

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

**FOR OFFICE USE ONLY**

Case No. FT2A22-4V  
Date Filed 8-15-22 Fees 350.00  
FTZA Meeting Date 9-22-22  
Newspaper Journal News

**PLEASE PROVIDE NINE COPIES OF THIS FORM AND ALL MATERIALS**

PROPERTY LOCATED AT: 6362 Loraine Circle Hamilton, OH 45011

PARCEL IDENTIFICATION NUMBER: A0300069000077  
A0300069000077R

**APPLICANT INFORMATION**

APPLICANT: Joe Shumate

MAILING ADDRESS: 302 South Sycamore St.  
Harrison, OH 45030 PHONE: 513-543-0879

PROPERTY OWNER: Anne Allen

MAILING ADDRESS: 6362 Loraine Circle  
Hamilton, OH 45011 PHONE: 513-484-9407

CONTACT PERSON: Joe Shumate

MAILING ADDRESS: 302 South Sycamore St.  
Harrison, OH 45030 PHONE: 513-543-0879

**VARIANCE INFORMATION**

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

40' back lot line to structure. Asking for less than that  
to approx. 36'

B. Please describe generally each variance requested.

8'x20' deck previously torn down. Would like to erect  
a new 12'x20' deck. Current Posts are set 7'  
from the back of house & meet zoning requirements.  
Requesting variance to set posts 11' from house  
which would decrease the setback by 4'. New  
rear line set-back would be approx. 36'. Install  
shed type metal roof covering deck area. 2"x8"  
roof rafters on 2/12 pitch

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

### **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.

ANNE M. ALLEN & NATHAN A. ALLEN  
Applicant  
Anne M. Allen Nathan Allen  
STATE OF OHIO  
COUNTY OF BUTLER

Subscribed and sworn to before me this 20 day of July, 2022.

Lisa LeWicke  
Notary Public



LISA WICKE  
Notary Public  
State of Ohio  
My Comm. Expires  
March 23, 2027

My commission expires 3-23-27

**Fairfield Township Zoning/Administration acknowledgement of receipt.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

PROPERTY OWNERS AFFIDAVIT

STATE OF OHIO  
COUNTY OF BUTLER

I (we)

ANNE M ALLEN & NATHAN A. ALLEN

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.

Anne M Allen Nathan Allen

Signature

Anne Allen & NATHAN A ALLEN

Printed Name

6362 Loraine Circle

Mailing Address

Hamilton, OH 45011

City, State, Zip Code

513-484-9407

Telephone

Subscribed and sworn before me this 20 day of July 2022.

Lisa LeVicko

Notary Public



LISA WICKE  
Notary Public  
State of Ohio  
My Comm. Expires  
March 23, 2027



## 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: 611.5

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.

Owner wishes to extend her 8' deck to 12' deck which is 4' into the rear setback of the property which is 40'. The rear setback would not be less than 36'. Per (R-1) This additional 4' would not be injurious nor detrimental to the public welfare or her neighbors.

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

The variance is requested for a deck, which is permissible in the district. The variance would be within the rear setback as described in (R-3) 30' requirement.

This zoning district is within close proximity to the subject property in Fairfield Twp, OH. (See pictures of a couple examples within a block of my house)

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.

There would be no loss in value to this property or any of the adjacent properties. (See neighbor notes). Because this property is at the end of a cul-de-sac street & the required set back from the front puts the house further back on the lot. Per the current zoning requirement of 40' rear offset, it only leaves 8' for a deck, which is too narrow for a table & chairs. This lot is not very deep. The setback requested is only @ 10% variance (4' of 40')



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.

As mentioned before, I am asking for permission to use an additional 4' of my property to reconstruct the deck that was removed. The depth of a house at the end of a cul-de-sac is always smaller than other houses on the street. I have improved my lot by replacing the over

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.

I originally wanted to double the size of the deck to a 16' width, but after discovery of the 4' setback requirement I am asking for a minimum increase of 4', instead of 8'. I see no harm to my neighbors.

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.

There is no apparent danger of any sort to any of the adjacent properties. There is no possibility of light infringement.

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.

The applicant is only asking for this minimal variance to enable her to reconstruct her outdoor living space over the pre-existing structure. The deck @ 8' would not be big enough for a table & chairs.

(in the back)  
broken split rail fence with a privacy fence.  
I also bought 5-10' pines that are now  
over 12' high for \$2,500 to improve the  
view from my rear neighbor's lot. (See pictures)  
My adjacent neighbors on either side of my  
house cannot even see the back of my house  
where the deck will be constructed.

The specific hardships are:

- 1) Small depth of property due to location  
on cul-de-sac road
- 2) Front set back of house, leaves room  
for only 8' deck
- 3) Shape of lot is triangular with the  
house placement centered and setback  
where the deck would be closest to  
property line. There is no other  
location for the deck as it needs to  
be placed where the 1st level door  
exits the back.

Please see plot pictures.

8/14/22

To: Fairfield Township Zoning Commission

From: Eric and Jeanie Vornberg

Subject: Building Variance for:

Anne Allen

6362 Loraine Circle

Fairfield Township, OH 45011

We, Eric and Jeanie Vornberg, are neighbors of Anne Allen. Our address is 4104 Alsace Lane, Fairfield Township, OH 45011

It is our belief that adding the four feet extension on Anne Allen's proposed rear deck to her home would not cause any impingement for anyone in our development nor in the development behind Anne's house.

Respectfully,



Eric Vornberg



Jeanie Vornberg

TO WHOM IT MAY CONCERN,

I HAVE NO OBJECTIONS TO MY NEIGHBOR AT 6362 LORAIN CIRCLE EXTENDING  
HER DECK.

A handwritten signature in cursive script, reading "Raymond Mann". The signature is written in black ink and is positioned above the printed address.

6352 LORAIN CIRCLE HAMILTON, OHIO 45011



