



BZA Case#	<u>VAR21703</u>	Date Received:	<u>8/30/21</u>	Reviewed By:	<u>SP</u>
BZA Meeting Date:	<u>9/21/2021</u>	Date of Legal Publication:	<u>9/8/2021</u>		
Fee: \$	<u>200.00</u>	<input type="checkbox"/> Cash	<input type="checkbox"/> Credit Card	<input checked="" type="checkbox"/> Check #	<u>1031</u>

### Board of Zoning Appeals Application

Applicant: Ann Smith Phone Number: 330-472-4245

Mailing Address: 7140 Crestway Rd, Clayton, OH 45315

Request:

- Administrative Appeal     
 Conditional Use     
 Variance

Property Address: 7140 Crestway Rd, Clayton, OH 45315

Subdivision Name: \_\_\_\_\_ Lot#: \_\_\_\_\_

Parcel ID#: M60032010130 Zoning District: Ag Dist SE-5-29

Nature of Request: Request for variance of Accessory Building Height Subsection 1111.19 (E)(1), Additional accessory structure Subsection 1121.02 (c)(1)(i), and limit of structure size Subsection 1121.02 (c)(1)(vi)

*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.*

Ann C. Smith  
Applicant's Signature

8-30-2021  
Date



**Affidavit**

**State of Ohio**  
**County of Montgomery**

I (We) Ann C. Smith 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.

Ann C. Smith

Property Owner(s) Signature(s)

7140 Crestway Rd, Clayton, OH 45315  
Mailing Address

330-472-4245  
Phone Number

Subscribed and sworn to be before me this 30<sup>th</sup> day of August 2021

Trudy S Staas  
Notary Public Signature



TRUDY S STAAS  
Notary Public  
State of Ohio  
My Comm. Expires  
June 16, 2025

\_\_\_\_\_  
Name (Person to be contacted for details, if other than above signatory)

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Phone Number

To Clayton, OH Development Department,

My name is Ann Smith I live at 7140 Crestway Rd in Clayton. My main house property has over 23 acres and I have other surrounding properties to make almost 40 acres.

I own horses and would like to put up a riding arena to be able to work my horses year round. It would be situated in the South pasture (see drawing) and would be 120'W by 200'L. It would need to be around 30' or so tall (final height to be determined when I receive the drawings). To be able to ride in the arena safely, the restriction of no taller than my house is likely not tall enough. It is really hard to decide how tall my house is but I am guessing between 26'-28'.

In addition I have 3 existing buildings on my property. One is a horse barn, one is an equipment barn and the other is a garage/personal workshop. This would be a riding arena with possibly a tack room for horse equipment and possibly some stalls. Therefore I would need a variance for an additional building. Having a property with nearly 40 acres in an ag district with all the extra equipment of having horses and maintaining the property the existing building limitation is just not adequate. The bad weather we get in Ohio in the Spring, Fall and Winter this arena is necessary to keep my horses conditioned for the multiple events I go to monthly.

The size of the arena is also bigger than what is allowed, however to build a building with the existing size restrictions that building would not be usable for an arena.

The arena would not be used as a commercial facility but just strictly for personal use.

The building would be on the North side of a group of trees that I plan on keeping but would just have to be trimmed on my side to allow room for building. And likely will not even be seen from Kimmel road. It would be visible from my house and the existing house/ rental on 6795 Kimmel which I own under REFAS Properties LTD.

Sincerely,  
Ann C Smith

## EXHIBIT A

### PARCEL 1

Situated in the former Township of Randolph, now known as the City of Clayton, County of Montgomery and State of Ohio,

And known as being the Southwest Quarter of Section 29, Town 5 Range 5 East, and being part of a 48.77 acre tract conveyed to Edward W. Keyes et al by deed 73-235C04 as recorded in the Records of Montgomery County and being more particularly described as follows:

Beginning at railroad spike at the Southwest corner of section 29, which is also at the intersection of Crestway Drive and Kimmel Road;

Thence with the West line of Section 29 North 0° 31' 16" West, 342.00 feet to an iron pin which is the true point of beginning of the tract herein described;

Thence continuing with the West line of Section 29, North 0° 31' 16" West, 649.88 feet to a PK nail;

Thence with the South line of a 1.6906 acre tract North 88° 46' 29" East, 490.05 feet to an iron pin;

Thence with the East line of a 1.6906 acre tract North 0° 15' 48" West, 150.15 feet to an iron pin;

Thence with the North line of the 48.77 acre tract North 88° 40' 20" East, 826.48 feet to an iron pin;

Thence along a new division line South 0° 30' 51" East to an iron pin which is also the Northeast corner of a 3.484 acre tract, for a distance of 686.49 feet;

Thence with the North line of the 3.484 acre tract South 89° 28' 40" West, 350.03 feet to an iron pin which is also the Northwest corner of the said 3.484 acre tract and is also in the East line of a 2.4970 acre tract;

Thence with the East line of said 2.4970 acre tract North 0° 30' 36" West, 22.47 feet to an iron pin which is also the Northwest corner of said 2.4970 acre tract;

Thence with the North line of said 2.4970 acre tract South 88° 43' 36" West, 384.29 feet to an iron pin with is also the Northwest corner of said 2.4970 acre tract;

Thence with the West line of said 2.4970 acre tract South 0° 56' 20" East, 460.71 feet to an iron pin which is also Southwest corner of said 2.4970 acre tract and is the North Right-of-Way line of Kimmel Road;

Thence with the North Right-of-Way line of Kimmel Road South 88° 27' 28" West, 358.54 feet to an iron pin which is in the East line of a one acre tract.

Thence with the East line of said one acre tract North 2° 08' 35" West, 246.84 feet to a point;

Thence North 72° 30' 34" West, 231.97 feet to an iron pin which is the place of beginning, containing **23.171 acres more or less.**

**Excepting from the above described parcel (Parcel 2) the following described real estate, to wit:**

Situated in the former Township of Randolph, now known as the City of Clayton, County of Montgomery and State of Ohio,

Commencing at the Southwest corner of said Section 29, said point also being at the centerline intersection of Kimmel Road and Crestway Drive;

Thence with the centerline of Kimmel Road North 89° 30' 00" East a distance of 782.00 feet to an angle point in the centerline;

Thence continuing with said centerline of Kimmel Road, North 89° 34' 00" East, a distance of 534.92 feet to a railroad spike found at the Southeast corner of a 3.484 acre tract conveyed to David V. and Darlene M. Sipos, as recorded on Microfiche Number 96-281A06 of the official records of Montgomery County;

Thence continuing with said centerline of Kimmel Road, North 00° 26' 00" West, a distance of 423.13 feet to an iron pin set and the new Northeast corner of said Sipos land;

Thence North 74° 29' 17" West, a distance of 182.00 feet to an iron pin set and the true point of beginning, for the tract hereinafter described;

Thence South 89° 34' 00" West, a distance of 175.00 feet to the West line of said Sipos land;

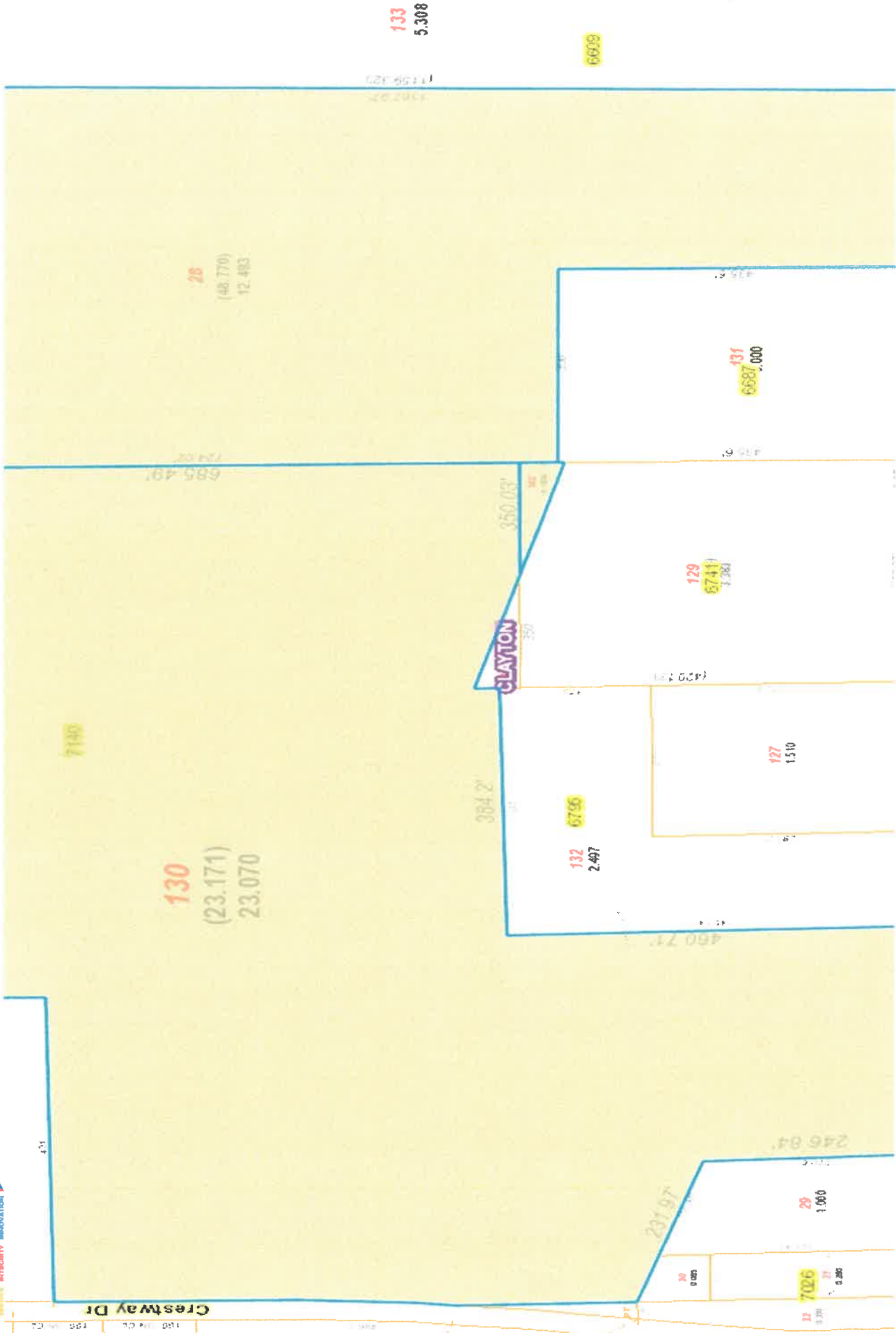
Thence North 00° 26' 00" West, a distance of 50.00 feet to an iron pin set, the new Northwest corner of said Sipos land and the new Southerly corner of the said Imbus land;

Thence on new division line South 74° 29' 17" East, a distance of 182.00 feet to the true point of beginning, containing 0.1004 acres more or less, and subject to all easements and restrictions of record.

This **0.1004 acre** tract of land was transferred to David V. Sipos and Darlene M. Sipos as recorded on Deed 97-0377 C11.12 and became a part of the land conveyed to David V. Sipos and Darlene M. Sipos as recorded on Deed 96-281-A06 of the official Deed Records of Montgomery County.

**PPN: M60-032-01-0130**

(Continuation of land conveyed herein contained on next page.)



1 inch = 167 ft

GIS DEPARTMENT

Furthermore The Montgomery County Auditors Office shall assume no liability for  
 1. Any errors, omissions, or inaccuracies in the information provided regardless of how caused; or  
 2. Any decision made or action taken or not taken by the reader in reliance upon any information furnished hereunder.  
 Note: Exact property boundaries must be derived by a legal survey of the property.

\*\*DISCLAIMER:  
 This map is a visual presentation of data to be used as a public resource of general information and is provided strictly as a courtesy. The Montgomery County Auditors Office makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any information provided herein.

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.org

- #10 Silver is gravel parking area of
- #7 #7 Approximate area of new riding arena but not drawn to size
- #8 Neighbor house and barn
- #9 Woodburning furnace of my
- Black lines are all of my properties owned
- #1 My house
- #2 horse barn
- #3 Garage workshop
- #4 Equipment barn
- #5 Small Run in shed
- #6 Rental (NY)



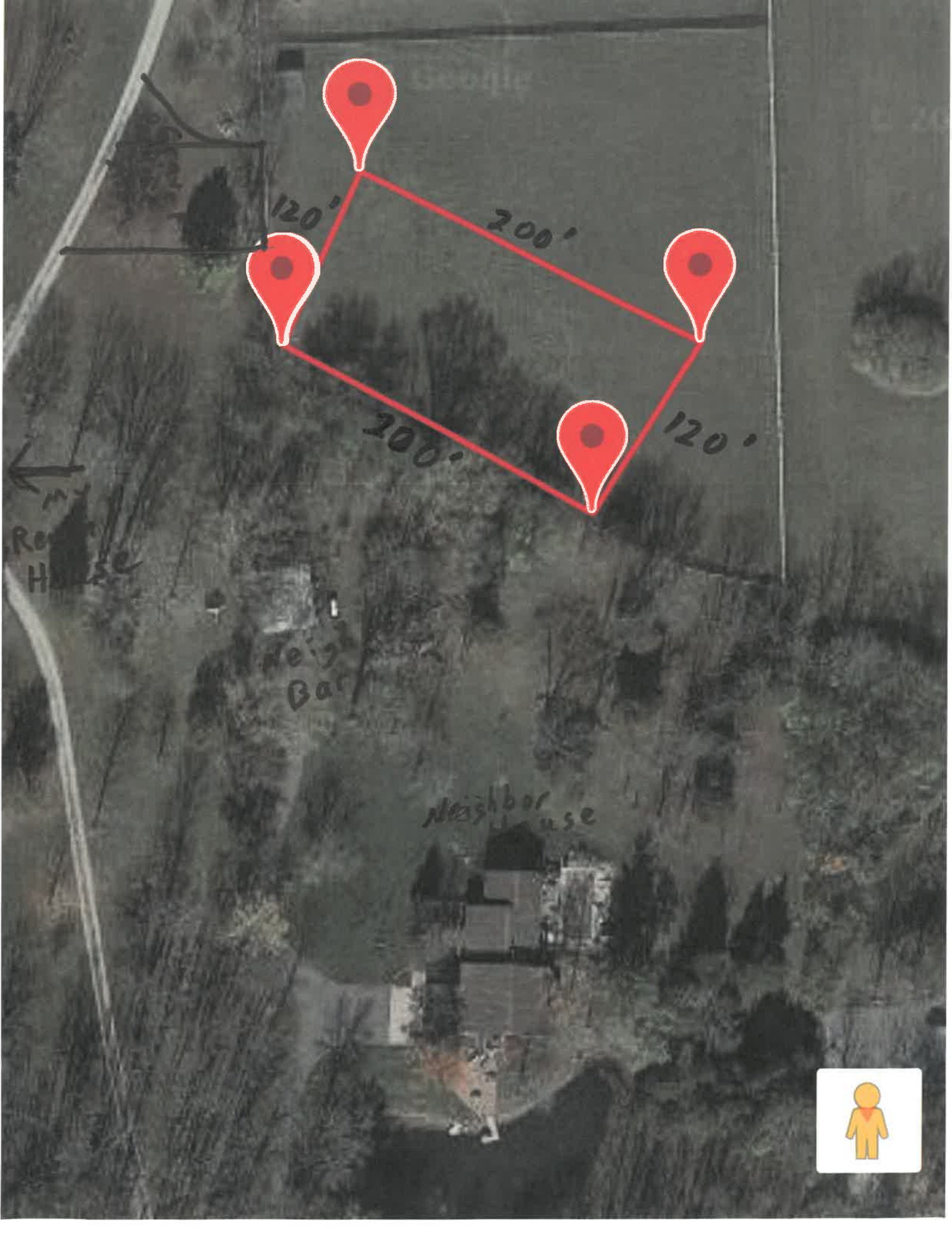
**TAGEPOINTS®**  
 C TECHNOLOGIES GROUP

**S Kimmel Rd**

Scale 1" = 620.







←  
Rough  
House

Neighbor  
Bar

Neighbor  
House



Run in  
shed



200'

120'



120'

