



BATH TOWNSHIP ZONING

Summit County, Ohio

3864 West Bath Road - P.O. Box 1188 - Bath, Ohio - 44210-1188
Phone: 330.666.4007 - Fax: 330.666.0305
www.bathtownship.org

ZONING VARIANCE APPLICATION

For office use only:	ARC File No.:	BZA File No.:
Associated permits:		

Applicant Data

Name: Woodbrae, LLC

Company Name: _____

Address: 3624 Sanctuary Drive Akron, OH 44333

Telephone No.: (216) 956-8629 Email: pawukm@empacoequipment.com

Property Data

Zoning District: (circle one) R-1 **(R-2)** R-3 R-4 B-1 B-2 B-3 B-4 B-5

Corner Lot: Yes No Note: Corner lots are required to meet the front setback on both streets.

Property Address: (new home) 4121 Shaw Rd./(exst.) 4151 Shaw Rd. Parcel No.: 0404783

Allotment Name: _____ Lot No.: 58

Owner(s): Woodbrae, LLC

Owner Address: 3624 Sanctuary Drive Akron, OH 44333

Telephone No.: (216) 956-8629

Variance(s) Requested

Below list the specific section from the Zoning Resolution from which the variance is being sought along with a description of each variance. The Zoning Resolution is available online at www.bathtownship.org through the zoning link.

1. Section: 701-B(11)D Description: The total building footprint area of all accessory buildings and structures on a lot in the R-1 and R-2 districts shall not exceed 1,500 square feet. Requesting an extension to 4,060sf to include new 200 sf gatehouse and 3,860 sf for historic structures.

2. Section: 701-B(11)A Description: Detached accessory structures shall be set back 15 feet from the principal building. Requesting to build a gatehouse building in front of the house, closer to the road.

3. Section: 602-C(2)A Description: The construction of principal or accessory structures is prohibited in a riparian setback. Requesting to build within the extended 150' riparian setback, gatehouse will be aprox. 120' from the stream.

4. Section: _____ Description: _____

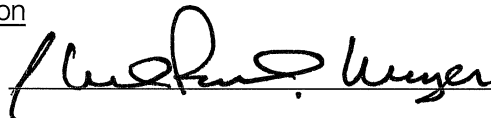
Contiguous Property Owners

The Township will notify all property owners within a 300' buffer of the parcel in question.

Required Site Plan Data and Architectural/Construction Drawings

1. Six (6) copies of site plan and plans along with a digital copy (ex: .pdf) of site plan and plans (11 x 17 preferred). The site plan must show the following:
 - A North arrow and scale
 - Existing structures and dimensions
 - Driveway and road access locations (existing and/or proposed)
 - Proposed structure(s) and dimensions
 - All setbacks
 - Roads
 - Lot dimensions
 - Easements and details
 - Septic system and well location (if applicable)
 - Indicate the location of lakes, ponds, wetlands, ravines, or other unusual topography
 - Riparian Corridor(s) must be clearly indicated on all lots containing applicable watercourses
 - All slopes greater than 18% must be indicated on a two (2) foot contour interval map with the contours extending at least 100 feet beyond the lot lines
2. If applicable, Six (6) copies of the building/construction plans along with a digital copy (ex: .pdf) showing major details including height data must be submitted with the application (11 x 17 preferred).
3. The "Bath Township Area Variance Supplemental Form" shall be filled out completely for each variance requested.
4. Digital copy of all required documents (i.e. emailed .pdf file)

Applicant Certification

Applicant Signature:  Date: 12-16-2024

Fee – due at time of application (make check payable to Bath Township Trustees)

- for residential applications – two hundred and fifty dollars (\$250.00)
- for commercial/business applications – three hundred and fifty dollars (\$350.00)
- for major subdivisions or use variances – five hundred dollars (\$500.00)

For Office Use Only

Appearance Review Commission File No.: ARC - -

Board of Zoning Appeals File No.: BZA - -

Hearing Date: _____ Public Notice Date: _____

Published In: _____ Abutting Property Owners Notification Date: _____

- Approved Approved with Conditions Denied

Comments: _____

Zoning Inspector Signature: _____ Date: _____



BATH TOWNSHIP AREA VARIANCE SUPPLEMENTAL FORM

PROJECT OVERVIEW

Provide an overview of the project:

New gatehouse structure for newly completed home. It will contain gate mechanical equipment, a space for parcel delivery drop off and storage for trash/recycling bins. Materials and form mimic those present in the new home. It is sited along the driveway closer to the road and between the 100' and 150' riparian setbacks, approximately 120' from the stream.

PRACTICAL DIFFICULTIES

The following factors shall be considered and weighed by the BZA to determine practical difficulty. If a factor is not applicable, please note that factor as "Not Applicable":

- A. Explain special conditions or circumstances that exist which are peculiar to your land or structure involved and which are not applicable generally to other lands or structures in the same Zoning District. (Examples of this are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions):

This property has 3 1830s structures (house, garage, barn) at the front of the property. Historic structures were granted 'accessory usage' use in 2022 by the zoning board. The existing structures exceed the total allowed 1,500sf allowance (house 2,174 sf, garage 750 sf, barn 936 sf). The new home is significantly set back from the historic structures and the steepness of some areas of the site have extended the standard riparian setbacks.

- B. Explain how the property in question would not yield a reasonable return on investment or there could not be any beneficial use of the property without the variance.

The new gate house better denotes the primary home from the street due to how set back off the road the new home is sited. Without it, there may be some difficulty finding the driveway or some confusion if it is an access road or driveway.

- C. Explain whether the variance is substantial or not:

The variance is not substantial since the property large and the distance between the structures on site and adjacent to the site is significant. The lot is large enough that structures will not be crowded. The siting of the gatehouse is further from the stream than the new home and in a location with more gradual slope.

- D. Explain whether the essential character of the neighborhood would be substantially altered or if adjoining properties would suffer a substantial detriment as a result of the variance.

The character of the neighborhood would not be substantially altered. The adjoining properties would not be affected due to the gatehouse's small size and isolated siting from other structures. The structure is far enough from the stream and on flatter grade, it would not affect downstream properties.

- E. Explain whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage, fire, street services,).

There would be no adverse affect on services. The gatehouse would positively benefit delivery service for mail/parcel carriers since it denotes the primary residence as well as provides an area for them to park instead of driving all the way back to the house or sitting on the road. Water, sewer, garbage and fire services would not change.

- F. Did the applicant purchase the property with or without knowledge of the applicable zoning restriction?

The property owner purchased the property without the knowledge of the zoning restrictions.

- G. Explain whether the special conditions or circumstances (listed in response to question A above) were a result of actions of the applicant or prior owners.

The circumstances are partially as a result of the current owner. Out of respect for the historic structures, these buildings were preserved and the new home was constructed further set back and at significant distance as to not compete with the historic structures and maintain the current street-scape. The difficult site topography and extended restrictions were not a result of the owner.

- H. Demonstrate whether the applicant's predicament feasibly can be resolved through a method other than a variance (e.g., a zone-conforming but unworkable example, or by minimizing the variance).

The construction of the gatehouse could fall under current zoning regulations if the historic home, garage, and barn were demolished - providing allowable square footage in the 1,500 square footage cap. This is not preferred as homeowners wish to preserve these historic structures. The gatehouse is pushed back from the street to be on more level ground, and the site topography limits siting the gatehouse further into the site and grade and street visibility limits movement of the driveway.

- I. Explain whether the spirit and intent behind the zoning requirement would be observed and/or substantial justice done by granting the variance.

The spirit of the zoning requirement is observed. This 30+ acre property is a sizable parcel and can sustain multiple outbuildings without crowding or negatively altering the neighborhood. Distance to the stream would still be significant (120' from the stream) and the grade is much more gradual than the area around the house. It meets a 50' and 100' riparian setback, it just does not quite reach the extended 150' setback that was set by grades near the house.

**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.*



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ACCESSORY STRUCTURE APPLICATION

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Applicant Data

Name: Woodbrae, LLC

Company Name: _____

Address: 3624 Sanctuary Drive Akron, OH 44333

Telephone No.: (216) 956-8629 Email: pawukm@empacoequipment.com

Property Data

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Owner(s): Woodbrae, LLC

Owner Address: 3624 Sanctuary Drive Akron, OH 44333

Telephone No.: (216) 956-8629

Site Data

Description of structure (e.g., barn): Gatehouse

Will this structure be used to house domestic animals? Yes No

Front Setback (ft.) 72' Side Setback (ft.) 132' & 1,048' Rear Setback (ft.) 993'

Height of accessory structure (ft.) 15' Mean height of principal building (ft.) 28'
side: 319'

Total area of existing accessory structures (sq. ft.) 3,860 sq. ft. Setback from house (ft.) front: 284'

Total area of proposed accessory structure (sq. ft.) 200 sq. ft.

Required Site Plan Data and Architectural/Construction Drawings

The following items must be submitted with the application in order to be reviewed. The application will be reviewed and the applicant will be contacted when the plans are approved. The Ohio Revised Code sets forth a maximum of thirty (30) days for review of all applications. No applications will be reviewed at the time of submittal. ***Incomplete applications will delay the review process.*** Site inspections will be conducted at the discretion of the Zoning Inspector.

1. One (1) copy of the site plan. The site plan must show the following:
 - A North arrow and scale
 - Existing structures and dimensions
 - Driveway and road access locations (existing and/or proposed)
 - Proposed structure(s) and dimensions
 - All setbacks and lot dimensions
 - Roads and easements (include details)
 - Indicate the location of lakes, ponds, wetlands, ravines, or other unusual topography
 - Riparian setback(s) must be clearly indicated on all lots containing applicable watercourses
 - Slopes greater than 18% require a two (2) foot contour interval overlay with the contours extending at least 100 feet beyond the lot lines to check compliance with Section 802.
2. One (1) copy of the building/construction plans showing major details including height data.
3. Septic system and well location, if applicable then provide copies of sewage disposal system plan and approval from the Summit County Health Department (330-923-4891) or Permit to Connect Sanitary Sewer from the Summit County Department of Environmental Services (330-926-2400).
4. Digital copy of all required documents (i.e. .pdf file).

Applicant Certification

By initialing, the applicant has read, understands, and agrees to the following:

- fw 1. Right Of Revocation - It is understood and agreed by this applicant that any error, misstatement, misrepresentation of material fact, with or without intent, such as might and/or would case a refusal of this application, or any material alteration in the accompanying plans made subsequent to the issuance of a Zoning Certificate without approval of the Zoning Inspector or Zoning Board of Appeals, shall constitute sufficient grounds for the revocation of such certificate.
- fw 2. The applicant agrees to allow the Zoning Inspector access to the property for on-site inspection(s).
- fw 3. The applicant agrees to abide by the Ohio Revised Code Sections §5589.08, §5589.10, and §5589.22 in that no dirt or mud is permitted on the road right-of-way during construction and that any repair costs for damage to the roadway or parts thereof will be paid by the applicant.
- fw 4. There may be deed restrictions on the property that differ from the Bath Township Zoning Regulations. Please check your deed to make sure that any proposed project meets any restrictions that may be in effect.
- fw 5. The zoning certificate shall become void at the expiration of one (1) year after date of issuance, unless the structure or alteration thereof is started, or within two (2) years after the date of issuance, unless the structure or alteration is completed.

Applicant Signature: Paul Paul. Meyer Date: 12-16-2024

Fee (make check payable to Bath Township Trustees)

Residential: \$50.00
Commercial: \$100.00

For Office Use Only

Zoning Certificate File No.: ZP - - Approved Denied*

Zoning Inspector Signature: _____ Date: _____

