

APPLICATION FOR REZONING OF 40.8894 ACRES OF LAND LOCATED
AT 4297 U. S. ROUTE 42 NORTH, DELAWARE, OHIO
TO PLANNED COMMERCIAL

DEVELOPMENT PLAN

Roland L. Augspurger and Sherry L. Augspurger hereby make application to rezone 40.8894 acres of land, more or less, located at 4297 U. S. Route 42 North, Delaware, Ohio to Planned Commercial in accordance with Article XIV of the Brown Township Zoning Resolution.

Applicants, Roland L. Augspurger and Sherry L. Augspurger obtained title to the subject real estate on April 19, 1977 as recorded in Deed Book Volume 407, Page 315, Recorder's Office, Delaware County, Ohio. A copy of said deed is attached to this application.

Also attached to this application is a plat showing existing buildings on the subject real estate and a plan for proposed parking.

The development plan submitted by the property owners consists of the following:

1. The proposed site and location of the Planned Commercial District consists of 40.889 acres of land located at 4297 U. S. Route 42 North, Delaware, Ohio. A copy of the size and location is evidenced by the attached plat.

2. The general development character of the tract would be limited to its present use. That is, there would be no division of any of the real estate into smaller lots or subdivisions. With the exception of continuing improvements, the buildings that presently exist on the real estate would remain in tact and it is not contemplated that any additional buildings other than that which presently exist or are being built, would be built in the near future. As can be seen from the plat, the majority of the area would be used for parking for the numerous events that would take place at the real estate.

3. Relative to the architectural design of the real estate, the buildings presently located on the real estate consist of farm buildings and a single family residence. A mobile home that presently exists on the real estate is intended to be removed. It is anticipated that any additional buildings that would be erected on the real estate would be of a farming or agricultural character in light of the surrounding area and anticipated use.

4. The real estate is presently serviced by Del-Co Water. Sanitary sewer and surface drainage presently

exists on the real estate. Events conducted on the real estate would give rise to the placement of portable facilities that would be installed immediately before the event and removed immediately thereafter. The topographical lay of the real estate is not intended to be changed and accordingly, the surface drainage would remain as it presently exists.

5. Traffic would enter into and exit the real estate from the U. S. State Route 42 North. This would be the only entrance and exit from the real estate. Parking would be available in the farm fields for events that would be undertaken at the real estate such as craft shows, horse sales, and the like. A majority of the real estate is farm field which would be used for parking. The topography would not be changed; the farm fields would be used for parking. A traffic control officer would be used for some events for the purpose of directing traffic into and out of the parking area and maintaining control of traffic on U. S. Route 42 North so as to provide for the safety of all motor vehicles involved.

6. The real estate is located in a predominantly farming community. The real estate is a single large tract of land that is surrounded by other vacant land to the south, west, and north. One single family residence lies to the immediate north of the applicants real estate, on Pittman Road. U. S. Route 42 North and the Conrail Railroad lies to the immediate east of the real estate. The real estate in question is significantly isolated from other farms and residential areas.

7. The uses of the real estate would include but would not be limited to horse and pony shows, dog shows, horse sales, machinery sales, horse pulls, miscellaneous entertainment such as parties and proms, bike races, craft shows, storage facilities, commercial shows, flea market, tractor pulls, car shows, motor cross races, banquet and dinner meetings, day care centers, antique shows, boat shows, and cattle and livestock and miscellaneous agricultural shows.

The uses of the real estate in its existing condition would not interfere with any of the surrounding real estate or residential facilities. Relative to the development timetable, the buildings presently exist on the real estate and the uses listed above are presently in existence at the facilities.

8. There will be no parks or other public facilities on the real estate.

9. The buildings for the contemplated uses presently exist on the real estate or are in the process of being

built. No additional buildings are anticipated or expected. Utilities including septic, water and sewage all service the existing facility. There would be no streets on the developed site and the only access would be from U. S. Route 42 North.

10. The real estate will not be developed in phases. That is, applicants represent that the buildings that presently exist or are being built on the real estate are anticipated to be all of the buildings that would exist on the real estate. It is understood that any additional buildings that would be built would have to gain approval as it relates to this developmental plan. As indicated above, the real estate will not be divided into smaller tracts of land; the real estate will remain as one single tract of real estate containing 40.8894 acres of land, more or less.

11. Applicants are presently engaged in the numerous uses of the real estate as their livelihood and business and have been so engaged for a long period of time. Being the owners of the real estate, they have complete control of the land and have had the ability, as demonstrated by their present use, to control the land according to the plan submitted herein.

12. Relative to divergence from the developmental standards in the Zoning Resolution Of Brown Township, applicants state that the buildings as intended to be used presently exist on the real estate. Since the buildings presently exist and since it is not anticipated any additional buildings would be built, applicants would request that the development standards be modified to permit those buildings as they presently exist. Any buildings built in the future or any modified development would have to be in compliance with the development standards of the Zoning Resolution.

13. Public service facilities are not anticipated to be constructed on the real estate within the confines of the plans submitted by applicants. Accordingly, applicants do not believe that a bond would be necessary under the circumstances.

Conclusion

The undersigned applicants are presently residents of Brown Township and have been residents for a long period of time. They have resided at the present location since 1977 and make their livelihood through the use of their real estate as specified herein. For the past 16 years they have been farming and improving the real estate in a manner that they felt and understood was consistent with the zoning codes. Having been advised that the use of the real

estate might be in technical violation of the Brown Township Zoning Code, they submit this Development Plan and respectfully request that their real estate be rezoned to Planned Commercial and Office District, to accommodate its present use.

Dated at Delaware, Ohio this 4th day of June 1993.

Roland L. Augspurger
Roland L. Augspurger
4297 U. S. Route 42 North
Delaware, Ohio 43015

Sherry L. Augspurger
Sherry L. Augspurger
4297 U. S. Route 42 North
Delaware, Ohio 43015

REALEST.

BROWN TOWNSHIP TRUSTEES
DELAWARE COUNTY, OHIO

RESOLUTION 93-12-14-07

REZONING OF AUGSPURGER PROPERTY

In a public hearing of the Brown Township Trustees held on December 14, 1993, Mr. Carper moved the adoption of the recommendation of the Brown Township Zoning Commission hereto attached allowing the rezoning of 14.498 acres of property owned by Roland L. Augspurger and Sherry L. Augspurger located at 4297 U.S. Route 42 North, Delaware, Ohio to Planned Commercial.

Mrs. Miley seconded the motion.

The vote was as follows:

Richard A. Flahive
Trustee, Chairman
Jacqui Miley
Trustee
Harry Carper
Trustee

Yea

Yea

Yea

Dated December 14, 1993

Carolyn Skinner
Clerk, Brown Township

cc: Roland & Sherry Augspurger
Ed Flahive
Delaware County Regional Planning Commission
David P. Sunderman
William C. Adams, Jr.
Julie Clase

MODIFICATION OF DEVELOPMENT PLAN FOR REAL ESTATE LOCATED
AT 4297 U. S. ROUTE 42 NORTH, DELAWARE, OHIO

SUPPLEMENT TO APPLICATION FOR REZONING
Roland L. Augspurger & Sherry L. Augspurger

Applicants, Roland L. Augspurger and Sherry L. Augspurger, hereby submit a Modified Development Plan to supplement the application to rezone certain real estate located at 4297 U.S. Route 42 North, Delaware, Ohio to Planned Commercial.

This modification is made in accordance with Article XIV of the Brown Township Zoning Resolution and in accordance with the recommendations of the Delaware County Regional Planning Commission pursuant to its regular meeting of August 27, 1993.

The development plan, as modified, is submitted as follows:

1. The proposed site and location of the Planned Commercial District would consist of 14.498 acres of land located at 4297 U. S. Route 42 North, Delaware, Ohio. Of the total 14.498 acres, the sum of 0.956 acres are in road right-of-way making a net development area of 13.542 acres of land, more or less. It is this area, only, for which application is made to rezone to Planned Commercial.

A copy a legal description, as prepared by Scioto Land Surveying Service, Inc., together with a plat showing the size and location of existing buildings is attached to this modified plan.

This modification is made in accordance with the recommendations of the Delaware County Regional Planning Commission relative to the downsizing of the proposed area to be rezoned.

2. The uses of the real estate would include horse, pony, and agricultural animal shows and sales; farm machinery and equipment shows and sales; horse pulls, boat storage and storage facilities; banquets, private parties, proms and dances; bicycle races, craft shows, craft shops, and flea markets; dinner meetings; cattle and livestock shows and sales; pet shows, horseshoe pitching contests, card tournaments, antique and collector displays and shows, restaurant, and daycare center in accordance with the laws and regulations of the State of Ohio; and any other similar and related activity or use so long as the same does not constitute a nuisance.

Except as expressly modified herein, the development plan dated June 4, 1993 is ratified and confirmed in all other respects.

IN RE:

Application for Rezoning
of Roland L. and
Sherry L. Augspurger

Application No: _____

RECOMMENDATION OF THE BROWN TOWNSHIP
ZONING COMMISSION

The Brown Township Zoning Commission, after public hearing on November 4, 1993, recommends to the Brown Township Board of Trustees that the rezoning application of Roland L. Augspurger and Sherry L. Augspurger be approved subject to the following modifications to the development plan and the applicant's modified development plan:

1. The two buildings marked residence on the plat of survey for the development plan shall be used for residential purposes only and not for commercial purposes.
2. The applicants shall not use their property as a "temporary park-camp" or "recreation camp" as defined by The Ohio Revised Code.
3. The areas marked on the plat for parking shall not be required to be paved pursuant to Section 21.01 (b) of the Brown Township Zoning Resolution.
4. The applicants shall not operate a day care center or facility as a part of this plan.
5. Except as modified herein the Zoning Commission approves the supplement to the Application for Rezoning of Roland L. and Sherry L. Augspurger submitted to the Zoning Commission on October 26, 1993. Only those portions of the original development plan not modified by the modified development plan are approved.

BROWN TOWNSHIP ZONING COMMISSION

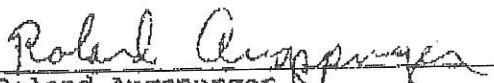
By: Peter Bermudez -11-13-93
Peter Bermudez, Chairman

Doug Clase 11-13-93
Doug Clase

Mark D. Frost 11-13-93
Mark Frost

Mike Veres 11/14/93
Mike Veres

Dated at Delaware, Ohio this 27th day of October 1991.


Roland Augspurger
4297 U. S. Route 42 North
Delaware, Ohio 43015

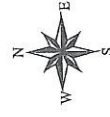

Sherry L. Augspurger
4297 U. S. Route 42 North
Delaware, Ohio 43015

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ZONING DISTRICT MAP

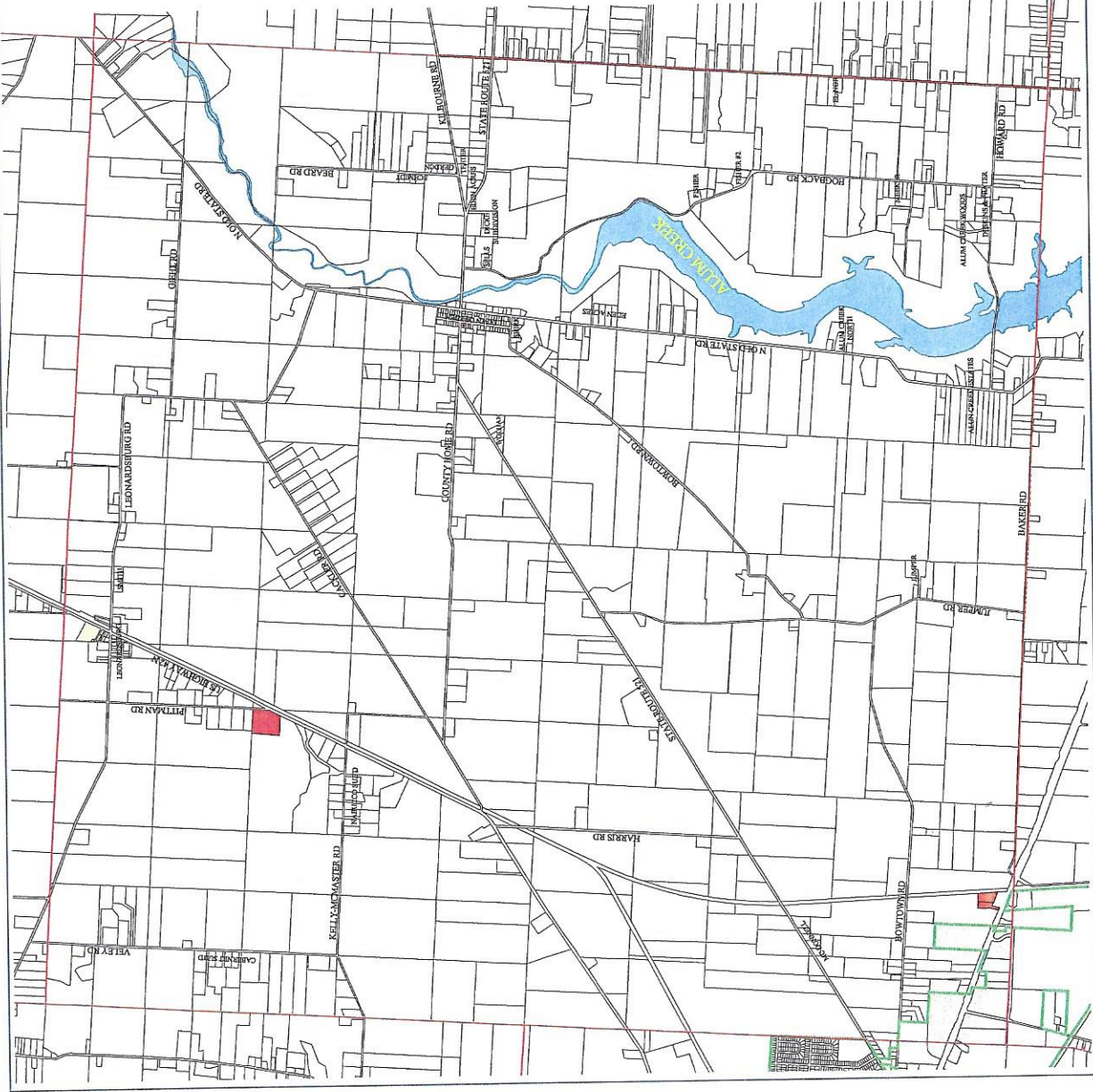
Brown Township Delaware County, Ohio

- Township Boundary
- Incorporated Areas
- Road Right of Way
- Property Lines
- Brown Township Zoning
 - Farm Residence District (FR-1)
 - Low Density Residential District (R-2)
 - Medium Density Residential District (R-3)
 - Planned Residential District (PRD)
 - Neighborhood Office District (C-1)
 - Neighborhood Commercial District (C-2)
 - Planned Commercial and Office District (PC)
 - Industrial District (I)
 - Planned Industrial District (PI)
 - Agricultural Preservation District (A-1)
- City of Delaware
- River
- Road



Scale: 1" = 300'

0 1000 2000 3000 4000 Feet



Prepared By: Delaware County Regional Planning Commission (740-833-2260)
<http://www.dcrpc.org>
 Parcel Information Provided by The Delaware County Auditor's Office DALIS Project
 Further information is available by contacting the DALIS Project Office (740-833-2070)
 Zoning Information from the Brown Township (740-363-4222)
 (Printed 11/17/2006)