

STAFF REPORT

CASE: BZA06-2014

APPLICANTS: Flossie Properties, LLC

LOCATION: 3455 Ferry Road
Parcel L32000100090004400
5.001 acres

ZONED: A-1 (Agricultural) District

REQUEST: Area/dimensional variance from Section 4.11 G. of the Sugarcreek Township Zoning Resolution to allow the existing 5.001 acre parcel to be split into two parcels, one containing 2.00 acres and one containing 3.001 acres (the 3.001 acre parcel would then be combined with the adjacent 5.001 acre parcel to the south)

DATE: May 22, 2014

DESCRIPTION OF REQUEST

Property Location: The subject property is 3455 Ferry Road, located in the A-1 (Agricultural) District. The subject parcel contains an existing 1376 SF single-family dwelling constructed in 2007.

Applicant Proposal: The applicant is requesting an area/dimensional variance from Section 4.11 G., of the Sugarcreek Township Zoning Resolution to allow the existing 5.001 acre parcel to be split into two parcels, one containing 2.00 acres (with the house) and the other containing 3.001 acres. The 3.001 acre parcel would then be combined with the 5.001 acre parcel to the south, leaving two parcels one containing 2.00 acres (with the house) and one containing 8.002 acres.

Zoning of Adjacent Parcels: The parcels to the north (a 20 acre parcel in agricultural use), south (a 5.001 acre parcel in agricultural use owned by the applicant), east (two 5 acre residential parcels) and west (a 5.7 acre parcel in agricultural use owned by the applicant) are located in the A-1 (Agricultural) District.





Applicable Articles and Findings of Fact:

The applicant is requesting an area/dimensional variance from Section 4.11 G. of the Sugar Creek Township Zoning Resolution to allow the existing 5.001 acre parcel to be split into two parcels, one containing 2.00 acres (with the house) and the other containing 3.001 acres. The 3.001 acre parcel would then be combined with the 5.001 acre parcel to the south, leaving two parcels one containing 2.00 acres (with the house) and one

containing 8.002 acres.

- ***Table 4-4 in Section 4.11 G. of the Sugarcreek Township Zoning Resolution establishes a five (5) acre minimum lot area for the A-1 (Agricultural) District.***
 - The applicants are requesting approval to allow for the creation of two parcels from the existing 5.001 acre parcel. One parcel would contain 2.00 acres with the house and all the frontage. The other parcel would consist of 3.001 acres and be combined with the 5.001 acre parcel to the south, leaving a 8.002 acre parcel. Both proposed lots (post-split and post-combination) would be consistent with all requirements outlined in Table 4-4 for the A-1 (Agricultural) District with the exception of the subject criteria, minimum lot area for the 2.00 acre parcel only.

- ***Section 3.07 D. defines an area/dimensional variance as a variance of a dimensional or quantitative standard in the Zoning Resolution.***
 - The applicant's request is for an area/dimensional variance.

- ***Section 3.07 D.I. establishes the following review criteria for area/dimensional variances:***
 1. ***Area/Dimensional Variances***
 - a. ***The following factors shall be considered and weighed by the BZA to determine if a practical difficulty exists that would justify an area/dimensional variance:***
 - 1) ***Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;***
 - 2) ***Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;***
 - 3) ***Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;***
 - 4) ***Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;***
 - 5) ***Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;***
 - 6) ***Whether special conditions or circumstances exist as a result of actions of the owner;***

- 7) *Whether the property owner's predicament can feasibly be obviated through some method other than a variance;*
 - 8) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and*
 - 9) *Whether the granting of the variance requested will 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 has submitted statements relative to the foregoing standards.
 - b. Decisions should take into consideration all applicable factors, however, not all factors may necessarily apply to a particular case. No single factor shall control.*

Staff Comments:

There is a series of lots on the east side of Ferry Road, with sizes inconsistent with the A-1 District requirements. Staff has provided survey records indicating when these lots were created. The BZA will need to determine if a practical difficulty exists that would justify an area/dimensional variance based on the factors provided in the Zoning Resolution. Staff notes that the applicant has coordinated with the Greene County Combined Health District to ensure that the lot split as proposed took septic and well location into consideration.

Cara A. KillKelley, AICP
Township Planner/Zoning Official