Height or Area Variance Application
Washington Township Development Services Department
8200 McEwen Road  Dayton, Ohio 45459  937.433.0152

Case No.: A1811

Property Address: 5970 Mad River Road
Parcel ID No.: O67- 22009 0001
Applicant Name: Steven Pitchel
Phone No.: 937-231-6819
Applicant Address: 5970 Mad River Road, Dayton, OH 45459
Property Owner: Steven & Kathleen Pitchel
Phone No.: 937-231-6819
Property Owner’s Address: 5970 Mad River Road, Dayton, OH 45459
Zoning District: R-4
E-mail Address: steve@pitchel.net

List the height or area variance(s) being requested in the designated space provided below. You must provide the location of the Zoning Resolution standard from which the variance is seeking relief alongside a brief description of the nature of the variance(s) being sought. If more than three (3) variances are requested, please attach descriptions on a separate page.

Variance Request 1: Located in Article 7, Section 5 of the Township Zoning Resolution

Requirement for 2 front yards (corner lot).

Variance Request 2: Located in Article 13, Section 14 of the Township Zoning Resolution

Allows for 6' high fence in side and rear yards, 4' in front yards.
If south (Whipp Rd.) side is considered front yard, would only be allowed 37.5' of 6' high fence along east (rear) property line.
Proposing to extend allowable 6' high fence from 37.5' to 69.6' along east line. Creating a 15' setback from Whipp Road at CORNER of fence. Fence would then return to corner of house, 6' high, with setback increasing as it returns diagonally to house.
This will provide visual and sound screening from increasing traffic and fire/EMT noise along Whipp Road. Will also provide greater security at rear yard where break-in has occurred.

Variance Request 3: Located in Article ____, Section ____ of the Township Zoning Resolution

List any deed restrictions on subject property, which concern this appeal or applications:
None

If any previous appeal or application has been requested for this property, state the date(s) and nature of the appeal or application:
None

<table>
<thead>
<tr>
<th>Date Received</th>
<th>Hearing Date</th>
<th>Outcome of Meeting</th>
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<tr>
<td>6/26/2020</td>
<td>HZ</td>
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The Board of Zoning Appeals (BZA) shall have the power to authorize upon application in specific cases, such variances from the height or area requirements of the Washington Township Zoning Resolution as will not be contrary to the public interests; but only in such cases where, the property owner has encountered practical difficulties in the use of their property. The following factors will be considered and weighed by the BZA in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of their property. Explain the following factors and provide any supportive evidence in the spaces provided below.

A. Will the property in question yield a reasonable return or can there be any beneficial use of the property without the variance?

| Owner has hearing issues (chronic tinnitus). Loud noise off noises (traffic, fire/ambulance/EMT) off Whipp Rd. are getting more and more bothersome. Visual traffic has also become more frequent. Home was broken into recently through rear yard window. Enclosure of yard would also help make property more secure and help Owners feel safer while still being able to enjoy a majority portion of their property. |

B. Is the variance substantial?

No.

C. Will the essential character of the neighborhood be substantially altered or will adjoining property owners suffer a substantial detriment as a result of the variance?

| No. Property line in question is currently heavily overgrown. This would be cleaned up along with installation of fence. Height of fence would provide adjacent property with more privacy as well. |

D. Will the variance adversely affect the delivery of governmental services (e.g., water, sewer, garbage)?

No.

E. Did the property owner purchase the property with knowledge of the zoning restrictions?

| No. Property was purchased 27 years ago. Setback and fencing requirements have changed since purchase. |

F. Can the property owner's predicament feasibly be obviated through some method other than a variance?

No.

G. Will the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

| Yes. Variance would maintain the zoning requirement for side yard setback at fence's closest point to road and increase from there. Proposed fence would also comply with the Traffic Visibility Requirements of Article 13, Section 13H. |
Height or Area Variance Application

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

Appellant or Applicant

Subscribed and sworn before me on the ___ day of ___ , 2___.

My Commission expires ___ .

Notary Public

If the appellant or applicant is different from the property owner, the following must be filled out and notarized.

I __________________________, as property owner of the property(s) listed within this application, do allow, __________________________ to represent me in the filing of this application and is also permitted to represent myself and my interests before any Board or Commission of Washington Township which has governing authority over this application.

Appellant or Applicant

Subscribed and sworn before me on the ___ day of ___ , 2___.

My Commission expires ___ , 2___.

Notary Public

Application Submittal Check-List

☐ Application for Zoning Certificate
☐ Pre-application discussion with Township Staff
☐ Statement of facts pertaining to variance request/narrative statement
☐ Plot plan drawn to scale
☐ Map showing the location of the property which is the subject of the application. This map shall include the location of any buildings and structures on the property and all lots within five hundred (500) feet of any part of the property.
☐ Mailing labels (Avery 5160) with the names and addresses of owners of property within five hundred (500) feet of the property involved as shown on the records of the Auditor’s Office of Montgomery, Greene, and/or Warren County, Ohio.
☐ Filing fee, payable to the Washington Township Board of Trustees.
☐ Application signed and notarized by the property owner and agent(s) thereof.
☐ Any and all attachments
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<th>First Name</th>
<th>Address</th>
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ELLIS MARY MILL TR
6012 AMOS PL
DAYTON, OH 45459

WALDO KRISTIN TOOP AND
MASON MCBRIDE
6000 GOTHIC PL
DAYTON, OH 45459

GLOEKLER PHILIP D
5992 PARKCHESTER RD
DAYTON, OH 45459

SHAW CHRISTINE M
5972 PARKCHESTER RD
DAYTON, OH 45459

KERT A WENTZ
5952 PARKCHESTER RD
DAYTON, OH 45459

NEAL H REICHELT
5923 PARKCHESTER RD
DAYTON, OH 45459

NERLINGER JOHN JR AND MARILYN S
5901 MAD RIVER RD
DAYTON, OH 45459

SCHLEMMER TR
932 BRITTANY HILLS DR
DAYTON, OH 45459

CERAR JUDITH A
1016 ASBURTON DR
DAYTON, OH 45459

KERNAN JOHN E AND ELIZABETH C
1027 WESTRIDGE RD
DAYTON, OH 45459

JOSHUA W ABERNATHY AND
MICHELLE L
6038 MAD RIVER RD
DAYTON, OH 45459

LEWIS REBECCA A
6034 MAD RIVER RD
DAYTON, OH 45459

JOSE C MANTIL
6040 MAD RIVER RD
DAYTON, OH 45459

MARY ELLEN MARRS
6013 GOTHIC PL
DAYTON, OH 45459

REDDEN JOHN C AND ELIZABETH A
6006 GOTHIC PL
DAYTON, OH 45459

FOCKE ANDREW S
5910 MAD RIVER RD
DAYTON, OH 45459

TABAR JULIE A
931 BRITTANY HILLS DR
DAYTON, OH 45459

NIKOLAI CAROL M TR
1008 ASBURTON DR
DAYTON, OH 45459

DOWNEY JOHN W AND NANCY O KING
1024 ASBURTON DR
DAYTON, OH 45459

ZIMMER STEPHEN C AND KATHY A
1040 ASBURTON DR
DAYTON, OH 45459
Zoning Certificate Application for Fences

Washington Township Development Services
Department 8206 McEwen Road Dayton, Ohio 45458
937-433.0152

Request Information

Applicant Name: STEVEN PITCHEL
Phone No.: 937-231-6819

Applicant Address: 5970 MAD RIVER RD.

Property Owner: STEVEN PITCHEL
Phone No.: 937-231-6819

Property Address: 5970 MAD RIVER RD.

Zoning District: WOODBOURNE
Contractor: DALTON FENCE

Type of Lot: Corner [x] Interior [ ] Other [ ]

Fence Type: Chain Link [ ] Privacy [x] Split Rail [ ] Picket [ ] Other [ ]

Fence Location: (Check all that apply) Front Yard [ ] Side Yard [ ] Rear Yard [x] Other [ ]

Fence Height: (Fill-in all that apply) Front Yard [ ] Side Yard [ ] Rear Yard [ ]

Additional Details:

Show Proposed Fence Location on Corresponding Lot Type

* The size of the rear yard for corner lots varies by the lot's specific Zoning District requirements.

I hereby certify that the information and statements on this application, or attached hereto, are true and correct to the best of my knowledge. I acknowledge that it is my responsibility to ensure that the proposed fence location does not encroach into the Public Right-of-Way nor outside the limits of the subject property. I understand that if the information in this application is not correct or complete, any Zoning Certificate issued may be invalid. I agree to comply with all conditions and requirements that may be imposed by the approval of this application request. Any approval granted by the Township shall expire within one (1) year from the date of approval. I authorize representatives from Washington Township to enter the above-referenced property address to ensure compliance with the Zoning Certificate and any applicable requirements of the Zoning Resolution.

Signature of Owner or Authorized Agent

5/12/20

Date

Department Use Only

Date Received [ ] Approved [ ] Approved with Modification

[ ] Denied

Staff Signature

Date