these regulations prohibit the keeping of any number of fish in aquarium.

10.6 REQUIRED CONDITIONS.

10.6.1 Height Regulations: No principal structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height and no accessory structure shall exceed one and one-half (1 1/2) stories or twenty (20) feet in height, except as provided in Section 24.3.

10.6.2 STREET LIGHTS: SEE SECTION 6.21.

10.6.3 Sidewalks required both sides.

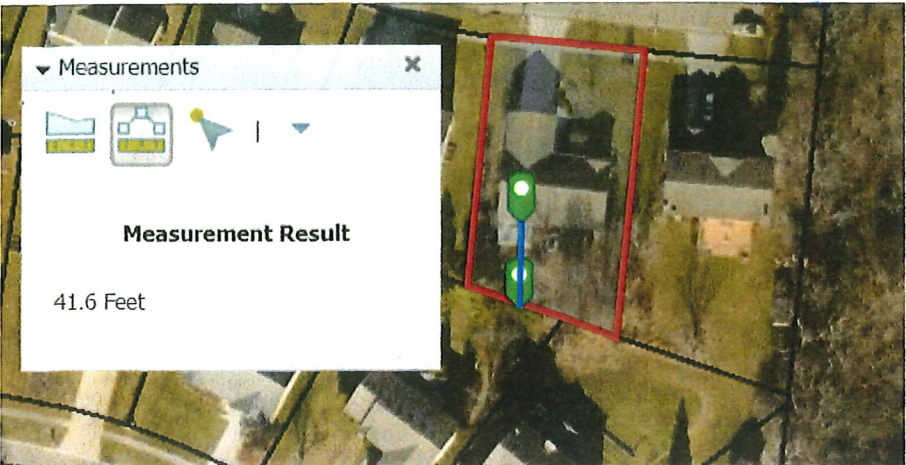
10.7 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed; except; except as modified by provisions of Article 24.

R-2 SUBURBAN RESIDENTIAL DISTRICT

Lot Areas	Lot Frontage	Front Yard Depths	Side Yard Widths		Rear Yard Depth	Lot Coverage
			One	Both		
Single-family dwellings 9,000 sq. ft (1).	75 ft.	30 ft.	8 ft.	20 ft.	40 ft.	40%
Other permitted uses 20,000 sq. ft.	100 ft.	30 ft.	30 ft.	45 ft.	45 ft.	40%

(1) See subsection 24.4





Measurements



Measurement Result

41.6 Feet

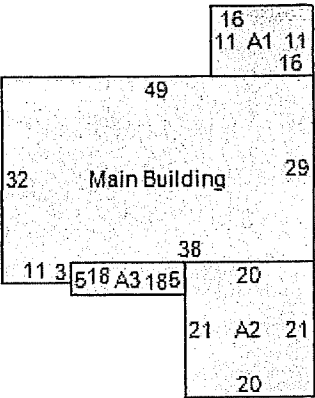


Measurements



Measurement Result

29 Feet



Item	Area
Main Building	1454
A1 - 33:CONC/BRICK PATIO	176
A2 - 13:FRAME GARAGE	420
A3 - 35:MAS STOOP/TERRACE	90

PARID: A0300131000065
MLAKAR GAYLE

3065 FOXHOUND DR

Parcel

Parcel Id	A0300131000065
Address	3065 FOXHOUND DR
Building/Unit #	
Class	RESIDENTIAL
Land Use Code**	510 R - SINGLE FAMILY DWELLING, PLATTED LOT
Neighborhood	R0070005
Total Acres	.2232
Taxing District	A03
District Name	FAIRFIELD TWP-FRFLD CSD-FFD #2
Gross Tax Rate	92.49
Effective Tax Rate	53.769961
Non Business Credit	.08787
Owner Occupied Credit	.021967

****Land Use Code is for Auditor assessment purposes only. It is not a true representation of legal zoning designation. For more information on zoning and legal property usage, please contact the local zoning department.**

Dwelling

Year Built	1999
Stories	1
Construction	ALUM/VINYL
Basement	FULL
Bedrooms	3
Full Baths	2
Half Baths	0
Above Grade Living Area (Sq. Ft.)	1,454
Finished Basement (Sq. Ft.)**	0
Total Living Area (Sq. Ft.)	1,454

****Finished Basement may be an estimate.**

****TENTATIVE 2023 VALUE****

Parcel Identifier	2023 Value
A0300131000065	\$240,540

****Value does not include 2023 new construction.**

Current Value

Land (100%)		\$31,120
Building (100%)		\$146,940
Total Value (100%)		\$178,060
CAUV		\$0
Assessed Tax Year	2022	
Land (35%)		\$10,890
Building (35%)		\$51,430
Assessed Total (35%)		\$62,320

Incentive District Parcels What is this?

Parcel identifier	Value Type	value
A0300131000065	Base Parcel	178,060
	Total Value	178,060

Homestead Credits How do I qualify?

Owner Occupied Credit	YES
Disabled Veteran Exemption	NO
Homestead Exemption	YES

CAUV & Agricultural District What is this?

CAUV	NO
Agricultural District	NO

Owner and Legal *Future ?*

Owner 1	MLAKAR GAYLE
Owner 2	
Legal 1	6188 ENT HUNTERS TRACE PH III
Legal 2	
Legal 3	
Future	

Taxbill Mailing Address Can I change my mailing address?

Mailing Name 1	LARRY AND GAYLE MLAKAR
Mailing Name 2	
Address 1	3065 FOXHOUND DR
Address 2	
Address 3	HAMILTON OH 45011 6519

Transfers *(Date represents time of transfer)*

Date	Sale Amount
26-SEP-2022	\$275,000
20-NOV-2012	
19-MAY-1999	\$135,000

Transfers *(Date represents time of transfer)*

Date	Type	Sale Amount	Trans #	Seller	Buyer
26-SEP-2022	LAND & BUILDING	\$275,000.00	73950	GUDORF TED TR	MLAKAR GAYLE
20-NOV-2012			10418	GUDORF DAVID L &	GUDORF TED TR
19-MAY-1999	LAND & BUILDING	\$135,000.00	3708	HARRIS CUSTOM HOMES INC	GUDORF DAVID L &
16-OCT-1998	LAND	\$26,900.00	7992	DHR INC	HARRIS CUSTOM HOMES INC

Building

Card	1
Stories	1
Construction	ALUM/VINYL
Style	RANCH
Attic	NONE
Basement	FULL
Basement Garage # of Cars	
Year Built	1999
Effective Year	
Year Remodeled	
Total Rooms	7
Bedrooms	3
Full Baths	2
Half Baths	0
Rec Room (Sq. Ft. not included in living area calculation)	0
WBFP Stacks	
Fireplace Openings	
Prefab Fireplace	
Heat System	AIR CONDITIONING
Fuel Type	GAS
Above Grade Living Area (Sq. Ft.)	1,454
Finished Basement (Sq. Ft.)**	0
Total Living Area (Sq. Ft.)	1,454

****Finished Basement may be an estimate.**

Factors

Topography 1	LEVEL
Topography 2	
Topography 3	
Utility 1	ALL PUBLIC
Utility 2	NONE
Utility 3	NONE
Traffic 1	LIGHT
Fronting	RESIDENTIAL STREET

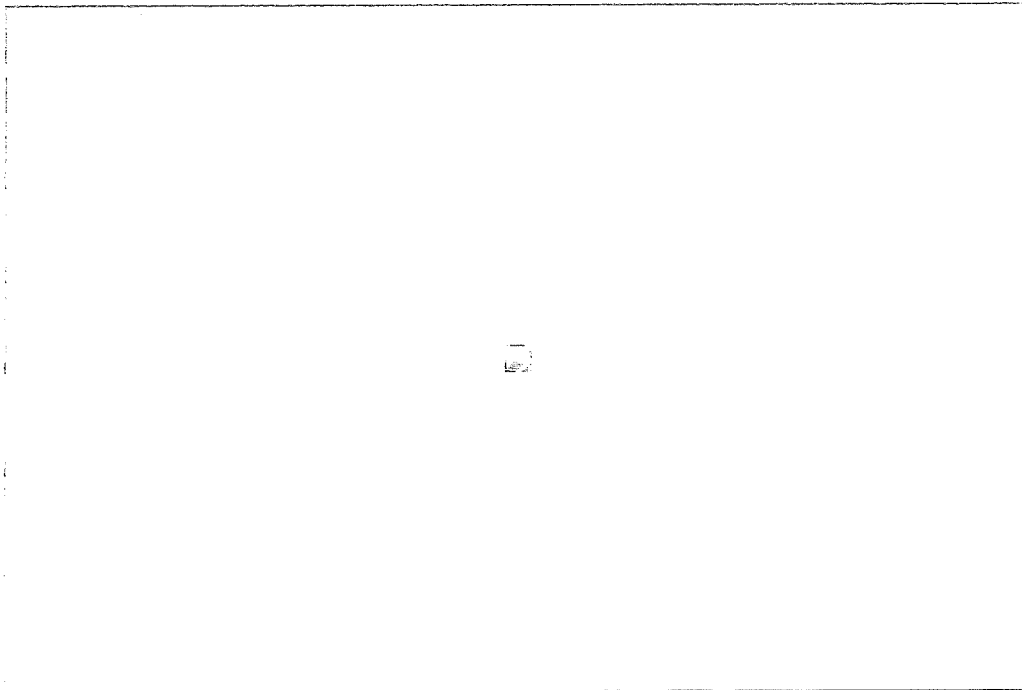
Permits

Permit Date	29-DEC-1998
Permit #	983158
Purpose	DWLG
Open/Closed	C
SQFT	
Stories	
Bathrooms	
Bedrooms	
First Floor Sqft	
Second Floor Sqft	
Basement Sqft	
Total Living Area Sqft	
Insulation Date	
Finalized Date	

****Our office provides permit information for reference only and does not verify the accuracy. For more information on permits, please contact your local building and zoning department.**

Land

Line Number	Land Type	Land Code	Acres	Square Feet
1	S	R1	.2232	9,724



David and Kelly Roberts

3055 Foxhound Dr.

Fairfield, Oh 45011

Howard and Winifred Drake

2818 Silver Fox Run

Fairfield, Oh 45011

Mlakar Studio Sunroom on Deck
3065 Foxhound Dr
Hamilton OH 45011 (Fairfield twnshp)



Mlakar Studio Sunroom on Deck
3065 Foxhound Dr
Hamilton OH 45011 (Fairfield twnshp)

