



# 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: Pat Horsburgh

Company Name: Brookes and Henderson Building Company

Address: 16710 W Park Circle Dr

Telephone No.: 440-543-9140 Email: path@brookes-henderson.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: 4081 Derrwood Dr Akron OH 44333 Parcel No.: 0406677

Allotment Name: N/A Lot No.: N/A

Owner(s): Joey and Kim Lojek

Owner Address: 3083 Oxbow Rd Richfield OH 44286

Telephone No.: 216-214-3000

### 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](http://www.bathtownship.org) through the zoning link.

1. Section: 801-F Description: Proposed side yard fence to be in excess of the 6' height restriction

Fence to be 8' in height

2. Section: \_\_\_\_\_ Description: \_\_\_\_\_

3. Section: \_\_\_\_\_ Description: \_\_\_\_\_

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: Patrick J Horsburgh Date: 6/18/2025

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:

The client is requesting a variance to install a solid 8-foot tall fence, exceeding the 6-foot height ordinance, in order to enhance privacy and safety of the horses on the farm.

The clients elected to add a fence to frequent encounters with dogs off leash on the neighboring preserve property, the additional fence height is requested for privacy due to passerbys that stop and watch the horses/riders. The clients believe this will reducing audiences at the fence side and protect the riders and the horses alike.

## 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):

~~The clients are happy to share the beauty of the preserve and the farm alike with neighbors, however the existing horse fence does not provide security from dogs off leash that tend to float in and out of the pastures, creating a major safety risk for riders and the horses themselves (as well as the dogs). I don't believe many other properties abutt the preserve for such a distance and induce an audience quite like the farm located at 4081 Derrwood. The 6-foot height does not shield the passerbys from the horses that would remain in the pasture and could spook the horses.~~

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- 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.

Not Applicable

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

~~Do to the natural elevations of the existing property line and fence location, a 6-foot tall fence would not provide sufficient coverage for passerbys. When standing beyond the fence on the far side of the trail, most can see over the fence due to the elevation significant change.~~

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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.

Due to the location of the fence, views from neighboring properties are limited.

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

Not Applicable

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

At the time of purchase the use of the trails, particularly with dogs of leash, was unknown. After use of the property with horses, and observes from the Preserve, a fence was requested.

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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.

It is likely the pathways were used prior, but unknown the personalities of the horses or riders that previously owned the property.

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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 solid fence is required to help the dog issue, however the height issue is a privacy and safety concern of the horses and riders. The 8-foot height offers are workable solution that is close to the allowable ordinance, however provide privacy due the elevations.

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

We believe the 6-foot tall fence would suffice in a flat locations, however due to the significant elevation changes, that a taller fence is necessary for privacy, seucirty, and safety of the horses and residents.

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*\*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.*

