

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

FOR OFFICE USE ONLY

Case No. FT2A22-3V
Date Filed 1-18-22 Fees 450.00
FTZA Meeting Date 2-24-22
Newspaper Journal

PLEASE PROVIDE NINE COPIES OF THIS FORM AND ALL MATERIALS

PROPERTY LOCATED AT: 3201 Princeton Road, Fairfield Township, OH

PARCEL IDENTIFICATION NUMBER: 21000039

APPLICANT INFORMATION

APPLICANT: Nick Madonia

MAILING ADDRESS: 214 Oceanside Drive, Nashville, TN 37204

PHONE: 629-216-3893

PROPERTY OWNER: Walmart Real Estate Business Trust

MAILING ADDRESS: PO Box 8050 MS 0555 Bentonville, AR 72712

PHONE: 479-371-0765

CONTACT PERSON: Nick Madonia

MAILING ADDRESS: 214 Oceanside Drive, Nashville, TN 37204

PHONE: 629-216-3893

VARIANCE INFORMATION

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

Section 622

B. Please describe generally each variance requested.

On behalf of Flite, we are requesting a variance from the terms of Section 622

Flite is proposing to install a single lane drive thru ATM in the parking lot of the
existing Walmart. This ATM will benefit users of Walmart to easily access
payment withdrawals

- C. Please state the zoning district(s) of the property: M-1 Light Industrial
- 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.
 - b. Tax map with subject property highlighted
 - c. Legal description of the property.
 - d. 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.

[Signature]

Applicant

STATE OF ~~OHIO~~ Tennessee
COUNTY OF Davidson

Subscribed and sworn to before me this 17 day of January, 20 22.

[Signature]

Notary Public

My commission expires 3/7/2023



Fairfield Township Zoning/Administration acknowledgement of receipt.

[Signature]

Signature

Zoning Admin.

Title

1/18/2022

Date

PROPERTY OWNERS AFFIDAVIT

STATE OF OHIO
COUNTY OF BUTLER

I (we) Wal-Mart Real Estate Business Trust

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.

Andrew R. Huntsinger
Signature

Andrew R. Huntsinger
Printed Name

2608 SE 5 St. MS 5510
Mailing Address

Bentonville AR 72716-5510
City, State, Zip Code

479.371.0465
Telephone

Subscribed and sworn before me this 18th day of November 2021.

Linda Stelljes
Notary Public

LINDA STELLJES
NOTARY PUBLIC
BENTON COUNTY, ARKANSAS
COMM. EXP. 12/01/2027
COMMISSION NO. 12703323

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; Section 622

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.

The installation of the Single lane drive-thru ATM will not be detrimental to the public
welfare and instead create an opportunity for the easy withdrawal of money

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 installation of the Single lane drive-thru ATM is a minor addition to the Walmart
parking lot that contains an excess amount of spaces, converting these spaces
will benefit all users of the shopping area.

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.

The installation of the Single lane drive-thru ATM will benefit the overall community
by adding an easy efficient way to access their bank accounts. The Walmart parking
lot is over parked from the typical minimum required parking so taking the additional
parking spaces and turning them into a resource for the community benefiting the
shopping center.

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.

The installation of the Single lane drive-thru ATM will provide all costumers of the Walmart and surrounding shopping center a centralized location to access their bank accounts without having to pull a limited amount of money from the Cashier.

This results in increased visitation to the shopping center

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.

The installation of the Single lane drive-thru ATM will be a great resource for the public so they can easily access any sort of money transfer.

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 installation of the Single lane drive-thru ATM will add additional lighting creating a more safe parking lot during the night hours. The ATM has been added in an area where it will not affect the flow of the traffic. Public safety will not be affected.

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 will not be granted special privileges that other properties in the same district are not granted
