



Board of Zoning Appeals Council  
Chambers  
September 12, 2022 – 6:00 p.m.  
233 South Main Street, Monroe, Ohio

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**Call to Order**

**Roll Call**

**Approval of the Minutes – June 27, 2022**

**Old Business**

**New Business**

Public Hearing

Case No. 2022-6. Consideration of a variance application from Emily and Samuel Nelson regarding a land transfer between 219 and 225 Lynette Ct

**Administrative Reports**

**Adjournment**



**Board of Zoning Appeals Minutes  
June 27, 2022 – 6:00pm**

The Board of Zoning Appeals of the City of Monroe met in regular session at 6:00 pm on June 27, 2022. The meeting was held in the Council Chambers located at 233 South Main Street.

**Call to Order**

Mr. Adam called the meeting to order at 6:00 p.m.

**Roll Call**

Members present: Lorenzo Adam, Michael Morris, Casey Walters, Joshua Mason, and John Robbins.

Staff members present: Tom Smith, Director of Development; Jameson Cole, Planner and Michelle Layman, Planning and Zoning Specialist.

**Approval of Minutes**

Mr. Robbins noted he was here for the last meeting. Mr. Morris moved to amend the minutes of February 23, 2022, to reflect the attendance of Mr. Robbins; seconded by Mr. Mason. Voice vote. Motion carried.

**Old Business**



None.

### **New Business**

#### **Public Hearing: Case No. 2022-5-- Consideration of a variance application from Jason and Amber Wenzel regarding construction of a detached garage.**

Having been sworn, Mr. Cole gave the following presentation:

#### Background:

- Jason and Amber Wenzel, property owners at 960 N Garver Road, applied for a variance regarding a proposed detached garage in the rear yard of their property.
- They wish to exceed the maximum cumulative square footage permitted for accessory structures.
- They propose to construct a 1,200 square foot (30'x40') detached building to serve as a workshop and to provide additional storage.
- The property owned by Jason and Amber Wenzel is 0.76 acres and is zoned R-1 Single Family Residential
- Mr. Cole reviewed various photos of the property.

#### Variance Purpose:

- A variance from the requirements of this code may be granted by the BZA when the BZA determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exist that prevent strict application of this code.

#### Variance Request:

- To allow an increase in the maximum square footage permitted for all accessory structures from 840 square feet to 1,200 square feet. This represents an increase of 42.9% above the maximum permitted for this site.
- Section 1205.01(C) outlines this requirement as the following:

**(2)** The cumulative total of all accessory structures shall be subject to maximum lot coverage allotments for each district as established in [Table 1205-1: Site Development Standards for Residential Zoning Districts](#). The cumulative footprint of all detached garages, utility/storage sheds, gazebos and above ground swimming pools shall not exceed 50% of the footprint of the principal structure.

Review Criteria:

The following factors shall be considered and weighed by BZA to determine practical difficulty. Staff's findings are listed after each criterion:

- **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.**

This property is similar to other R-1 zoned residential properties in this area in terms of lot size and size of home. It is dissimilar to other residential properties in the immediate area in that it is L-shaped, and a portion of the property sits behind another property. The property does abut light industrial property, which is not unique compared to other lots on Garver or some other pockets of established residential adjacent to light industrial property.

- **Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.**

The property may yield a reasonable return and be of beneficial use without the requested variance as a single-family home.

The applicant states the purpose of purchasing the property was based on the lot size and space to build this type of structure.

- **Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.**

The variance requested is substantial as the request is a 42.9% increase in the maximum square footage currently permitted by code for this property. As the property is already being utilized, it is the interpretation of Staff that it is not the minimum necessary to make use of the land.

The applicant has indicated that the building will be used for storage and as a workshop space.



- **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.**

Much of the surrounding area was developed as more of a traditional neighborhood with lots generally ranging between 0.5 acres to 1.2 acres. There are a limited number of homes in the area with larger detached garages. Those that do have larger detached buildings may have been existing for a number of years under previous codes.

The applicant has stated the structure will be partially hidden from review due to its location towards the rear of the home. The applicant states the proposed structure is comparable to many structures in this area and is surrounded by commercial property.

- **Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and refuse pickup.**

The variance would not adversely affect the delivery of governmental services.

- **Whether special conditions or circumstances exist as a result of actions of the owner.**

The requested variance is due to the stated need of the property owner to be able to store various items and utilize the space as a workshop at his property.

The applicant states they've recently inherited classic cars, tools, and a car trailer. The structure will serve to keep the yard free of clutter and vehicles out of the weather.

- **Whether the property owner's predicament can feasibly be removed through some method other than a variance.**

The applicant could construct a smaller structure (no larger than 840 SF) or potentially construct an attached garage at the requested 1,200 square feet as an attached structure would not fall under the limitation on square footage for detached accessory structures.

The applicant has stated constructing a smaller detached structure would not fit their needs.

- **Whether the spirit and intent behind the code requirement would be observed and substantial justice done by granting a variance.**

The spirit and intent behind limiting the structure size to be subordinate to the principal



structure (single-family home) may still be observed by granting a variance in this case.

- **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 granting of this variance would provide this applicant the ability to construct a structure much larger than is allowed for others living in residential areas in Monroe. Staff would note that the Board denied two variance requests related to detached garages in 2017 but approved one in 2020 and another in 2021.

#### Department Comments:

- Public Works/Engineering: No comment.
- Police Department: No comment.
- Fire Department: No comment.

#### Public Comments:

- The applicant has provided letters of support from neighbors that have been included in the packet for the record.

#### Staff Recommendation:

- As a reminder, a variance from the requirements of this Code may be granted by the Board of Zoning Appeals when the Board determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exist that prevent strict application of this Code.
- Staff's review and recommendation are based on Code interpretations as well as the potential for precedents that could affect overall enforcement of City standards and regulations. The BZA's approval, denial, or modification is not required to be based on all the above criteria being met. No single factor listed above may control and not all factors may be applicable in each case. Each case shall be determined on its own facts.
- Staff does not make a recommendation regarding the variance request. Staff understands the applicant desires a building to store personal items (vehicles, equipment, etc.) and to utilize as a personal workshop. As mentioned in the report, several requests have come to the Board regarding this type of variance over the last 5 years, some of which were granted. There is not necessarily a hardship presented by the applicant. The property is not necessarily unique in comparison to other R-1 lots in this



area. The request is considerable and not the minimum necessary to make use of the property.

Mr. Morris asked if in our regulations he could build a 1200 sq ft attached structure and wouldn't need a variance but if building the same size detached structure would he need a variance. Mr. Cole stated yes, he would need a variance. Mr. Morris stated this is why BZA is hearing so many of these cases.

Mr. Morris asked if the letter that was received from a neighbor, Nate Reece, had been recorded. Mr. Cole states it has and gave the letter to BZA for their review.

Mr. Adam asked if anyone would like to speak from the community.

Having been sworn, Amber and Jason Wenzel spoke regarding the reason they are in need of the garage. They stated Jason works on cars and that they have some larger items that need to be stored. Jason stated they are placing the structure on an already existing pad. Mr. Morris stated they will have concrete pad left over. Mr. Adam asked for them to review the building plans and materials.

Mr. Adam asked if anyone else would like to speak. Mrs. Drew spoke in favor of them being able to construct the detached garage. Mr. Morris asked if it would hurt the character of the neighborhood. The neighbor stated it will not.

Mr. Morris moved to accept the documents for the record; seconded by Mr. Mason. Voice vote. Motion carried.

### **Deliberative session by board**

Mr. Adam reviewed the plans. Mr. Morris brought up the fact that this isn't a typical lot. He asked that when the regulations are reviewed by Planning Commission, this scenario be looked at. He stated Monroe has varying shapes and sized lots. Mr. Morris stated he doesn't have a problem with this.

Mr. Adam brought up the fact that this could set a precedent moving forward. Mr. Morris disagreed stating the neighborhood that this home is in has varying types of lots. He stated by approving this variance it will not disrupt any public utilities.

Mr. Adam asked for a motion to approve case no 2022-5 Consideration of a variance application from Jason and Amber Wenzel regarding construction of a detached garage.

Mr. Morris moved to approve Case No. 2022-5, Consideration of variance application from Jason and Amber Wenzel regarding construction of a detached garage; seconded by Mr. Walters.

Roll call vote: five ayes. Motion carried.

### **Adjournment**

Mr. Mason moved to adjourn; seconded by Mr. Robbins. Voice vote. Motion carried.  
The Board of Zoning Appeals meeting adjourned at 6:33 p.m.

Respectfully submitted by:

Michelle Layman

Planning and Zoning Specialist



**CITY OF MONROE**  
**Inter-Office Correspondence**

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TO: Members of the Monroe Board of Zoning Appeals  
FROM: Kameryn Jones  
Assistant Development Director

DATE: September 12, 2022

RE: Information Packet for **September 12, 2022**, Board of Zoning Appeals Meeting at **6:00 p.m.**

**I. BZA-2022-6— Consideration of a variance application from Matthew and Kelli Goedde regarding a land transfer between 225 Lynette Court and 219 Lynette Court**

**A. Background:**

- Matthew and Kelli Goedde, property owners at 225 Lynette Court have applied for variance regarding a land transfer between their property and the neighboring property at 219 Lynette Court.
- They wish to transfer land between landowners and create a legally non-conforming lot at 225 Lynette Court.
- They propose is to transfer approximately 612 square foot (4'x153') piece of land between the two homes.
- The property at 225 Lynette is owned by Matthew and Kelli Goedde is 0.26 acres and is zoned R-1 Single Family Residential.
- The property at 219 Lynette is owned by Samuel and Emily Nelson is 0.28 acres and is zoned R-1 Single family Residential.



**Overhead View of Site**



**Surrounding Zoning**



**Looking South towards 225 Lynette Court from Lynette Court**



**Looking south towards the fence between 219 Lynette Court and 225 Lynette Court**



**Looking west towards the rear of 219 Lynette Court from Moder Drive**



## D. Review Criteria:

The following factors shall be considered and weighed by BZA to determine practical difficulty. Staff's findings are listed after each criterion:

- ***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.***

This property is similar to other R-1 zoned residential properties in this area in terms of lot size and size of home. Being both of these homes are relatively older in comparison to many of Monroe's new subdivision homes, the lots are generally already smaller than what would be permitted today.

- ***Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.***

The property may yield a reasonable return and be of beneficial use without the requested variance as a single-family home.

The applicant states the purpose of the transfer is so that each house will own the land on their respective side of the fence. In addition, the owners of 219 Lynette Court wants to address a drainage issue caused by the portion of 225 Lynette Court lot they are proposing to transfer, which drains towards 219 Lynette Court. The additional land will allow them to implement a variety of drainage solutions.

- ***Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.***

The variance requested is minor regarding the amount of land being transferred but not the minimum necessary to make use of the property.

- ***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.***

The character of the neighborhood would not be altered as the two houses and yards look similar to those in the neighborhood.

- ***Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and refuse pickup.***

The variance would not adversely affect the delivery of governmental services.

- ***Whether special conditions or circumstances exist as a result of actions of the owner.***

The requested variance is due to the property owners exchanging land based on where the existing fence is located.

The applicant stated that they constructed a fence evenly between the two properties thinking it was along the property line. When it was discovered it was not the true location of the property line, the property owners of 225 Lynette Court offered the land that is located on the other side of the fence to the property owners of 219 Lynette Court.

- ***Whether the property owner's predicament can feasibly be removed through some method other than a variance.***

At their own risk, the applicant could leave the fence up between the houses with the understanding that it is not on the property line.

Another method to correct the issue would be to move the fence to the proper location along the existing property line.

- ***Whether the spirit and intent behind the code requirement would be observed and substantial justice done by granting a variance.***

The spirit and intent behind the code requirement may be observed by granting a variance in this case.

- ***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.***

Granting the variance requested would create a lot smaller than what is presently permitted in the R-1 zoning district or any other residential district in the City.

## **E. Department Comments:**

- Public Works/Engineering: No comment.
- Police Department: No comment.
- Fire Department: No comment.

## **F. Public Comments:**

- The applicant has provided a signed gift of land agreement.

## **G. Staff Recommendation:**

- As a reminder, a variance from the requirements of this Code may be granted by the Board of Zoning Appeals when the Board determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exist that prevent strict application of this Code.
- Staff's review and recommendation are based on Code interpretations as well as the potential for precedents that could affect overall enforcement of City standards and regulations. The BZA's approval, denial, or modification is not required to be based on all the above criteria being met. No single factor listed above may control and not all factors may be applicable in each case. Each case shall be determined on its own facts.

Staff does not make a recommendation regarding the variance request. The staff understands the applicant desires to transfer the land in an effort to amend the drainage issues and improper fence location. The request is relatively small and not the minimum necessary to make use of the property.



# Application for a Variance

Monroe Development Department  
233 South Main Street, Monroe, Ohio 45050  
Phone: 513-539-7374  
planning@monroehio.org  
[www.monroehio.org](http://www.monroehio.org)

## For Staff Use Only

Submittal Date: 7/22/2022

Date Application Determined Complete:

Date of BZA Review:

Fee Paid: RES/AG- \$300 COMM- \$500 Staff Initials:

Application/Case Number:

## Variance Review Information

1. The variance review procedure and review requirements are established in Section 1203.08 of the Monroe Planning and Zoning Code.
2. There are separate review criteria for an area/dimensional variance (a request to vary any numerical or dimensional requirement in the code) and for a use variance (a request to have a use approved that is not otherwise allowed in the applicable zoning district. The applicant must demonstrate a practical difficulty for an area/dimensional variance or an unnecessary hardship for a use variance.
3. Approval of a variance does not guarantee any other approvals (e.g., site plan or zoning permit reviews). The applicant shall be responsible for applying for any other necessary permits or reviews.
4. Applicants shall obtain a zoning compliance inspection within one year of a variance approval or the approval shall be voided.
5. The application fee for a variance is \$300 for a residential or agricultural use and \$500 for all other uses, due at the time the application is submitted.

## Basic Project and Site Information

Project Address:

County:  Butler  Warren Total Lot Area:

County Tax Parcel ID: C1800008140103

Project/Development Name:

Existing Zoning District: WHITEHILL ESTATES

Variance Type:  Area/Dimensional Variance  Use Variance

## Applicant Information

Applicant Name: MATTHEW & KELLI GOEDDE

Contact Person: ✓ ✓

Contact Address: 225 LYNETTE CT. MONROE, OH 45050

Contact Phone Number: Contact Fax Number:

Contact E-Mail:

Property Owner Name: MATTHEW & KELLI GOEDDE

The applicant may attach a separate sheet of a paper with contact information for additional people, if necessary (e.g., additional owners, registered engineer, landscape architect, etc.). The same contact information shall be provided for each contact name.

Project Address or Tax Parcel ID:

**Additional Project Information**

**1) Please describe, in detail, the proposed uses and/or the proposed development.**

★ PLEASE SEE THE NELSON'S APPLICATION.

**2) Identify what variances are being sought including the applicable code sections, required dimensions, or the established standard.**

**3) What are the characteristics of the property that prevent you from meeting the minimum requirements of the planning and zoning code?**

- Lot is too narrow     Lot is too small     Lot is too shallow     The soil or subsurface is unique to the lot  
 The shape of the lot     Building or lot elevation     Topography     Other (Describe in #4 below.)

**4) Explain how items checked above prevent the reasonable use of the property under the existing requirements.**

**5) Explain how the property cannot yield a reasonable return or whether there can be any beneficial use of the property without the variance.**

Project Address or Tax Parcel ID:

**Additional Project Information Continued**

**6) Will the granting of the variance request(s) be consistent with the surrounding neighborhood and will the variance request(s) negatively impact or impair the essential character of the area?**

Yes  No Please explain your rationale below.

**7) To the best of your knowledge, is the difficulty or hardship described in this application self-imposed? Are the circumstances surrounding the request the result of the actions of the owner?**

Yes  No Please explain your rationale below.

**8) Identify how the proposed variance application will protect the surrounding properties from any negative impacts (e.g., noise, light, traffic, etc.)**

Project Address or Tax Parcel ID:

**Additional Project Information Continued**

**9) Are the variance request(s) substantial and the minimum necessary to make possible the reasonable use of the land and/or structures on the property?**

Yes  No Please explain your rationale below.

**10) Will the granting of the variance impact governmental services such as water, sewer, refuse pickup, safety services, etc.?**

Yes  No Please explain your rationale below.

**11) Explain how the property owner's predicament cannot be feasibly removed through another method other than a variance.**

Project Address or Tax Parcel ID:

**Additional Project Information Continued**

**12) Would the spirit and intent behind the code requirement be observed and substantial justice done by the granting of the requested variance(s)?**

Yes  No Please explain your rationale below.

**13) Would the granting of the variance(s) requested confer on the applicant any special privilege denied by the code regulation(s) to other lands, structures, or buildings in the same zoning district?**

Yes  No Please explain your rationale below.

**Please feel free to add any other information or rationale related to the request in the box below or as an attachment.**

Project Address or Tax Parcel ID:

### Certification and Signatures

**Applicant Signature - I certify that, to the best of my knowledge, the information contained in this form and within any attachments is correct and truthful. I understand that knowingly falsifying this information may be grounds for the denial or revoking of this application and any subsequent zoning permit or other review applications.**

Print Name: *Kelli Goedde*

Signature: *Kelli Goedde*

Date: *1/21/2022*

**Property Owner Signature - If the property owner is not the named applicant on this form, the property owner shall sign the form below acknowledging that the applicant is an authorized agent of the property owner as it relates to proposed project. If the variance request affects multiple properties, a signature from each property owner is required.**

Print Name:

Signature:

Date:

Note: A letter signed by the property owner, authorizing the applicant to act on their behalf may be submitted in lieu of the property owner's signature on this form.

### Submittal Requirement Checklist

Submittals shall include 8 copies (minimum of 11" x 17").  
Additional copies may be required based on project specifics.

### Digital Submittal Requirements

All document applications shall be submitted in an electronic format compatible (Adobe PDF) with the city's computer systems.

### General Information

Variance Application Form

Application fee

Copies of the plans and maps established below at a reasonable scale, as determined by the Development Department, to review the variance request.

Any additional information determined to be necessary by the Development Department.

### Variance Site Plan

Date, north arrow, scale, and a legend for all symbols – the plan shall be oriented with north to the top

All existing lot lines and parcel numbers for each lot subject to the variance request and all lots adjacent to the subject lot, including any across a street.

A survey, stamped and signed by a surveyor or engineer licensed in Ohio, documenting the exact boundaries and dimensions of the subject lot.

Boundaries and dimensions of all existing and proposed buildings and structures

All existing and proposed streets, rights-of-way, and related names

Identification of proposed variance (e.g., required setback and proposed setback, or maximum height and proposed height)



# Application for a Variance

Monroe Development Department  
233 South Main Street, Monroe, Ohio 45050  
Phone: 513-539-7374  
planning@monroeohio.org  
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## For Staff Use Only

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Date Application Determined Complete:

Date of BZA Review:

Fee Paid: RES/AG- \$300 COMM- \$500 Staff Initials:

Application/Case Number:  20220488 GB \$300

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3. Approval of a variance does not guarantee any other approvals (e.g., site plan or zoning permit reviews). The applicant shall be responsible for applying for any other necessary permits or reviews.
4. Applicants shall obtain a zoning compliance inspection within one year of a variance approval or the approval shall be voided.
5. The application fee for a variance is \$300 for a residential or agricultural use and \$500 for all other uses, due at the time the application is submitted.

## Basic Project and Site Information

Project Address:

County:  Butler  Warren Total Lot Area:

County Tax Parcel ID: C1800008140104

Project/Development Name:

Existing Zoning District: WHITEHILL ESTATES

Variance Type:  Area/Dimensional Variance  Use Variance

## Applicant Information

Applicant Name: EMILY NELSON / SAMUEL NELSON

Contact Person: ✓ ✓

Contact Address: 219 LYNETTE CT. MONROE, OH 45050

Contact Phone Number: 513-465-1234 Contact Fax Number:

Contact E-Mail: SNELSON1@CINCI.RR.COM

Property Owner Name: EMILY NELSON / SAMUEL NELSON

The applicant may attach a separate sheet of a paper with contact information for additional people, if necessary (e.g., additional owners, registered engineer, landscape architect, etc.). The same contact information shall be provided for each contact name.

Project Address or Tax Parcel ID: 819 LYNETTE COURT

Additional Project Information

1) Please describe, in detail, the proposed uses and/or the proposed development.

SIMPLE TRANSFER/GIFT OF 609 SQ. FT FROM NEIGHBOR TO HELP US WITH ERRECTING A FENCE BETWEEN THE PROPERTIES AND ENABLE US TO ADDRESS DRAINAGE PROBLEMS BETWEEN THE PROPERTIES.

2) Identify what variances are being sought including the applicable code sections, required dimensions, or the established standard.

SEE SURVEYOR'S DRAWING.

3) What are the characteristics of the property that prevent you from meeting the minimum requirements of the planning and zoning code?

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Lot is too narrow    | <input type="checkbox"/> Lot is too small          | <input type="checkbox"/> Lot is too shallow    | <input type="checkbox"/> The soil or subsurface is unique to the lot |
| <input type="checkbox"/> The shape of the lot | <input type="checkbox"/> Building or lot elevation | <input checked="" type="checkbox"/> Topography | <input checked="" type="checkbox"/> Other (Describe in #4 below.)    |

4) Explain how items checked above prevent the reasonable use of the property under the existing requirements.

DRAINAGE IS SEVERE BETWEEN THE PROPERTIES AND PROPOSED IMPROVEMENTS TO ALLEVATE DRAINAGE PROBLEMS ENTAIL USING THE GIFT OF LAND TO PROPERLY ADDRESS THE SITUATION.

5) Explain how the property cannot yield a reasonable return or whether there can be any beneficial use of the property without the variance.

??

Project Address or Tax Parcel ID: 819 LINETTE CT.

**Additional Project Information Continued**

**6) Will the granting of the variance request(s) be consistent with the surrounding neighborhood and will the variance request(s) negatively impact or impair the essential character of the area?**

Yes  No Please explain your rationale below.

*IT IS JUST AN AGREEMENT BETWEEN TWO NEIGHBORS,  
INVOLVES A SMALL 4 FT TO 3 FT STRIP OF LAND.*

**7) To the best of your knowledge, is the difficulty or hardship described in this application self-imposed? Are the circumstances surrounding the request the result of the actions of the owner?**

Yes  No Please explain your rationale below.

**8) Identify how the proposed variance application will protect the surrounding properties from any negative impacts (e.g., noise, light, traffic, etc.)**

*YES, DRAINAGE NEEDS TO BE FIXED.*

Project Address or Tax Parcel ID: 819 LYNETTE CT.

Additional Project Information Continued

9) Are the variance request(s) substantial and the minimum necessary to make possible the reasonable use of the land and/or structures on the property?

Yes  No Please explain your rationale below.

609 SQ. FT. - VERY SMALL

10) Will the granting of the variance impact governmental services such as water, sewer, refuse pickup, safety services, etc.?

Yes  No Please explain your rationale below.

11) Explain how the property owner's predicament cannot be feasibly removed through another method other than a variance.

NEIGHBOR HAS ALREADY GIFTED THIS SMALL STRIP.  
IT ALLOWS US TO PROPERLY ADDRESS/FIX THE DRAINAGE.

Project Address or Tax Parcel ID: 819 LYNETTE CT.

Additional Project Information Continued

12) Would the spirit and intent behind the code requirement be observed and substantial justice done by the granting of the requested variance(s)?

Yes  No Please explain your rationale below.

?

13) Would the granting of the variance(s) requested confer on the applicant any special privilege denied by the code regulation(s) to other lands, structures, or buildings in the same zoning district?

Yes  No Please explain your rationale below.

Please feel free to add any other information or rationale related to the request in the box below or as an attachment.

Project Address or Tax Parcel ID: 819 LYNETTE CT.

### Certification and Signatures

**Applicant Signature - I certify that, to the best of my knowledge, the information contained in this form and within any attachments is correct and truthful. I understand that knowingly falsifying this information may be grounds for the denial or revoking of this application and any subsequent zoning permit or other review applications.**

Print Name: SAMUEL O. NELSON - OWNER

Signature: Samuel O. Nelson

Date: 7/21/2022

**Property Owner Signature - If the property owner is not the named applicant on this form, the property owner shall sign the form below acknowledging that the applicant is an authorized agent of the property owner as it relates to proposed project. If the variance request affects multiple properties, a signature from each property owner is required.**

Print Name:

Signature:

Date:

Note: A letter signed by the property owner, authorizing the applicant to act on their behalf may be submitted in lieu of the property owner's signature on this form.

### Submittal Requirement Checklist

Submittals shall include 8 copies (minimum of 11" x 17").  
Additional copies may be required based on project specifics.

### Digital Submittal Requirements

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### General Information

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Application fee

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Any additional information determined to be necessary by the Development Department.

### Variance Site Plan

Date, north arrow, scale, and a legend for all symbols – the plan shall be oriented with north to the top

All existing lot lines and parcel numbers for each lot subject to the variance request and all lots adjacent to the subject lot, including any across a street.

A survey, stamped and signed by a surveyor or engineer licensed in Ohio, documenting the exact boundaries and dimensions of the subject lot.

Boundaries and dimensions of all existing and proposed buildings and structures

All existing and proposed streets, rights-of-way, and related names

Identification of proposed variance (e.g., required setback and proposed setback, or maximum height and proposed height)

**PLAT OF SURVEY**  
 IN SECTION 17 TOWN 3 RANGE 3  
 MIAMI PURCHASE  
 LEMON TOWNSHIP  
 CITY OF MONROE  
 BUTLER COUNTY STATE OF OHIO

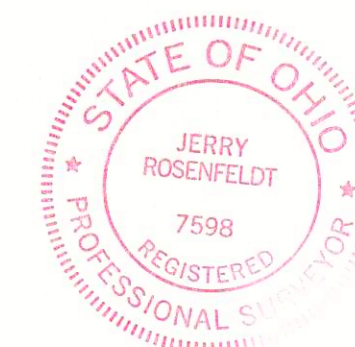
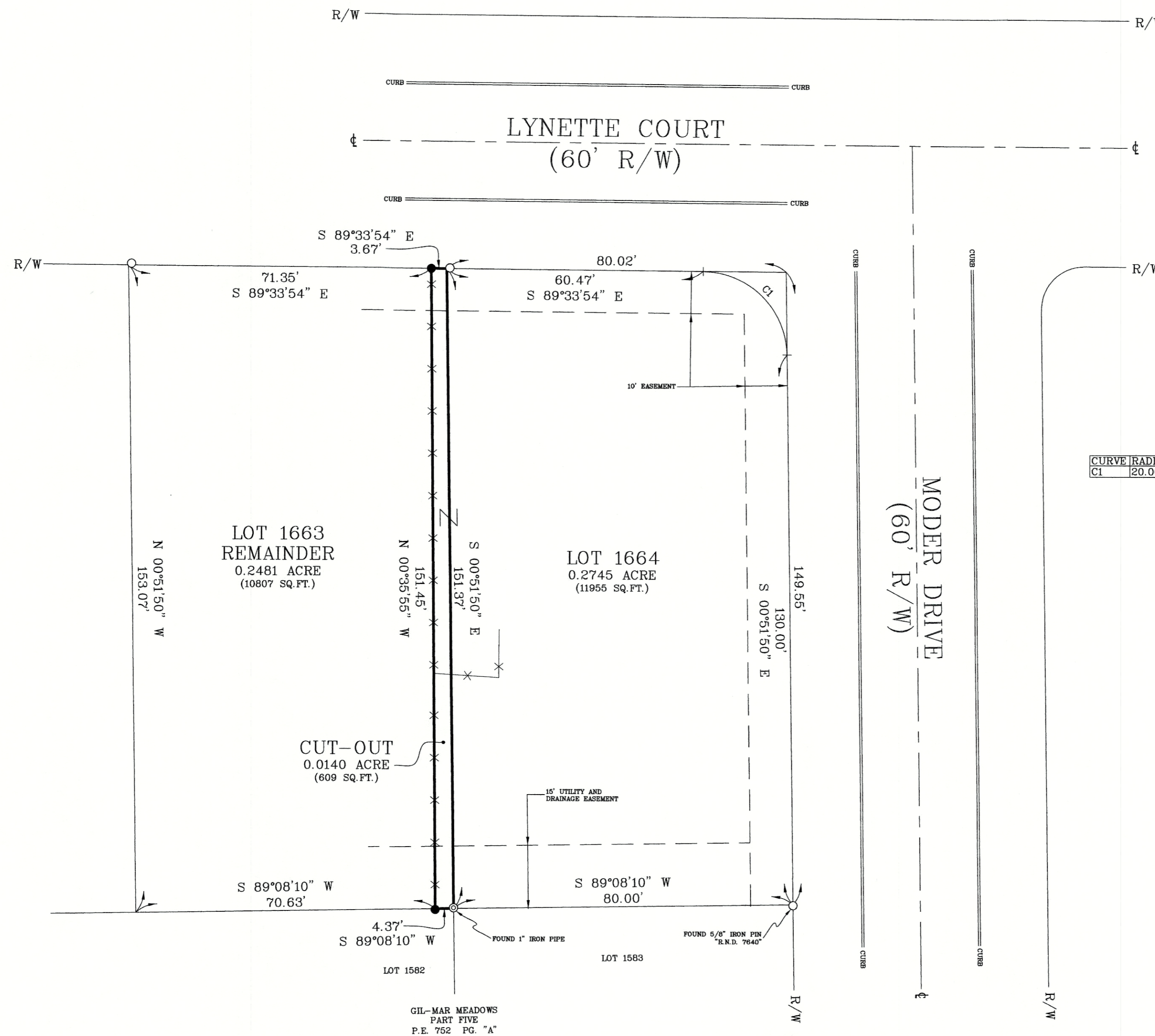
PART OF LOT 1663  
 WHITE HILL ESTATES  
 PLAT ENVELOPE 889 PAGE "C"

REFERENCES  
 PARCEL NO. C1800-008-140-103  
 OWNERS: (LOT 1663) MATTHEW L. GOEDDE AND KELLI R. GEODDE  
 DEED REFERENCE: DEED BOOK 8067 PAGE 887

PARCEL NO. C1800-008-140-104  
 OWNERS: (LOT 1664) EMILY NELSON, SAMUEL O. NELSON, AND E. ELLEN NELSON  
 DEED REFERENCE: DEED BOOK 9737 PAGE 1332

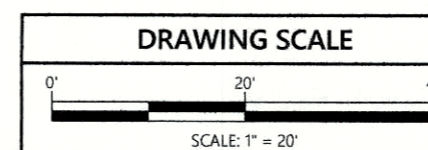
- NOTES:  
 1. ALL MONUMENTS FOUND IN GOOD CONDITION UNLESS OTHERWISE NOTED.  
 2. EXISTING FENCELINE IS WEST OF THE COMMON LOT LINE OF LOTS 1663 AND 1664 AS SHOWN. THE NEW PROPOSED LINE WOULD MATCH THE EXISTING FENCELINE.  
 3. SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	20.00'	30.96'	S 45°12'52" E	27.96'



**LEGEND**

- FOUND IRON PIN
- ⊙ FOUND IRON PIPE
- SET 5/8" IRON PIN "QCM INC. OH LS 7598"
- R/W RIGHT-OF-WAY
- ⊕ CENTERLINE



PROPERTY ADDRESS:	PROJECT DETAILS	SURVEY COMPANY	SURVEYOR'S CERTIFICATION
219 LYNETTE COURT MONROE, OHIO 45040	PROJECT NO.: 2022.306 DATE: 07-05-22	QCM INC. 7395 KINGSGATE WAY WEST CHESTER, OH 45069 (513) 779-8425 INFO@QCM-INC.NET	I HEREBY CERTIFY THAT THIS PLAT IS BASED UPON A FIELD SURVEY MADE UNDER MY DIRECTION, AND THAT THE MONUMENTS SHOWN ON THIS PLAT WERE EITHER SET OR FOUND AS DEPICTED.  <i>Jerry Rosenfeldt</i> 07-05-22 DATE
OWNER/ DEVELOPER SAMUEL NELSON	DRAWN BY: MNR APPROVED: JRR		
SURVEYOR JERRY ROSENFELDT	REVISIONS		

## GIFT OF LAND AGREEMENT

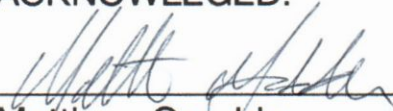
This gift of land agreement is entered into as of December 3, 2021 by and between Emily A. Nelson, residing at 219 Lynette Court, Monroe, Ohio, and Matthew and Kelly Goedde, residing at 225 Lynette Court, Monroe, Ohio.

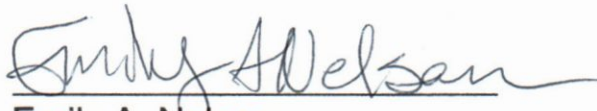
For the purpose of installing a new wooden fence between the neighboring owners' properties, Matthew and Kelly Goedde have offered to gift a strip of land, approximately four feet in depth and sixty yards in length, to Emily A. Nelson, of which she graciously accepts.


Emily A. Nelson is responsible for all cost associated with the purchase and installation of the fence and the removal of an older existing fence that is located on the strip of land being gifted.

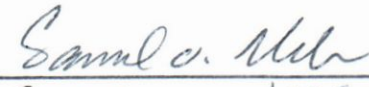
Emily A. Nelson is responsible for all legal costs relating to the proper transfer of said gift of land.


### ACKNOWLEDGED:

  
Matthew Goedde

  
Emily A. Nelson

  
Kelly Goedde

  
SAMUEL O. NELSON

  
Margaret E Kennedy  
my commission expires  
6/29/2025