Height or Area Variance Application

Washington Township Development Services Department
8200 McEwen Road  Dayton, Ohio 45458  937.435.0152

Property Address: 6999 Yankee St.  Parcel ID No.: 067-21817-0007
Applicant Name: Dane and Jennifer Marsee  Phone No.: (937) 361-3868
Applicant Address: 6999 Yankee St.
Property Owner: Dane and Jennifer Marsee  Phone No.: (937) 361-3868
Property Owner's Address: 6999 Yankee St.
Zoning District: R-2  E-mail Address: dmarsee@att.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
To reduce side yard setback on north end of the property from 20 feet to 10 feet in order to build an new attached 3-car garage approximately 41 feet wide and 33 feet deep. The existing garage of comparable dimensions is to be converted to living space.

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

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

List any deed restrictions on subject property, which concern this appeal or applications:
NA

If any previous appeal or application has been requested for this property, state the date(s) and nature of the appeal or application:
NA

Date Received  Hearing Date  Outcome of Meeting
6-26-2020  MZ  □ Approve  □ Approve with Conditions  □ Deny

Department Use Only
Height or Area Variance Application

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?

A home was constructed on the property in 1985. A variance will allow for the construction of a new attached 3-car garage so that approximately 1000 sq. ft. of the current garage can be converted to additional living space consisting of a rec room and bedroom/study. Both the new garage as well as the new living space will yield a return to the property as well as the surrounding properties.

B. Is the variance substantial?

The north side yard variance request from 20 feet to 10 feet is substantial however it is significantly offset by more than 65 feet of woods that line the drive of my neighbor at 6975 Yankee St. Their home sits 100 feet back from Yankee St. and the lane to their home is lined with these woods. The finished east elevation view of 6999 Yankee St. will complement the adjacent properties and actually block a less desirable view of the west neighbors detached garage and shed.

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?

The character of the neighborhood will not be substantially altered. No adjoining property owners will suffer detriment as a result of the variance. Because the addition of the new attached garage and the conversion of the existing garage to new living space will architecturally complement the existing home without impact to adjacent properties, the character of neighborhood and adjoining properties will be enhanced. The north neighbor will not suffer any detriment to their property as a result of this variance request because the proposed garage will be adjacent to an area of their property that will not be further developed.

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

No government services (e.g. water, sewer or garbage) will be adversely affected by the variance. No services will be disturbed or relocated as a result of the new attached garage.

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

We were not aware of the zoning restrictions when we purchased the property in 2015.

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

Various alternatives for the addition of the rec room and bedroom/study were evaluated. These are discussed in detail in the narrative accompanying this application. The proposed construction of the new attached garage and conversion of the existing garage represents the option that best complements the existing architecture of the home, provides benefit to the surrounding properties and neighborhood while having a negligible impact on the spirit and intent of the zoning code. Building an addition on the south side of the existing house would require a more substantial variance request. An addition on the west side of the property would place the new rec room and bedroom adjacent to the existing great room which is not a desirable layout and creates poor flow for the home. A west side addition would also require the demolition of the covered patio, deck and outdoor fireplace of the home that were recently added in 2017. An area variance to the rear yard would also be required for an option on the west side of the property.

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

Yes, the spirit and intent behind the zoning requirement will be observed and justice done by the granting of the variance. The new footprint of the home with the new attached garage will appear as if it were originally designed in this manner. The 65 feet of woods to the north of the property are unlikely to be altered and ensure a natural buffer that will serve to preserve the open space of the neighborhood and community.
I hereby depose and say that all the above statements and the statements contained in all exhibits transmitted herewith, are true.

Appellant or Applicant


My Commission expires [signature] .

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 Auditors of Montgomery County, Greene County, 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
Narrative for Area Variance Request for 6999 Yankee St.       June 2020

Background

The modern 1.5 story home was built in 1985 by the Munger family who lived in the home until August 2015 when it was purchased by the current owners, Dane and Jennifer Marsee. Little had been done to the home since the original construction and the Marsees have invested more than $100,000 in the property including:

- New Pella replacement doors and windows
- Exterior and interior paint with more modern color schemes
- Complete remodeling of all 4 bathrooms
- Replace flooring and fixtures
- Total landscape upgrade
- New rear solid wood beam with cathedral ceiling patio and outdoor fireplace

These improvements have had a positive impact on the appearance and property values in the neighborhood. The next project is to add additional square footage to the home for a new family room/rec room as well as a bedroom/study. The current 1st floor plan includes the master bedroom and bath, great room, dining room, laundry room and kitchen. There is no additional common space in the house or an additional bedroom on the 1st floor. Dane and Jennifer both have aging parents and anticipate the need to care for them in the near future. This addition will allow for that on the main floor.

Location Considerations

In review of the Washington Township zoning code and the area requirements specific to 6999 Yankee St., we find that the east and south side of the home are already up against the 60’ front yard setback limits. That leaves the west (rear yard) and north (side yard) portions of the property available for the addition.

West (rear yard) – There are two challenges with building this addition on the west side of the existing home; 1) The only access to the new space would be through either the master bedroom or the great room. It is not a desirable to have two common spaces adjacent to one another and the new bedroom would be not be in close proximity to any of the bathrooms. 2) The west side of the existing home includes a great room that runs 44’ north to south with two sets of triple slider doors leading to the deck, covered patio and outdoor fireplace. An addition on the west side of the current home would interfere with the existing deck, patio and fireplace which also make this option infeasible.

North (side yard) – An addition on the north side of the home would only be accessible through the master bathroom or the garage. Neither of which are a reasonable flow for a new common area and bedroom.

Proposal – While it is not reasonable to build the rec room and bedroom addition on the north side of the home, it is possible to convert the existing garage to a new rec room and bedroom and construct a new replacement attached garage of a comparable size there. The current garage consists of 3 single bay garage doors and has interior dimensions of 37’ wide and 32’ deep. A replacement garage of a similar size will encroach on the north side area setback. This request is for an area variance reduction of the side yard setback from 20’ to 10’ to allow for the construction of the replacement garage.
Rationale for Location and Support for Area Variance Request

There are several design elements important to the addition of the new garage that impact the request for a variance of the north side area setback.

- Replace the existing 3-car garage with one of slightly larger dimensions (41’ x 33’ exterior).
- The extra 3’ in width is necessary to ensure clearance from the southernmost car bay from the north wall of the converted garage.
- The design architecturally compliments the modern 1.5 story style of the home.
- Converting the existing garage to a rec room and bedroom provides ideal flow through the home and allows the user of the new bedroom to utilize an adjacent bathroom.

The finished footprint and exterior appearance of the new garage will look as though the home was designed with this layout initially and will complement the adjacent properties. The allowance of the side area variance request will not challenge the spirit or intent of the zoning code.

- The east elevation of the property from Yankee St. will have an improved view due to the fact that the new garage will block the side view of a detached garage and the front view of a shed of the neighbor to the west.
- The requested side yard area variance from 20’ to 10’ is significant, however it is offset by approximately 65’ of woods primarily located on the property to the north. This property, 6975 Yankee St. is a developed 4.5-acre parcel with the home located almost 600’ from Yankee St. These woods line the drive leading to the home are unlikely to be further developed and help to ensure the appearance of the property and the neighborhood will be enhanced with the addition.

Closing

A number of options and layouts were considered before settling on the proposal to convert the existing garage to a rec room and bedroom and construct a new attached garage on the north side of the existing home. This area variance request for the side yard is necessary in order to build a replacement garage that is of a comparable size to the converted garage. The construction and architecture of the new garage will match that of the existing home and will appear as the home was originally designed this way. The proposed replacement garage will be adjacent to wooded land at least 65’ wide shared with the home to the north (6975 Yankee St.) which is a large 4.5 acre parcel. This location is at about the midpoint of the lane from Yankee St. to the home located at 6975 Yankee St., and an area of the property not likely to be further developed. Therefore, the spirit and intent of the zoning requirement will still be observed and substantial justice will be done by allowing the variance request. The proposed addition along with the zoning variance will maintain the essential character of the neighborhood and no adjoining properties will suffer any detriment as a result of the variance. This request and proposal represents a very low risk to any future zoning needs while adding a significant improvement to the neighborhood.
David and Natalie Williams  
6980 Yankee St.  
Dayton, OH 45459
Matthew and Lisa Kell  
6900 Yankee St.  
Dayton, OH 45459

Park Studebaker  
6901 Yankee St.  
Dayton, OH 45459
Andrew Sheldrick and  
Melissa Heben-Sheldrick  
6975 Yankee St.  
Dayton, OH 45459
Kurt and Patricia Stueve  
1582 Roamont Dr.  
Dayton, OH 45459

Jerome Stricker  
7205 Tarryton Rd.  
Dayton, OH 45459
Christopher and Mary Swank  
7199 Tarryton Rd.  
Dayton, OH 45459
James and Virginia Focke  
7193 Tarryton Rd.  
Dayton, OH 45459

Diane Imbrogno  
7187 Tarryton Rd.  
Dayton, OH 45459
Brian and Sue Schoenfeld  
7181 Tarryton Rd.  
Dayton, OH 45459
Dane and Jennifer Marsee  
6999 Yankee St.  
Dayton, OH 45459

Mark and Lucille Wilkins  
7174 Tarryton Rd.  
Dayton, OH 45459
Matthew and Patricia M Rye  
7180 Tarryton Rd.  
Dayton, OH 45459
Joshua and Mary Watring  
7186 Tarryton Rd.  
Dayton, OH 45459

James E and Martha Ullmer  
7204 Tarryton Rd.  
Dayton, OH 45459
Dolores Anderson  
7210 Tarryton Rd.  
Dayton, OH 45459
Dolores Anderson  
7193 Tarryton Rd.  
Dayton, OH 45459

Brandon and Jaclyn Schick  
1589 Roamont Dr.  
Dayton, OH 45459
Jan and John Austin  
1559 Wardmier Dr.  
Dayton, OH 45459
Andrew and Olena Brownfield  
1593 Roamont Dr.  
Dayton, OH 45459

Terrence Tucker  
1599 Roamont Dr.  
Dayton, OH 45459
Susumu and Un Hui Cherrix  
1596 Roamont Dr.  
Dayton, OH 45459
Melissa Wilson  
1588 Roamont Dr.  
Dayton, OH 45459

John and Gail Purvis  
7216 Tarryton Rd.  
Dayton, OH 45459
Charles and Elaine King  
7010 Garrison Ct.  
Dayton, 45459
Charles Hamilton and Karen Scott  
7020 Garrison Ct.  
Dayton, 45459

Leslie and Shirley Breman  
7030 Garrison Ct.  
Dayton, 45459
Michael and Cynthia Valle  
7040 Garrison Ct.  
Dayton, 45459
Carol Muth  
7021 Garrison Ct.  
Dayton, 45459

www.avery.com
1-800-GO-AVERY
David and Melinda Hoskins
7017 Garrison Ct.
Dayton, 45459

Phillip Wallace
7007 Garrison Ct.
Dayton, 45459

David and Brenda Roediger
6981 Yankee St.
Dayton, OH 45459
Residential Zoning Certificate Application
Washington Township Development Services Department
8200 McIwea Road  Dayton, Ohio 45458  937.433.0152

Type of Request: ☑ Addition  ☐ Other

Property Address: 6999 Yankee St. Dayton, OH 45459

Applicant Name: Dane Marsce
Applicant Address: 6999 Yankee St. Dayton, OH 45459
Phone No.: 937.361.3868

Property Owner: Dane i Jennifer Marsce
Property Owner's Address: 6999 Yankee St. Dayton, OH 45459
Phone No.: 937.361.3868

Zoning District: R-2
Contractor: Home Design Builders LLC.
E-mail Address: dmarsce@att.net

Size: Existing Floor Area: 1,3260 square feet  Proposed Floor Area: 1,1200 square feet
Existing Building Height: 22 Feet 0 Inches  Proposed Height of Building: 22 Feet 0 Inches

Proposed Use of Structure: Replacement 3-car attached garage
Additional Details: Convert existing 2-car garage to recreation room and bedroom, construct new attached garage of similar size on north side of property

I hereby certify that the information and statements on this application, or attached hereto, are true and correct. I acknowledge that it is my responsibility to ensure that the proposed project and/or use shall conform to all the provisions of the Washington Township Zoning Resolution. 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

June 25, 2020

Date

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