Warren County Board Of Zoning Appeals

Variance
Case # 2021-103
Shannon & Kristina Wesley
Franklin Township
April 20, 2021
6:30 p.m.

Copy made for Board Members,
Assistant Prosecutor, Trustees,
and Zoning Inspector/Applicant

VARIANCE APPEALS CASE CONTENTS

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Application for Variance

(1) Applicant Name(s): Shannon & Kristina Wesley
Phone: 513-615-4896 (s) E-mail: shannon_wesley@steris.com
Address: 3530 Madison Grace Way Franklin. OH 45005

(2) Owner (s) Name (s): Shannon Wesley
Phone: 513-615-4896 E-mail: shannon_wesley@steris.com
Address: 3530 Madison Grace Way Franklin. OH 45005

3) Property location / Address: 3530 Madison Grace Way Franklin. OH 45005
Sidwell / Parcel Id 08-21-130-015-0 Township: Franklin

4) Reason for Application: In ground pool - can't meet side set back

5) Property Description: Total Acreage: 0.2066 Public Road Frontage (feet): 60 feet
Zoning Classification: Residential Wastewater disposal: Sewage Water supply: public

6) Section (Warren County Zoning Code) requested for variance 3.102.8 A

7) Abbreviated Application Requirements (See Section 1.303.3):

- [ ] Owner must meet with the Zoning Staff before submitting application
- [x] Legal description / Deed (obtain in Recorder's Office 406 Justice Drive, Rm 237 or log onto https://www.warrencountyrecorder.com)
- [ ] Property owner must be present at the hearing to present case himself or with the assistance of an attorney.
- [ ] 4 identical drawings and 1 digital copy of the Site Plan (At a scale/size specified by Zoning Inspector) with vicinity & North arrow.
- [ ] Locations of proposed and existing easements.

8) Application requires compliance with the following in order for the application to be complete:

- Owner must complete the attached Temporary License/Right of Entry (Page 2).

Owners Name(s): Shannon Wesley
Owner Signature(s): [signature] Date: 3/28/2021
Applicant(s) Name(s): Shannon Wesley Kristina Wesley
Applicant(s) Signature(s): [signature] Kristina Wesley Date: 3/28/2021

AN OWNER MAY REPRESENT HIMSELF/HERSELF AT THE VARIANCE HEARING. AN APPLICANT WHO IS NOT AN OWNER MAY NOT REPRESENT HIMSELF/HERSELF AT THE VARIANCE HEARING UNLESS THE APPLICANT IS A LICENSED ATTORNEY. NON-OWNER APPLICANTS AND OWNERS OF PROPERTY TITLED IN THE NAME OF A CORPORATION/LLC/PARTNERSHIP MUST BE REPRESENTED BY A LICENSED ATTORNEY DURING THE HEARING.

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R# 2021-864

4-20-21 @ 6:30pm.

2021-103

To Whom it May Concern,

3/28/2021

We are requesting a variance to install an inground pool in our back yard at 3530 Madison Grace Way Franklin, Ohio 45005. Our neighborhood HOA does not allow for above ground pools and due to our small lot, we would need to impede on the 20 foot side setbacks to install the 16x32 size pool in our back yard. We are not asking for a large pool just a smaller pool. As you can see in the diagram, it will not be seen from the front of the house. A few of our neighbors have also requested the variance for an inground pool and changing the side setbacks and have received permission for the same size lot and pool. One main reason we want a pool at our house is so our son that has Cerebral Palsy can work on his aquatic therapy at home and continue to help with his muscle memory. Thank you for your consideration. We look forward to hearing from you soon.

Shannon Wesley
3530 Madison Grace Way
Franklin, Oh 45005

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COURTNEY WILLIAM R.
3549 DARCIE DR
FRANKLIN, OH 45005

AGNER RYAN M. & NIKISHA*
3553 MADISON GRACE WAY
FRANKLIN, OH 45005

EGER KURT & ISAURA
3521 MADISON GRACE WAY
FRANKLIN, OH 45005

CARPENTER AUGUST *
3480 MADISON GRACE WAY
FRANKLIN, OH 45005

LIMING PATRICIA
ANGELA'S COVE
FRANKLIN, OH 45005

JURGENS CHRISTOPHER & *
3622 KELLY MARIE WAY
FRANKLIN, OH 45005

MULLER JAMES
3593 MADISON GRACE WAY
FRANKLIN, OH 45005

LASCH JOHN & SUSAN
3522 MADISON GRACE WAY
FRANKLIN, OH 45005

KIRK GREGORY P. SR. &*
3465 MADISON GRACE WAY
FRANKLIN, OH 45005

MEADOWS OF WILSON FARM *
3762 SPENCER WAY
FRANKLIN, OH 45005

YANG HONG
3624 MADISON GRACE WAY
FRANKLIN, OH 45005

TURNMIRE TYLER L. & *
3566 MADISON GRACE WAY
FRANKLIN, OH 45005

BRYANT DEBORAH L.
3577 MADISON GRACE WAY
FRANKLIN, OH 45005

OBERDING AARON J. & JAIM
3451 ANGELA'S COVE
FRANKLIN, OH 45005

CARPENTER LESLIE A.
3617 MADISON GRACE WAY
FRANKLIN, OH 45005

MARSHALL PAUL H. & *
3565 KELLY MARIE WAY
FRANKLIN, OH 45005

HENDRIX MISTY LEE & *
3531 KELLY MARIE WAY
FRANKLIN, OH 45005

FULTZ TREVOR & HANNAH
3497 MADISON GRACE WAY
FRANKLIN, OH 45005

WERKMEISTER JEFFREY & *
3529 MADISON GRACE WAY
FRANKLIN, OH 45005

MEADOWS OF WILSON FARM *
WILSON FARM BLVD
FRANKLIN, OH 45005

CREMEANS JOHN & IRES
3579 KELLY MARIE WAY
FRANKLIN, OH 45005

CHAPUTA ANTHONY M. & *
3598 MADISON GRACE WAY
FRANKLIN, OH 45005

WULFF TAYLOR & TYLER
3457 MADISON GRACE WAY
FRANKLIN, OH 45005

HARTINGS CODY P.
3537 MADISON GRACE WAY
FRANKLIN, OH 45005

FROMHOLT JOSHUA T. & *
3552 KELLY MARIE WAY
FRANKLIN, OH 45005

DINARDO STEPHEN A. & *
3559 KELLY MARIE WAY
FRANKLIN, OH 45005

THOMAS ZACHARY & LESLIE
3452 ANGELA'S COVE
FRANKLIN, OH 45005

WILSON FARMS DEVELOPMEN...
3481 MADISON GRACE WAY
FRANKLIN, OH 45005

HOLBROOK STEVEN JAMES &
3456 ASH MEADOW LN
FRANKLIN, OH 45005

HADLEY DEREK B
3580 KELLY MARIE WAY
FRANKLIN, OH 45005

ELSHISHTAWI MAHMOUD
3545 MADISON GRACE WAY
FRANKLIN, OH 45005

SLATTERY SEAN & KATHLEEN
3554 MADISON GRACE WAY
FRANKLIN, OH 45005

LONG COURTNEY E. & *
3601 KELLY MARIE WAY
FRANKLIN, OH 45005

OWENS ALLEN D. & KAREN M
3625 MADISON GRACE WAY
FRANKLIN, OH 45005

HOHENSTATT THOMAS & Z.
3603 MADISON GRACE WAY
FRANKLIN, OH 45005

BLACKMORE JOSHUA & *
3489 MADISON GRACE WAY
FRANKLIN, OH 45005

WILLIAMSON SPENCER & *
3538 MADISON GRACE WAY
FRANKLIN, OH 45005

FERRIS FRANK F. III & KA
ROBINSON-VAIL RD
FRANKLIN, OH 45005

YOUNG ZACHARY T. & *
3566 KELLY MARIE WAY
FRANKLIN, OH 45005

BECKETT ELLEN G. & *
3505 MADISON GRACE WAY
FRANKLIN, OH 45005

TRAXLER RYAN & AMY
3561 MADISON GRACE WAY
FRANKLIN, OH 45005

PARKS DAVID W & NANETTE
3563 DARCIE DR
FRANKLIN, OH 45005

HALL RANDEL L. & LORI L.
3585 MADISON GRACE WAY
FRANKLIN, OH 45005

CABLE KEITH & JUDY
3473 MADISON GRACE WAY
FRANKLIN, OH 45005

WILSON FARMS DEVELOPMEN...
MADISON GRACE WAY
FRANKLIN, OH 45005

WAINSCOTT KYLE D. & *
3545 KELLY MARIE WAY
FRANKLIN, OH 45005

ROBERTS JAMES & WILMA
3636 KELLY MARIE WAY
FRANKLIN, OH 45005

WESLEY SHANNON & *
3530 MADISON GRACE WAY
FRANKLIN, OH 45005

BESSETTE KEVIN
3538 KELLY MARIE WAY
FRANKLIN, OH 45005

HENRICH DEAN C. & LORI
3608 KELLY MARIE WAY
FRANKLIN, OH 45005

OSNER TIM & SARAH
3546 MADISON GRACE WAY
FRANKLIN, OH 45005

HILL BRIAN E.JR.
3594 KELLY MARIE WAY
FRANKLIN, OH 45005

MC KINNEY REBECCA J.
3579 DARCIE DR
FRANKLIN, OH 45005

KNECHT KELLY & JORDAN
3513 MADISON GRACE WAY
FRANKLIN, OH 45005

JONES DEREK M.
3569 MADISON GRACE WAY
FRANKLIN, OH 45005

MORGAN MICHAEL W. & *
3609 MADISON GRACE WAY
FRANKLIN, OH 45005

HOLSINGER DOUGLAS O. &*
3612 MADISON GRACE WAY
FRANKLIN, OH 45005

THOMAS AMORY & DAMARCO
3514 MADISON GRACE WAY
FRANKLIN, OH 45005

LUCAS STEVEN M. & *
3580 MADISON GRACE WAY
FRANKLIN, OH 45005

WYATT ANDREA
ROUTE 122
FRANKLIN, OH 45005

TURNMIRE LINDSAY J. &
3524 KELLY MARIE WAY
FRANKLIN, OH 45005

2021-103

TEMPORARY LICENSE/RIGHT OF ENTRY FOR POSTING SIGN

(to be completed and signed by all Owner(s) of record)

In accordance with Section 1.307.7, a sign stating the public process for this specific property shall be posted on the property subject to Variance, accordingly, all Owner(s) do hereby grant to Warren County and its employees or agents a temporary license/right of entry onto the subject property to place and maintain a sign as required in Section 1.307.7 of the Warren County Rural Zoning Code. The duration of this temporary license/right of entry is from the date of execution of the Application for Variance until the sign is removed by Warren County or its employees or agents on or immediately after the date the final public hearing is closed by the Approving Authority.

SIGNED BY:

Owner Signature — Date: 3/28/2021

Shannon Wesley
Owner (please print)

Owner Signature — Date

Owner (please print)

Owner Signature — Date

Owner (please print)

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ZONING INSPECTION

2021-103

N18-01995

LIMITED WARRANTY DEED*
SURVIVORSHIP

NVR, INC., a Virginia Corporation, a corporation organized and existing under the laws of the State of Virginia for valuable consideration paid, grants, with limited warranty covenants, to

Shannon Wesley and Kristina Wesley, husband and wife

For their joint lives, the remainder to the survivor of them, whose tax mailing address is:

3530 Madison Grace Way, Franklin, OH 45005

the following **REAL PROPERTY:**

See Exhibit "A" Attached hereto

Excluded from the covenants of warranty are real property taxes and assessments which are not delinquent, easements, agreements, covenants and restrictions of record.

Prior Instrument Reference: Instrument Number 2018-028826 of the Deed Records of Warren County Ohio.

IN WITNESS WHEREOF, Grantor has caused its corporate name to be subscribed hereto by Paul Wishnok, its Vice President, and Jill E. Meyer, its Assistant Secretary, thereunto duly authorized by resolution of its board of directors, this 21st day of December, 2018.

NOTARY PUBLIC STATE OF OHIO

REBECCA L. DEE
Notary Public, State of Ohio
My Comm. Expires 1-11-2021

NVR, INC., a Virginia Corporation

Paul Wishnok, Vice President

Jill E. Meyer, Assistant Secretary

State of Ohio *County of* WARREN ss.

BE IT REMEMBERED, That on this 21st day of December, 2018, before me, the subscriber, a *Notary Public* in and for said State, personally came Paul Wishnok, Vice President and Jill E. Meyer, Assistant Secretary, of the Grantor in the foregoing Deed, and acknowledged the signing thereof to be their and its voluntary act and deed, pursuant to authority of its board of directors.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.

Notary Public

This instrument was prepared by: Dan R. Orner Co., LPA, 11085 Montgomery Road, Suite 250, Cincinnati, OH 45249 Phone: 513-612-7144

*See Section 5302.07 and 5302.08 Ohio Revised Code.

RECEIVED
MAR 30 2021
ZONING INSPECTION

WARREN COUNTY RURAL ZONING BOARD OF APPEALS
Room #170 – 406 Justice Drive – Lebanon, OH 45036
PHONE: 513-695-1294 FAX: 513-695-2657

LEGAL NOTICE - ZONING APPEALS

Warren County, Ohio, Board of Zoning Appeals will hold public hearing in County Commissioners Meeting Room, Room 128 A, County Administration Building, 406 Justice Drive, Lebanon, Ohio on April 20, 2021 at 6:30 p.m., to consider:

Case # 2021-103	**Shannon & Kristina Wesley**
Sections:	**3.102.8 (A) Side Yard Setback reduction requested For an inground swimming pool.**
Property location:	**3530 Madison Grace Way, Franklin Township**

Application/Map can be seen in Zoning Office, at the above address, Monday-Friday, 8:00 a.m.-5:00 p.m.

Jackie Hankins, Secretary

Please publish week of 04-04-21 One (1) time only!

WARREN COUNTY BOARD OF ZONING APPEALS

Warren County Administration Building
406 Justice Drive - Lebanon, Ohio 45036

Lebanon -513- 695-1294

April 7, 2021

RE: Applicant(s): Shannon & Kristina Wesley
Variance (Case #2021-103)
Warren County Rural Zoning Code Section: 3.102.8 (A) Side Yard Setback reduction requested for an inground swimming pool.

Dear Property Owner:

The above referenced Applicant has filed a Variance Application for the property located at 3530 Madison Grace Way, Franklin, Ohio in Franklin Township. The property is currently zoned as "R1B" Single Family Residential (1-acre density). The applicant is seeking approval for a variance for Section 3.102.8 (A) Side Yard Setback reduction requested for an inground swimming pool.

You are receiving notice because your property is within five hundred (500) feet of the parcel in question.

The Board of Zoning Appeals will hear this case on April 20, 2021 at 6:30 p.m. The meeting will be held in the County Administration Building Room 128 A at 406 Justice Drive, Lebanon, Ohio.

You are invited to attend the public hearings and to give sworn testimony in support or in opposition to the Applications. The above referenced case files can be viewed at the Zoning Office, Monday through Friday, 8 a.m. to 5 p.m. in Room 170 at the above address or call me with any questions.

Enclosed is a summary of the procedural order and guidelines for the public hearings.

Sincerely,

Michelle Tegtmeier
Chief Zoning Inspector
Warren County Rural Zoning
406 Justice Drive
Lebanon, Ohio 45036
Phone: (513) 695-1294
E-mail: michelle.tegtmeier@co.warren.oh.us

MT/jh

WARREN COUNTY RURAL ZONING INSPECTION
WARREN COUNTY ADMINISTRATION BUILDING
406 Justice Dr. - LEBANON, OHIO 45036

March 31, 2021

Shannon & Kristina Wesley
3530 Madison Grace Way
Franklin, Ohio 45005

RE: Appeals Case 2021-103
Parcel 18-21-130-015-0
Sections: 3.102.8 (A) Side Yard Setback reduction requested
For an inground swimming pool.

Dear Mr. & Mrs. Wesley:

The above application was accepted as of March 30, 2021. The Warren County Board of Zoning Appeals hearing will be on April 20, 2021 at 6:30 p.m. in the County Commissioners Meeting Room #128A, at the above address. You are requested to attend this hearing for presentation and questioning.

Sincerely,

WARREN COUNTY BOARD
OF ZONING APPEALS

Jackie Hankins
Secretary

7018 0360 0002 1754 4707

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee
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Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$

Postmark Here

Sent To
Shannon + Kristina Wesley
Street and Apt. No., or PO Box No.
3530 Madison Grace Way
City, State, ZIP+4®
Franklin, Oh. 45005

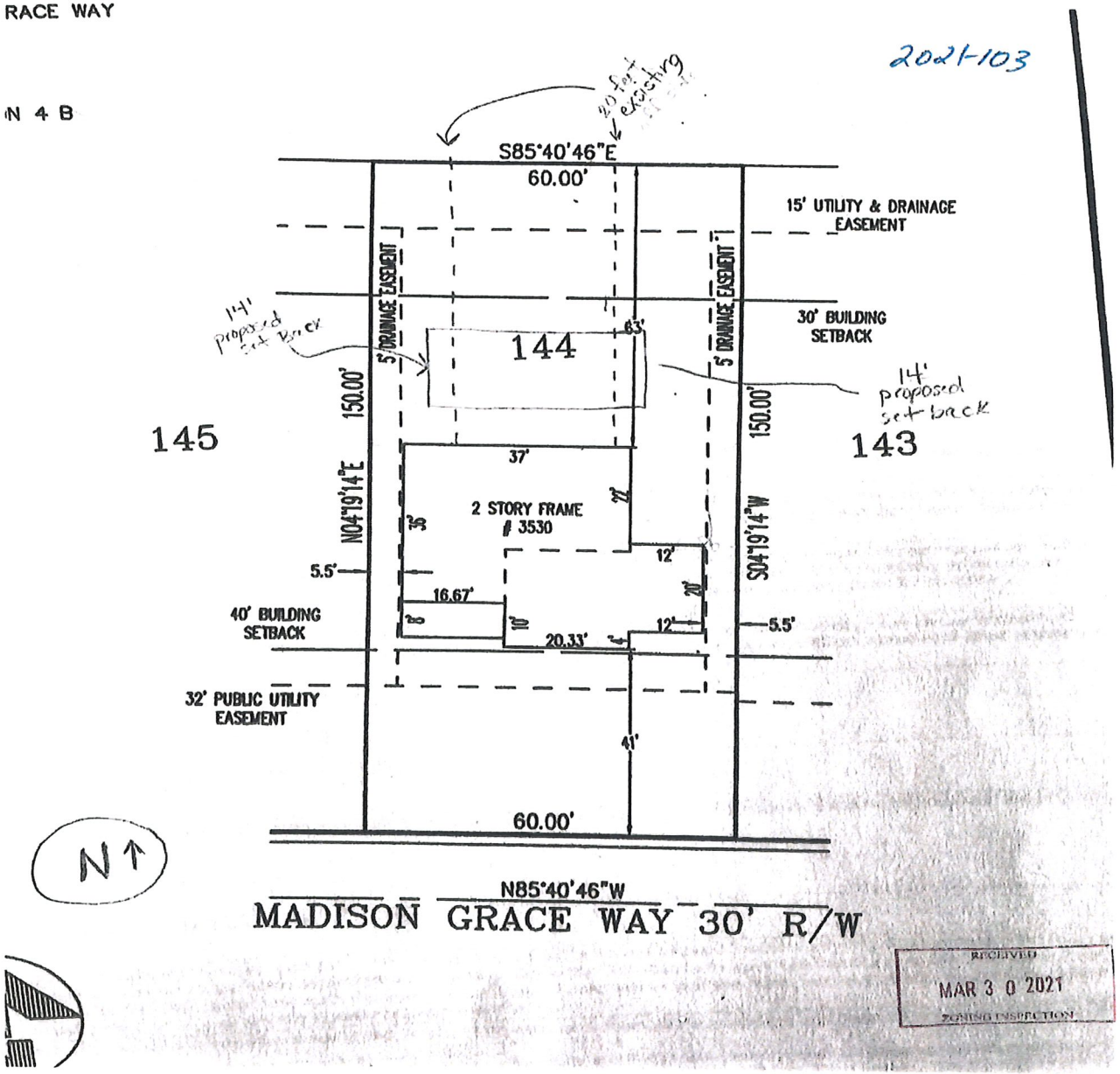
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

CASE #	**2021-103**	
APPLICANT- OWNER-	**SHANNON & KRISTINA WESLEY**	
TOWNSHIP	**FRANKLIN TOWNSHIP**	
PROPERTY LOCATION	**ADDRESS**	**3530 Madison Grace Way, Franklin, Ohio 45005**
	PIN	**08-21-130-015-0**
PROPERTY SIZE	**0.2066 Acres 60 feet of road frontage**	
FUTURE LAND USE MAP DESIGNITION (FLUM)	**Single Family Residential**	
CURRENT ZONING DISTRICT	**"R1B" Single Family Residential (1-ACRE DENSITY)**	
EXISTING LAND USE	**Single Family**	
VARIANCE REQUESTED	**SEC. 3.102.8 (A): SIDE YARD SET BACK**	
ISSUE FOR CONSIDERATION	**REQUEST A SIDE YARD SET BACK OF 14 FEET INSTEAD OF THE REQUIRED 20 FEET FOR INGROUND POOL**	

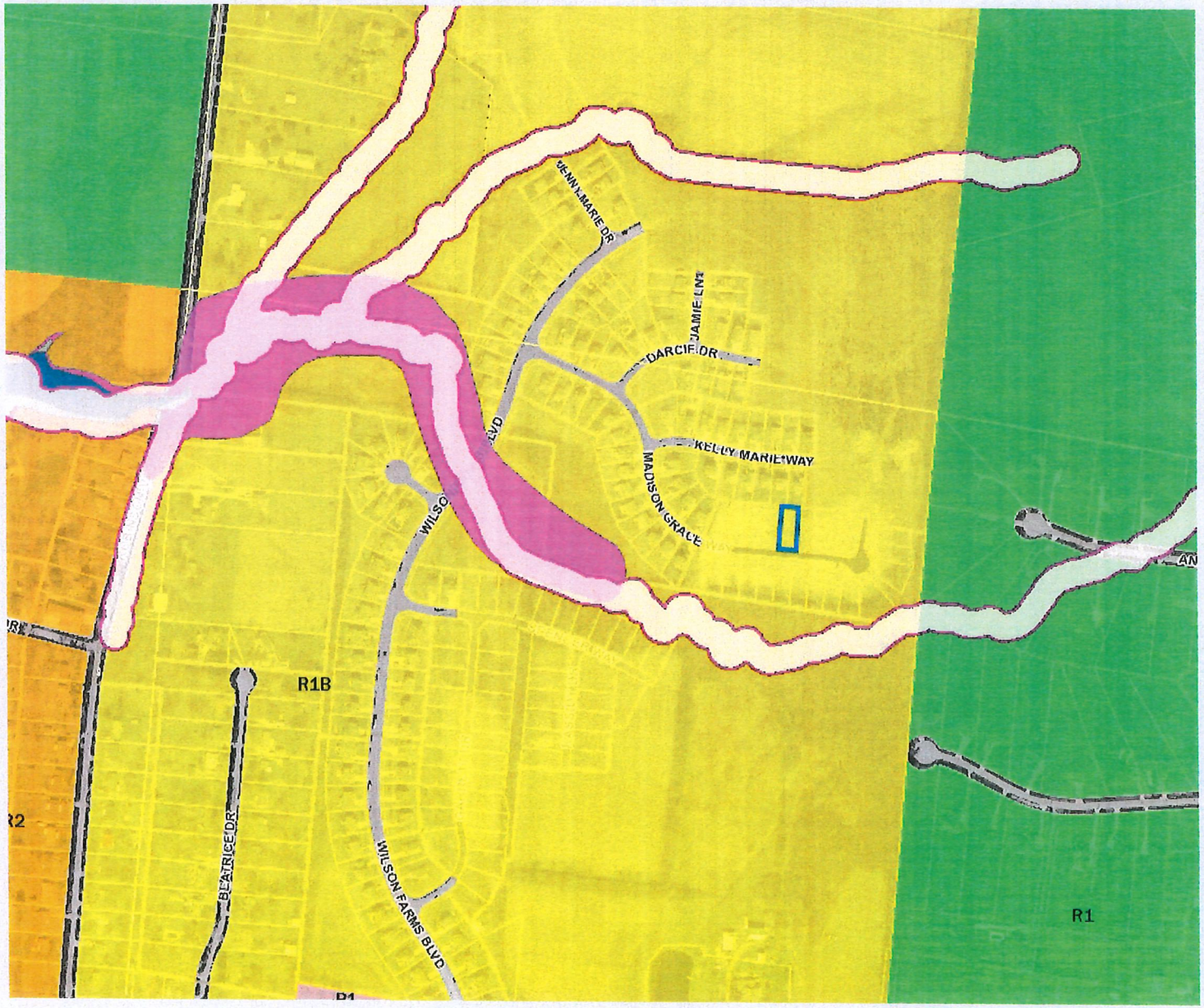
Aerial Map

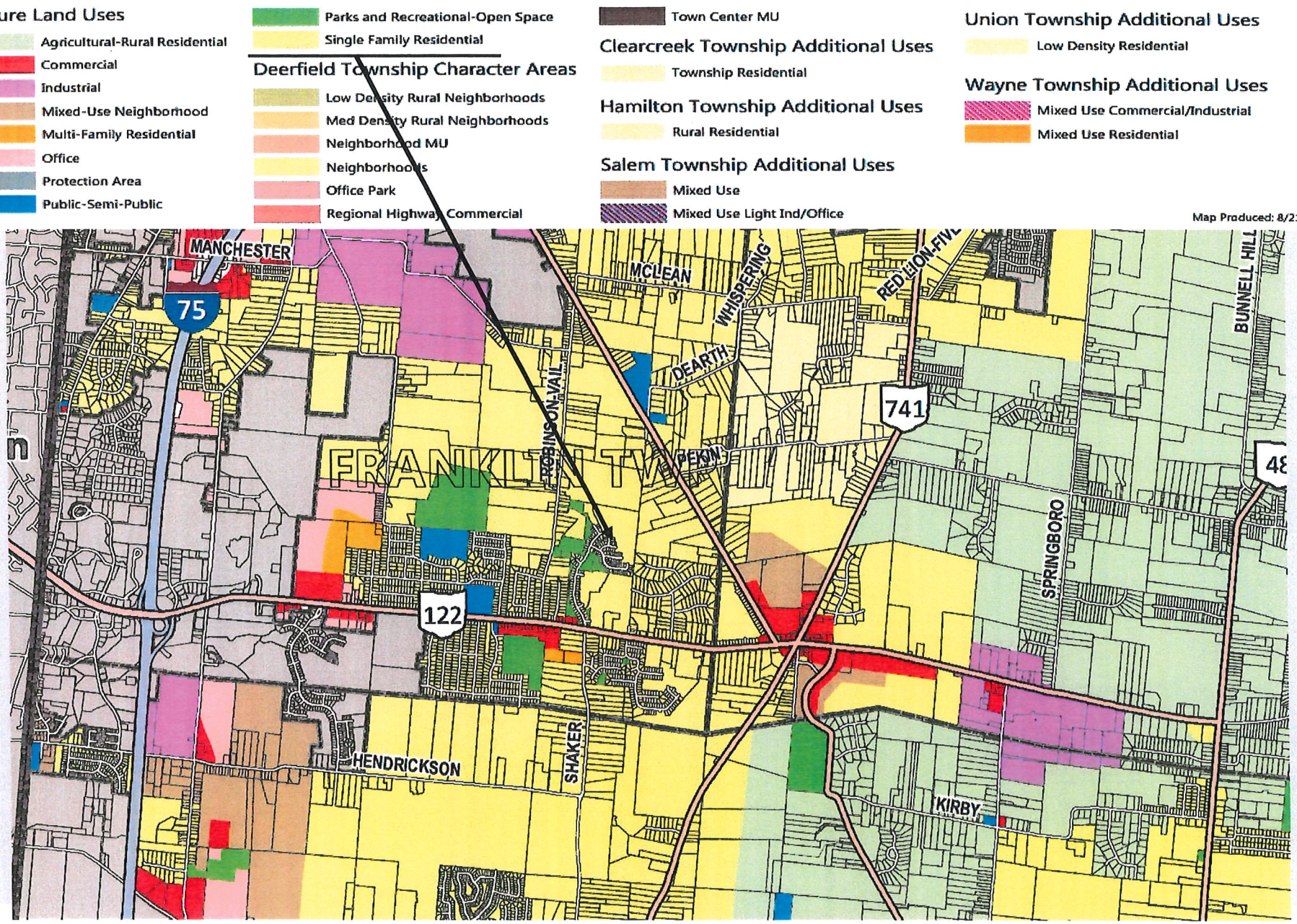
2021-103

Provided Site Plan



Zoning & Flood Map 2021-103



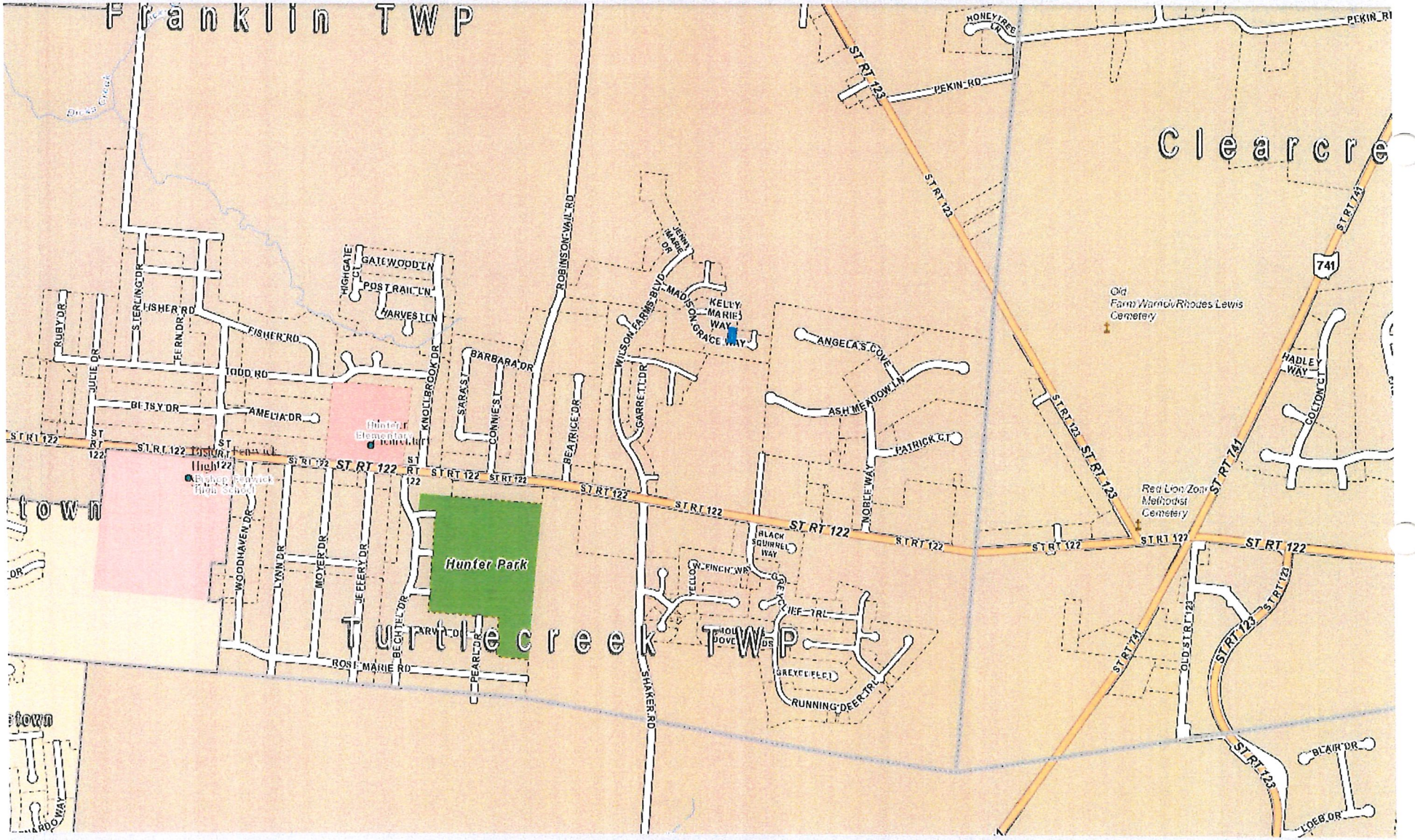


Comprehensive Plan-Land Use Element

Notification Map

2021-103

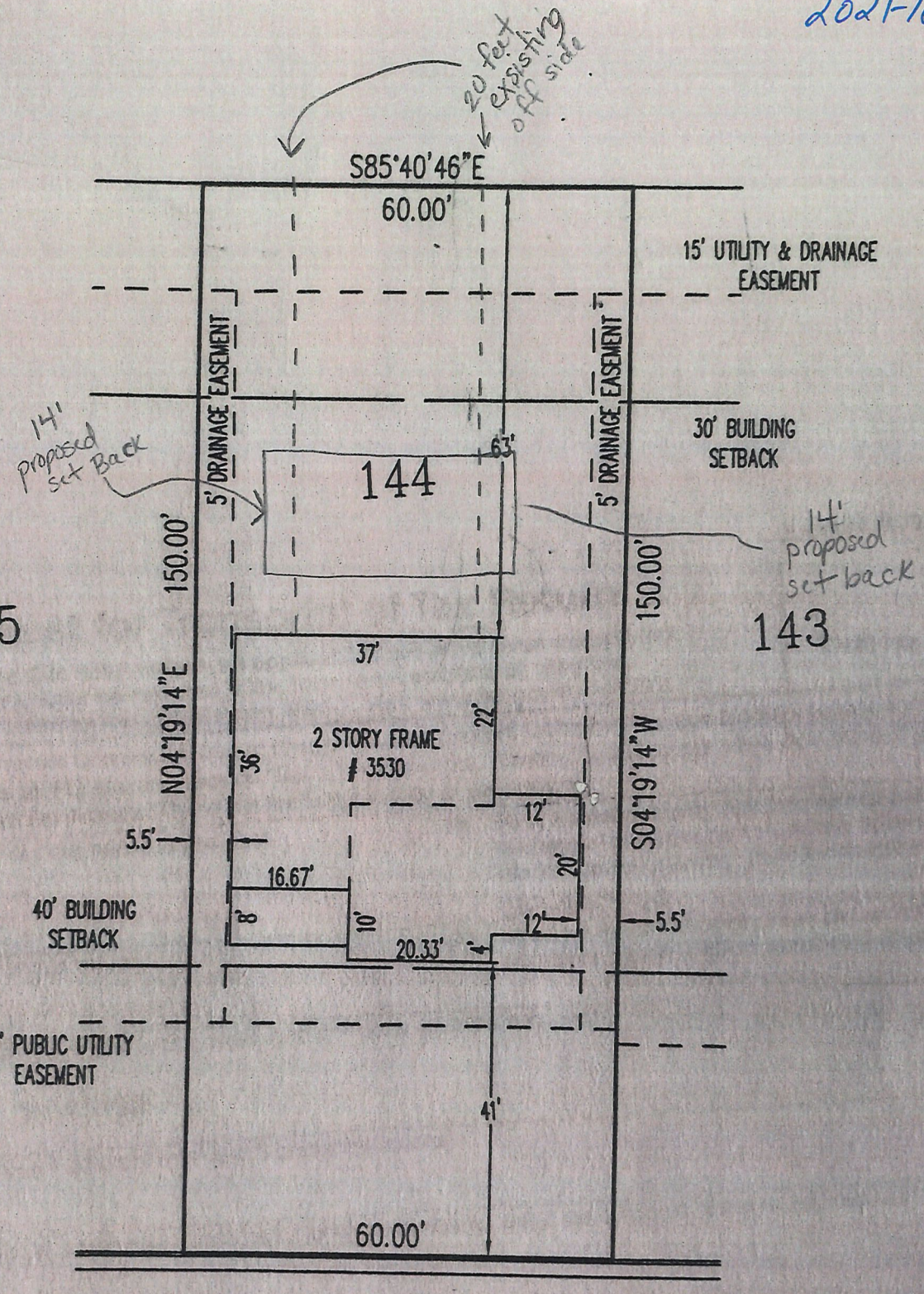
Vicinity Map 2021-103



RACE WAY

N 4 B

2021-103



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ZONING INSPECTION

ANY
QUESTIONS?