



STATEMENT FOR ZONING APPEAL

PROJECT: The Blazer Residence. A residential new construction, single-family home

CLIENT: Brian & Sarah Blazer

AGENT: Emily Handke

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PROJECT ADDRESS: 2574 Little Dry Run Road, Cincinnati, OH 45244

DATE: September 13, 2021

PROPOSED ZONING APPEAL FOR VARIANCE AND CONDITIONAL USE HEARING

Per section 3.4 'A-2' Residence District Regulations, subsection C.2.C. "Lot and Yard Standards, Rear Yard: Except as hereinafter provided in Article 5.2 there shall be a rear yard having a depth of not less than thirty-five (35) feet". We are seeking an appeal to the 35' rear yard setback requirement set forth. Due to the unique layout of this parcel with this parcel and the parcel to the South gaining access from a private drive, located within an easement, we feel that the rear yard setback located along the South property line should be reduced to 18' from the standard 35' requirement. Due to the width of the lot and the natural 'street frontage' being oriented towards the private drive, rather than Little Dry Run Road, we need more width to build an adequate home. Without the variance more than half of the lot width in the North to South direction would be unbuildable.

In order to orient the house with the front façade facing the private road rather than Little Dry Run Road we need this additional 17' of width across the lot in order to fit a reasonably sized home on this parcel. We are proposing keeping the 40' front yard setback as is, and only reducing the rear yard setback to 18'.

We understand there is an exception to the zoning code that applies to similar properties where there are 3 parcels accessed from the private drive rather than 2 parcels, as is the case in our situation. In the case of 3 parcels accessed off the private drive, rather than 2 parcels, the front yard setback is based upon the private drive as opposed to the main public street. We feel that what we are asking for still maintains a larger aggregate lot width of 40' front yard and 18' rear yard for a cumulative setback at the sides of the proposed home to be 58'. This is in excess of the requirements for parcels where three homes are accessed from the private drive, where an aggregate of 20' side yards would be required. Furthermore, the home located at 2570 Little Dry Run Road has a front yard setback of 277'. The difference of 17' less of a rear setback along this shared property line will be negligible based on how far back the adjacent parcel's home sits. We will be screening the south property line with tall privacy landscaping to keep this barrier between the lots as private as possible. We thank you for considering our appeal.

Additionally, we are seeking a Conditional Use Hearing to locate an Accessory Apartment attached to the single-family home and located over the garage within the home's roofline as indicated on the plans. Per Article 2.12.8a of the Zoning Resolution this Accessory Apartment the sets of standards set forth below:

- i. Spirit and Intent. The proposed use and development shall comply with the spirit and intention of the Zoning Resolution and with District purposes
 - a. The intended single-family usage of this lot will still be maintained as the Accessory Apartment will be utilized by the primary family members and their guests as a guest suite.
- ii. No Adverse Affect. The proposed use and development shall not have an adverse affect upon adjacent property, or the public health, safety, and general welfare.
 - a. There will be no adverse affect on adjacent properties as any guests of the primary homeowners will park on the homeowner's property and be respectful of neighbors in the same way that any visiting family and friends would be at any other single-family residence for guests staying in a guest bedroom within the primary residence. This will not cause any issues for public health, safety, or general welfare.
- iii. Protection of Public Services. The proposed use and development should respect, to the greatest extent practicable, any natural, scenic, and historic features of significant public interest.
 - a. The exterior staircase to the Accessory Apartment above the garage will be shielded from the neighbor's property by use of existing natural landscaping and newly added landscape screening.

- iv. Consistent with Adopted Plans. The proposed use and development shall, as applicable, be harmonious with and in accordance with the general objective of the Township's comprehensive plan and/or Zoning Resolution.
 - a. The proposed use and development will still have the appearance and operation of a single-family residence despite the space over the garage being used as a Studio Apartment for guests. The attached Exterior Elevations show the intended design as consistent with the neighborhood.

Per Article 5.4 Conditional Uses in Single and Multi-Family Residence Districts, Table 5.14 Conditional Use Criteria Chart, this Accessory Apartment meets all 4 sets of Criteria specific to an Accessory Apartment as set forth below:

m. No exterior alterations of an existing structure shall be made that depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.

-This new single-family home structure is compatible in residential design with the surrounding neighborhood as shown by the attached Exterior Elevations.

p.(i.) Signage shall be regulated as follows: No signs shall be erected except those exempt under Article 5.5, D.3

-The homeowner shall not erect a sign for the Accessory Apartment

q. The conditional use shall be subordinate to the principal permitted use with regard to usage and character.

-The Accessory apartment is subordinate in usage, and blends into the roofline of the proposed single-family residence. Other than the exterior side staircase at the South side of the property you would not know it exists. It will be used by the primary residence's homeowners and their guests.

y. The intensity of the particular use shall be evaluated with regard to the location, size, and configuration of the tract.


-The particular use of the Accessory Apartment will be by the primary homeowners and their guests. The location is above the garage and attached so the Single-Family home. The size of the Accessory Apartment is 832 square feet. The size of the primary residence is 5,136 square feet. It is configured in a way such that it blends into the design of the primary residence and appears to be part of the primary residence.

Per Article 2.12.b Township Board of Zoning Appeals, the variance requested for this lot does not violate any of the provisions listed below:

- i. The property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
 - a. Without this variance the buildable width of the lot, as it faces the private driveway, is only 72' width, which is less than 50% of the total lot width that faces the private drive. In order to orient the home towards the private drive, rather than Little Dry Run Road we feel this extra width is necessary. Otherwise, the front elevation of the home would need to face the rear elevation of the home to the North which would be less desirable by the homeowners and their adjacent neighbors.
- ii. The variance is substantial
 - a. We do not feel the variance is substantial or unreasonable. We are asking for a 17' reduction of the rear yard setback, for a total of an 18' rear yard setback, only along the South property line. We are leaving all other setbacks as required by the Zoning Resolution.
- iii. The essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
 - a. The character of the neighborhood shall remain unchanged by this variance. The south neighbor's home sits 277' south of their property line so the difference will be negligible.
- iv. The variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage)
 - a. There will be zero impact on the delivery of governmental services to the property or adjacent properties
- v. The property owner purchased the property with knowledge of the zoning restrictions
 - a. The property owner was not made aware of the zoning restrictions on this specific lot when purchasing the land. It was assumed that there would be standard front and side yard setbacks based on orienting the home to face the private driveway rather than based on street frontage at Little Dry Run Road.
- vi. The property owner's predicament can be feasibly obviated through some method other than variance

- a. There is no other solution to fit the home on the property than to apply for the variance. The homeowner has already reduced the building footprint as much as possible to still get the rooms they need as compact as reasonably possible and maintain the ranch style home.
- vii. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
 - a. The spirit and intent behind the zoning requirement will still be observed by granting this variance. Justice will be done by granting this variance as it will grant the client a lot with a usable buildable width in which their reasonably sized home can be built facing the private driveway. If front and rear yard setbacks had been established based on the private drive, rather than Little Dry Run Road, this would be a non-issue as the home would have been in compliance.

CLIENT:

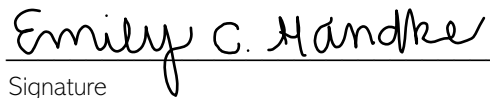
BY: 
Signature

Brian Blazer 9/13/2021
Printed Date

BY: 
Signature

Sarah Blazer 9/13/2021
Printed Date

DESIGNER: EMILY HANDKE DESIGN, LLC

BY: 
Signature

Emily C. Handke, Member 9-13-2021
Printed Date