



BZA Case#	<u>VAR22-09</u>	Date Received:	<u>7/11/2022</u>	Reviewed By:	<u>SD</u>
BZA Meeting Date:	<u>8/2/2022</u>	Date of Legal Publication:	<u>7/20/2022</u>		
Fee: \$	<u>250.00</u>	<input type="checkbox"/> Cash	<input type="checkbox"/> Credit Card	<input checked="" type="checkbox"/> Check #	<u>2326</u>

Board of Zoning Appeals Application

Applicant: F. Joseph Hall Phone Number: 937-361-5110

Mailing Address: 7090 Taywood Rd., Englewood, OH 45322

Request:

- Administrative Appeal
 Conditional Use
 Variance

Property Address: 7090 Taywood Rd, Englewood, OH 45322

Subdivision Name: N/A Lot#: N/A

Parcel ID#: _____ Zoning District: _____

Nature of Request: Variance to allow for a partial crushed limestone drive from behind front corner of house to rear yard to proposed accessory structure.

I hereby authorize and grant to the City of Clayton Officials and employees, members of the Board of Zoning Appeals the right to come onto the above described property for the purpose of inspecting and evaluating the premises regarding this application. I further release said Board members, and City employees and officials from any and all liability during said inspection and related matters.

I swear that the above information and attached exhibits, to my knowledge, are true and correct. I understand that if the information on this application is not correct or complete, the result may be the invalidation of the approval and all subsequent permits issued in conjunction with this approval.

F. Joseph Hall
Applicant's Signature

7/8/22
Date

Affidavit

State of Ohio

County of Montgomery

I (We) F. Joseph Hall, Kathleen Geiger after being first duly sworn, depose and say:

1. That I (We) are the owner(s) of the above described real estate;
2. That I (We) have read and examined the Application for Conditional Use, Variance or Administrative Appeal of the City of Clayton Codified Ordinance, and are familiar with its contents; and
3. That I (We) have no objections to, and consent to such request as set forth in the application.

* F. Joseph Hall Kathleen Geiger
Property Owner(s) Signature(s)

7090 Taywood Rd., Englewood, OH 45322
Mailing Address

937-361-5110
Phone Number

Subscribed and sworn to be before me this 11th day of July 2022

C. Fast
Notary Public Signature



CANDICE FAST
Notary Public, State of Ohio
Montgomery County
My Commission Expires
08/05/2023

Kate Geiger
Name (Person to be contacted for details, if other than above signatory)

7090 Taywood Rd., Englewood, OH 45322
Mailing Address

937-313-7953
Phone Number

M60-31-7-92

File No. 2107012

GENERAL WARRANTY DEED

Robert Snell and Darline Snell, husband and wife of Montgomery County, Ohio for valuable consideration paid, grant(s), with general warranty covenants, to:

Kathleen E. Geiger and F. Joseph Hall, wife and husband, for their joint lives, remainder to the survivor of them

whose tax mailing address is: 7090 Taywood Rd., Englewood, Ohio 45322

LANDMARK TITLE AGENCY SOUTH, INC.
280 REGENCY RIDGE, SUITE 1500
DAYTON, OHIO 45459
BOX

the following **REAL PROPERTY**:

Situate in the southwest quarter of Section 26, Town 5, Range 5, East, City of Clayton (formerly Randolph Township), Montgomery County, State of Ohio, being part of a 5.0 acre tract which is described in Deed Vol. 1564, page 408 of the records of said county, that part of said 5.0 acres hereby conveyed is more fully bounded and described as follows:

Beginning at a point on the west line of said 5.0 acre tract and on the west line of said Section 26 in the center of the Taylorsburg-Englewood Road, said beginning point is located North 3 degrees West a distance of 399.00 feet from an iron pin at the southwest corner of said section; thence North 3 degrees West along the west line of said 5.0 acres for a distance of 133.0 feet to a corner; thence North 86 degrees 52' East and parallel to the south line of said section 26 for a distance of 327.27 feet to an iron pin set for a corner on the east line of said 5.0 acres; thence South 3 degrees East along said east line for a distance of 133.0 feet to an iron pin set for a corner; thence south 86 degrees 52' West for a distance of 327.27 feet to the point of beginning, containing 1.0 acres more or less and subject to all legal highways.

Auditor Parcel No: M60-31-7-92

More commonly known as: 7090 Taywood Rd., Englewood, OH 45322

Subject to all restrictions, easements, conditions and covenants of record, and all legal highways, and subject to real estate taxes and assessments becoming due and payable in the month of June or December, next following the execution of this deed, whichever month first occurs and thereafter.

Prior Instrument Reference: Deed Microfiche 00-0353E09 of the Deed Records of Montgomery County, Ohio.

This instrument shall be governed and controlled by the laws of the State of Ohio
Executed by Robert Snell and Darline Snell, husband and wife this 23rd day of July, 2021.

KARL KEITH
COUNTY AUDITOR
MONTGOMERY COUNTY DAYTON, OHIO
DESCRIPTION APPROVED FOR
STRAIGHT TRANSFER CLOSURE
NOT CHECKED.
8/25/21

Robert Snell

Robert Snell
A. O. S. O.

Letter Of Intent

July 11, 2022

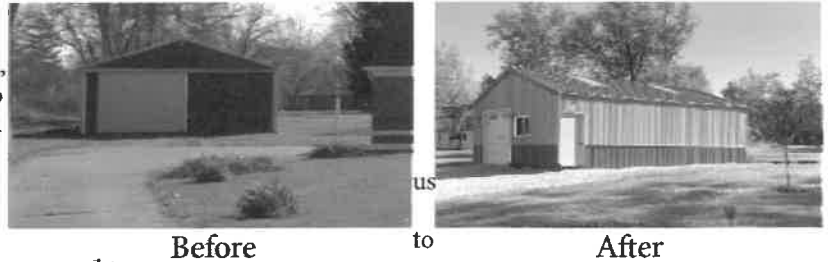
E. Joseph Hall (937-361-5110)
Kathleen Geiger (937-313-7953)
7090 Taywood Rd.
Englewood, OH 45322
Parcel ID: M60 03107 0092
Zoning Code: 1121.02 (H) (2)

Seth Dorman,

As per our numerous conversations, I have compiled the following plea for a variance on our property at 7090 Taywood Rd. I hope after my case is explained, you will feel compelled to advance my cause to the Commissioners. Our need for a partial crushed limestone drive leading back to a new accessory structure is great, but to be required to pay an additional \$6,000-\$8,000 to have it paved would create a great financial hardship on our already strained fixed income. If we do not have a drive, it would create an insurmountable difficulty and impracticality. We would not be able to drive the vehicles back to load and unload, therefore having to tote and carry all of our equipment too great a distance.

Formerly we resided at 80 S. Diamond Mill Rd. in the Village of Clayton, in a home and community we adored. Due to age and declining health, we were forced to sell the two story home and purchase the current one story house we now reside in. At the prior residence, we had a 24 x 36 pole barn with a gravel drive on an acre. It was a beautiful property once we improved it. (I have inserted before and after photos of the barn/drive situation.) No one ever said a word to us that it was non compliant.

After completing extensive renovations to the new house on Taywood, we moved in and at once started improving the outside. Our plan is to add a new accessory structure. We would use part of it for storage and part of it as a leather workshop for Joey. We teach living history and pre 1840 America skills at events around the country. This requires to store a lot of equipment that we have to load and unload quite frequently in the spring and summer months. We need to be able drive back to the structure because we are too old to tote and carry like we used to.



We would love to be able to have a paved surface the entire length, but we simply can not afford to get a new building and pave 150' drive on our fixed income. We planned to use crushed limestone which is much cleaner than gravel as it packs down hard with little to no dust once it has settled. It is also sturdier than gravel and will tolerate the weight limit. This crushed limestone application would have no impact to the environment or the neighbors.

What little code there is about "gravel drives", which is new according to my understanding, does not make sense to me. 1121.02 (H) "Residential driveways from the back edge of the driveway approach to the primary structure..." What I understand this to say is "from the street to the front of the garage", yet our proposed limestone drive is behind that.

And "must be constructed of a durable and dustless hard surface of asphalt, concrete, or other suitable materials..." I have a hard time understanding why something such as asphalt grindings or a limestone that hardens as it settles would create dust sufficient to break this rule. Perhaps this terminology could use some further contemplation, discussion and revision.

In closing, it is not our intent to ask you to break your own laws but to understand that sometimes there are special circumstances which when met, would allow residents to maintain a happy healthy quality of life. Our record will show that we have devoted ourselves to improving and beautifying our spaces, immersed ourselves in our community.

With Kindest Regards,

Kathleen Geiger
Joey Hall

- A. Proposed new accessory structure**
16' x 36'
- B. New location for existing garden shed**
12' x 36'
- C. New crushed limestone drive.**
14.5' x 150'
- D. Existing House**
71' x 143'

