

FAIRFIELD TOWNSHIP BOARD OF ZONING APPEALS
APPLICATION UNDER THE ZONING RESOLUTION FOR
VARIANCES/CONDITIONAL USES/APPEALS

6032 Morris Road
Hamilton, Ohio 45011

Telephone: (513) 887-4400
Fax: (513) 887-4405

Check all that apply:

- ☒ Variance
☐ Conditional Use
☐ Appeal

Newspaper Journal News
Case No. FTZA20-12V
Date Filed 9-16-20 Fees 350.00
FTZA Meeting Date 10-22-2020

APPLICANT: Deanna Gardner PHONE: 513-200-2251
ADDRESS: 1831 King Ave. Fairfield Twp., OH 45015
APPLICANT CONTACT: _____ PHONE: _____
ADDRESS: Same as above

OWNER: Deanna Gardner
ADDRESS: 1831 King Ave. Fairfield Twp., OH 45015
PHONE: 513-200-2251

*** The Applicant must file with the Township Zoning/Administration Representative:**

1. Reason for Variance/Conditional Use Request: I would like to have a second detached building on my lot. I need a garage and want to have a concrete driveway to it to go over where my neighbor spilled residential heating oil.
2. A clear and accurate description of proposed work or use.
3. Location of Property: Parcel No., Lot No., Section, Town, Range, Township, Address of property, and current zoning.
4. List OWNERS name and address of ALL abutting property, including those across road or street, obtainable in Plat Room, 3rd Floor, Butler County Administrative Center, 130 High Street, Hamilton, Ohio, 45011.
5. Submit site plans, drawn to scale, showing the exact shape and dimension of the lot, buildings and accessory buildings existing and lines within which the proposed buildings are to be erected or altered. The existing and intended use of each building or part of a building is designed to accommodate. Construction drawings are required for all new/proposed structures.
6. ☒ Submit Butler County Health Department approval in writing (if required). Located at 301 South 3rd. Street, Hamilton, Ohio, 45011. Phone Number (513) 863-1770.
7. Copy of deed and subdivision restriction. Located 2nd floor, Butler County Administrative Center.

- 8: Additional information may be required per Article 25 of the Fairfield Township Zoning Resolution. It is the applicant's responsibility to file all required information at time of application.
- 9: The Board of Zoning Appeals and the staff reserve the right to require additional information as warranted based on the circumstances of the case.
10. **Applicant must submit nine (9) complete sets of Application.**
11. Each application shall be accompanied by a fee, as specified in the Zoning Resolution for the purpose of defraying expenses. FEES \$ _____

Any questions on part thereof not answered in full or with complete explanation will cause this office to return all papers to applicant as misfiled and no hearing will be held.

TO THE BOARD OF ZONING APPEALS

The undersigned, hereby applies for a Fairfield Township Zoning Resolution for permission to in accordance with plans, application and all data heretofore filed with said Zoning/ Administration representative, all of which are hereto attached and made part of this application. No previous application or appeal under the Zoning Resolution has been made by me affecting these premises.


I hereby depose and say that all the above statements and the statements contained in all the exhibits transmitted herewith are true.

Applicant or representative **must** be present at this meeting.


Applicants Signature

Sworn to and subscribed before me, this 31 day of August 2020 by the above applicant.




Notary Public

November 19, 2023
My Commission Expires

- Fairfield Township Zoning/Administration acknowledgement of receipt.

Signature/Printed Name

Title

Date

PROPERTY OWNERS AFFIDAVIT

STATE OF OHIO
COUNTY OF BUTLER

I (we) Deanna Gardner
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.

Deanna Gardner
Signature

Deanna Gardner
Printed Name

1831 King Avenue
Mailing Address

Fairfield Twp., OH 45015
City, State, Zip Code

513-200-2251
Telephone

Subscribed and sworn before me this 31 day of August 2020

Deb Baumer
Notary Public



Variance Application
Deanna Gardner
1831 King Avenue

5. Narrative statements establishing and substantiating that the variance conforms to the following standards:

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.

The granting of this variance is in accord with the intent of the regulation not to allow a property to be burdened with multiple outbuildings. The shed is 17.5 x 11.5 and the proposed garage is only 12 x 21. There is nothing about the granting of the variance and construction of a garage that would be injurious to the neighboring properties in any way. In fact, it would likely improve the value of my home and surrounding homes.

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

The granting of this variance will only allow for a detached garage where an attached garage is not possible.

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.

I am seeking a variance to be able to have a detached garage without destroying the existing shed in my back yard. Due to the layout of my property I am unable to have an attached garage. The shed is in excellent condition and an attractive addition to the neighborhood. It would be a shame to destroy it. The proposed site for the garage would be right next to said shed.

Due to the negligence of the owner of the adjoining property there was an oil spill that has affected my property. This negligence is the subject of a current small claim action. I am having to take steps to remediate the oil damage to my property. Removing the oily soil and pouring concrete for the driveway and the pad for this detached garage will help in the effort to remediate this problem.

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 Resolution is formally enforced then either the building of the detached garage to mitigate the environmental damage to the property will not be able to be accomplished or the charming, existing shed will have to be destroyed. There is no profit to be gained by the granting of the variance.

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.

The granting of the variance would allow for the extension of the existing driveway to lead directly to where the garage would be placed. It would also help remediate the oil spill in my yard.

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 location of the proposed garage would not affect the adjacent property as it would be located well back on the lot and there are trees and shrubbery between my lot and the adjoining lot. It will not impair the adequate supply of light or air to the adjacent property, it will not increase the congestion in the street in any way, it will not increase the danger of fire, it will not endanger the public safety, and it will not impair property values of the adjacent area, but may, in fact, increase them.

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.

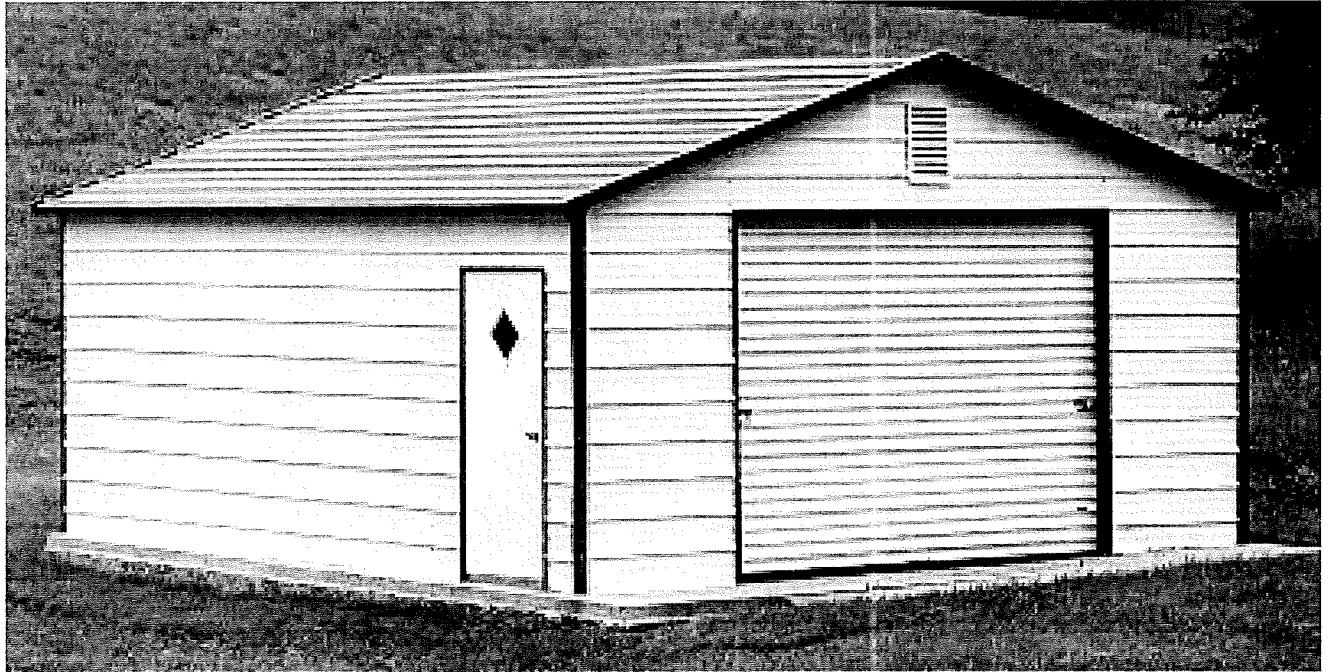
The granting of the variance will not confer on the applicant any special privilege that is denied other lands, structures, or buildings in the same district.

#2

Deann Gardner

1831 King Ave.

I plan to purchase a metal garage (12x21) with a vertical roof, an automatic garage door opener, and a side door. The side height is 9 feet. It will be white with a gray roof. It will be anchored and certified for 105 mph ⁹⁴ and 35 pounds per square feet roof load and is fully braced. It will be installed on a concrete pad and there will be a concrete driveway from the street to the proposed garage. This garage will be used to house my car. This poured concrete driveway and pad for the garage will be instrumental in remedying an oil spill that was caused by the owner of the adjacent property.



#3

Deanna Gardner 1831 King Ave.

Location of Property

Parcel Number: A 0300038000011

Lot Number: 1219 ENT

Section:

Town:

Range:

Township: Fairfield

Address: 1831 King Ave.

Zoning:

This home was originally lot 11 in Eastview Subdivision and was later annexed by the township.

#4

Deonna Gardner
1831 King Ave.

List of owners of all abutting property:

Phillip and Angel Drew
2711 Tylersville Rd.
Hamilton, OH 45015

Salmano Gustavo Garcia
1841 King Ave.

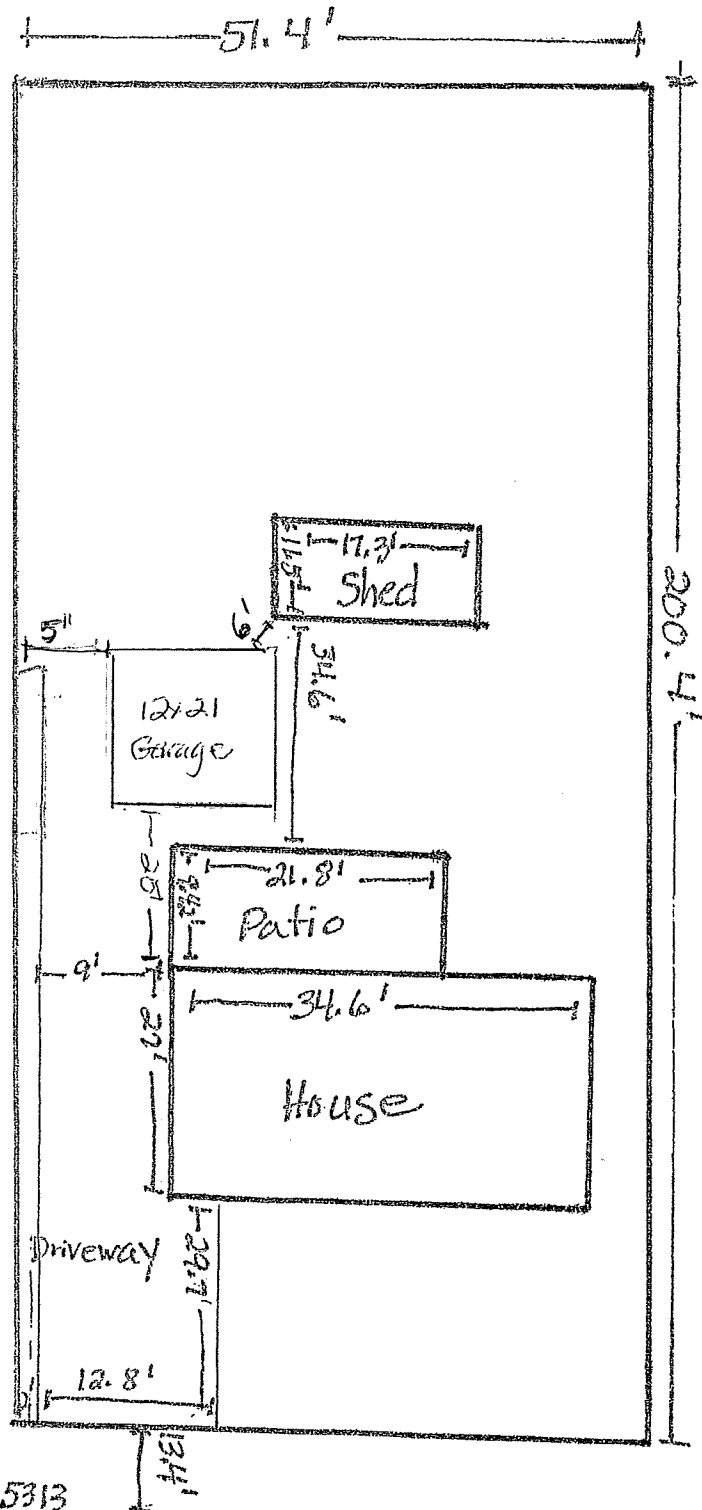
Deonna Gardner (I own 2 parcels)
1831 King Ave.

across street:

Tylersville Road Church of God
2753 Tylersville Rd.

Dedina Garanti 1821 King Ave.
Parcel A0300038000011
1219 ENT

#5



The drawing is not to scale.

Longitude -84.5313
Latitude 39.376

KING AVE.



TRANSFERRED
DATE 11/4/14
CONVEYANCE 10447
FEE \$ 171.00 (57.00) KI
EXEMPT

Roger Reynolds, Butler Co. Auditor
This conveyance has been examined and the
grantor has complied with Sec 319.202 of the ORC.



Image ID: 000008970173 Type: OFF
Recorded: 11/04/2014 at 01:38:44 PM
Fee Amt: \$28.00 Page 1 of 2
Workflow# 0000231676-0016
Butler County, Ohio
Dan Crank COUNTY RECORDER
File# 2014-00042613

BK 8742 PG 2182

General Warranty Deed

141081233

KNOW ALL MEN BY THESE PRESENTS, Jewel Gabbard, a married woman whose husband's name is Donald Gabbard ("Grantor"), for One Dollar and other good and valuable consideration paid, does hereby grant, bargain, sell, and convey with General Warranty covenants to the said Deanna L. Gampfer, her heirs and assigns forever ("Grantee"), whose tax mailing address is: c/o Guardian Savings Bank, 2774 Blue Rock Road, Cincinnati OH 45239, the following described real estate:

EXHIBIT "A" IS ATTACHED HERETO AND MADE A PART HERETO
Commonly known as 1831 King Avenue, Hamilton, OH 45015

Prior Deed Ref: Book 8202 Page 1747, Butler County, Ohio
Parcel No. A0300-038-000-010 & A0300-038-000-011

The said Grantor has hereunto set his hands this 24th day of October, 2014

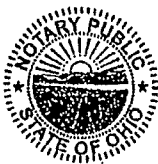
Jewel Gabbard
Jewel Gabbard

Donald Gabbard
Donald Gabbard

STATE OF Ohio, COUNTY OF Hamilton, SS:

BE IT REMEMBERED that on this 24th day of October, 2014, before me, the subscriber, a Notary Public, in and for said State, personally came Jewel Gabbard, and Donald Gabbard, husband and wife, who under the penalty of perjury represented to me to be the said person, and acknowledged the signing thereof to be his voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



MARY HEATHER WANTZ
Commission No. 2013-RE-469265
Notary Public, State of Ohio
My Commission Expires
September 22, 2018

Mary Heather Wantz
Notary Public

This instrument was prepared by:
Robert A. Calabrese Esq.
7367 E. Kemper Rd.
Cincinnati, OH 45249



Image ID: 000008970174 Type: OFF
Page 2 of 2

File# 2014-00042613

BK 8742 PG 2183

EXHIBIT A PROPERTY DESCRIPTION

The land referred to in this Document is described as:

ENTIRE INTEREST IN AND TO THE FOLLOWING DESCRIBED REAL ESTATE, TO-WIT:

ENTIRE LOTS NUMBER 1218 AND 1219 AS THE SAME ARE KNOWN AND DESIGNATED ON
THE LIST OF LOTS OF FAIRFIELD TOWNSHIP, BUTLER COUNTY, OHIO.

Parcel ID: A0300-038-000-010 and A0300-038-000-011

More Commonly Known As: 1831 King Avenue, Hamilton, OH 45015