



Board of Zoning Appeals

March 10, 2022

7:00 PM

I. *Call to Order- Chair*

II. Variance Request

- To construct an accessory structure in the front yard – 9406 State Route 48, Loveland, OH 45140

III. Variance Request

- To construct a swimming pool 15 feet from the rear and side property lines- 260 South Wind Court, Maineville, OH 45039

IV. Variance Request

- To construct a covered porch approximately 10 feet into the rear yard setback- 260 South Wind Court, Maineville, OH 45039

V. Meeting Minutes

- December 9, 2021

VI. *Adjournment*

Board of Zoning Appeals

December 9, 2021

Mr. Blomer called the meeting to order and announced the matters before the Board at 7:00 p.m.

Members present: Michael Blomer
 Ryan Ziamba
 Harold Eberenz
 Brandon Roark

Mr. Blomer explained the procedures and guidelines the Board would use to reach a decision during the course of the hearing. Mr. Blomer asked any persons wishing to offer testimony or speak during the hearing to raise their right hand; an oath was administered.

Assistant Law Director, Brodi Conover presented the staff report for this evening. The notice was posted in *The Pulse Journal* two weeks prior to this hearing and a notice was sent out to all neighboring property owners within 200 feet. The applicants have requested a conditional use from section 4.9.5.U of the Hamilton Township Zoning Code for property located at 10266 Murdock-Goshen Road, Loveland, OH 45140. The property owners and applicants are David and Stacey Vermette. The conditional-use request is to allow the use of a currently onsite single-room schoolhouse for business purposes—that is, to use the schoolhouse and an antique truck currently on the property for photography landscape. The applicants state that the use of their property for this purpose will not increase traffic within the area and that the props will only be used during daylight hours in the spring or fall. The use of the property would be by appointment only, which would limit the traffic. The applicants will continue to live at the property. The subject property as well as the surrounding properties are all zoned R-1 Single Family Residence Zone.

Mr. Conover stated that staff did receive a few phone calls referencing covenants and restrictions with this private HOA development. He stated that this has no impact on this Board as they are here only to determine if this use complies with the Township Zoning Code.

Mr. Ziamba brought up the topic that this is the second variance request for this property. He asked if anyone remembers conditions being put into place at the first hearing?

Staff stated that the request at that time was to build the primary residence behind an accessory structure. The accessory structure being the old schoolhouse that is also the structure in review tonight.

Mr. Blomer invited the applicant to speak.

Mr. Matt Wiseman, representative for David and Stacey Vermette, explained the business type that will be operated if this request is granted. Essentially it will be a venue for photographers to utilize for family pictures and such. This schoolhouse is fairly close to the Vermettes residence

so this is not something that they wish to have hundreds of people at; it's a limited venue. Schedules will be regulated. This started out as a hobby with this piece of local history and they wanted to extend that opportunity to the public by restoring the schoolhouse and making it available for use. They do not believe that street traffic will be impacted as there is no street parking.

Mr. Ziembra asked how many people are allowed inside the structure at one time based on local fire code.

Mr. Wiseman stated that there has not been an evaluation by the fire inspector at this point since it was not zoned for this use. The use of the building is almost exclusively exterior. They have a partially restored vintage truck that they park outside of the structure and that is the backdrop.

Mr. Blomer asked if this will require a certificate of occupancy.

Mr. Conover stated that a condition could be put into place that would require an inspection first.

Mr. Blomer asked if the goal is to use the inside of the schoolhouse given that it has been restored.

Mrs. Stacey Vermette stepped to the podium to speak about this project. She stated that the idea is to have exterior photos. The schoolhouse is a beautiful backdrop. The vintage truck is the attention getter for pictures. She stated that it is pulled into the schoolhouse if it is raining.

Mr. Blomer asked if the intention is to take photographs inside the building.

Mrs. Vermette responded that the intention is wherever the photographers would like to take their pictures, whether that is inside or outside but they try to keep them outside if necessary.

Mr. Eberenz asked if there will be any need for advertising or signage on the building.

Mrs. Vermette responded that they are not to that point.

Mr. Blomer mentioned that the sign portion may be a different part of the code. Mr. Conover stated that it would most likely be another variance request but he does not believe that will need to be considered tonight.

Mr. Ziembra asked if there is any plan to use this as a wedding venue or reception venue.

Mrs. Vermette stated that they have had people approach them but they do not want the large crowds. The parking would not sustain that.

Mr. Eberenz asked for clarification on the access.

Mrs. Vermette stated that they use the gravel access right at the schoolhouse across from Grog Run Road.

Mr. Mark Bersani has known the Vermettes for a really long time and they know them to be great people. He spoke on the beautifully restored building and the vintage truck; this does a great job of highlighting the community.

No comments were made in opposition therefore Mr. Blomer made a motion with a second from Mr. Ziembra to close the public comment portion of the hearing to begin deliberations.

All in favor. Aye.

Mr. Blomer stated that because they do not know if this will grow, it makes sense to pursue an occupancy inspection. He also mentioned that maybe they put a condition on this that any modification to the business would need to come back before zoning. He mentions this because of the lot/land out in the event this would become a bigger venue.

Mr. Ziembra mentioned that when the initial variance was granted, the homeowners stated that this would not be a business and then circumstances changed. He mentioned that if this continues to grow, they may need to add conditions on what that looks like. Mr. Ziembra also mentioned that they should consider the impact that this may have as a whole for their neighbors in the future.

Mr. Blomer appreciates that the homeowners/business owners brought this before the Board for review.

Mr. Roark doesn't believe that this will cause any harm for the neighborhood.

Mrs. Linda Strawser asked if she could speak on the matter. She is a resident of the Bent Creek private subdivision. She does not object to this business proposal. The Vermette's have been very considerate. If this continues to grow and there are a substantial amount of cars, then there would be a concern but as of now, she has no objections.

A certificate of occupancy is provided by Warren County, however the maximum number of occupants may be determined by our fire department. Staff gave the correct contact information for the applicants to check with.

Mr. Blomer made a motion with a second from Mr. Ziembra to grant a conditional use request to David and Stacey Vermette at 10266 Murdock-Goshen Road, Loveland, Ohio 45140 in order to permit other accessory uses within a single-family residential lot to allow the use of a currently existing, on-site, single room schoolhouse for business purposes to use the schoolhouse and an antique truck located on the property for a photography landscape. Additional conditions are that the applicant should seek a certificate of occupancy and/or a fire inspection the extent deemed necessary by the Hamilton Township Fire Department.

Roll call as follows:	Harold Eberenz	No
	Michael Blomer	Yes
	Ryan Ziembra	Yes
	Brandon Roark	Yes

Motion carries 3-1.

Mr. Blomer made a motion to approve the meeting minutes from November 18, 2021, as written. There was a second from Mr. Ziemba.

All in favor. Aye.

Mr. Conover explained that with the change of personnel, we have a backlog of Findings of Fact that we are reviewing. We will do a full assessment and get caught up so these can be signed, and copies forwarded to applicants that had cases before the Board.

The Board By-laws were mentioned. Staff will review what Mr. Kraemer was getting together and we will see if we can get by-laws put into place.

With no further business to discuss, Mr. Blomer made a motion to adjourn with a second from Mr. Ziemba.

All in favor. Aye.

DRAFT



Board of Zoning Appeals

Notice of Public Hearing

Date of Meeting: March 10, 2022

Time of Meeting: 7:00 PM

Location of Meeting: Hamilton Township Administration Building
7780 South State Route 48, Hamilton Township

Request & Locations: 3 Variances:

- Accessory Structure located in front yard at 9406 State Route 48, Loveland, OH 45140
- Pool Variance at 260 South Wind Ct., Maineville, OH 45039
- Covered porch variance at 260 South Wind Ct., Maineville, OH 45039

Property Owners: Raymond Gibson; Lucas & Stacy Kleinhenz

The plans for the projects are available for review at the Administration Building Monday-Friday between 8:00am and 4:30pm. Those with questions or concerns regarding the project are encouraged to review the plans and attend the meeting.

A handwritten signature in blue ink that reads 'Lindsey Gehring'. The signature is written in a cursive, flowing style.

Lindsey Gehring
Hamilton Township

Application for an Appeal to the Board of Zoning Appeals

Hamilton Township Board of Zoning Appeals

Mr. Raymond Gibson

7:00 PM, March 10, 2022

General Information

Applicant: Mr. Raymond Gibson
9406 State Route 48
Loveland, Ohio 45140

Property Location: Same

Existing Zoning: R-1

Existing Land Use: SFD

Parcel Information: Size 4.86 acres
Land Use SFD

Area Land Use:

North:	R-1	Single Family Residence Zone
East:	R-1	Single Family Residence Zone
South:	R-1	Single Family Residence Zone
West:	R-1/B-1	Single Family Residence Zone/B-1 Neighborhood Business Zone



Request: The applicant has requested a variance from Section 4.9.3 in order to construct an Amish Loft Barn in a portion of the front yard of the subject property.

The applicant states that he will remove and replace the existing garage structure with a 20 x 32 Amish Loft Barn. There is existing electric and water service to this location as well as an existing driveway, culvert and gate for access.

Notice: A legal ad providing notice of the hearing on this case was published in *The Pulse* on February 27, 2022. Notices were mailed to all property owners within 200 feet of the subject property.

Applicable Regulations: In Section 4.9.3, The Hamilton Township Zoning Code (“HTZC”), states,

F. Yards Permitted

The “Yards Permitted” column identifies in which yards the applicable accessory use or structure is permitted.

TABLE 4-5: PERMITTED ACCESSORY USES

USE OR STRUCTURE	ZONING DISTRICTS						ZONING CERTIFICATE REQUIRED	YARDS PERMITTED F = FRONT S = SIDE R = REAR [1]	ADDITIONAL REQUIREMENTS
	R-1, R-2, R-4	R-3	M-H	T-C	B-1, B-2	M-1, M-2			
Accessory Apartment	PS						Yes	S or R	See 4.9.5.A
Accessory Retail Sales					P	P	Yes	Inside principal building	See 4.9.5.B
Amateur Radio Transmitter or Antenna	PS	PS	PS				Yes	S or R	See 4.9.5.C
Automated Teller Machine (ATM)					P	P	Yes [2]	F, S or R	
Beekeeping	PS	PS	PS				No	S or R	See 4.9.5.D
Caretaker Dwelling				P	P	P	Yes	S or R	
Community Garden	PS	PS	PS	PS	PS	PS	Yes	F, S, or R	See 4.9.5.E
Detached Accessory Building	P	P	P	P	P	P	Yes	R	

Definition: Any accessory structure in Hamilton Township must not project into the front or side yard of any residence.

Site Summary: The subject property is located on State Route 48 at the intersection of Murdock-Goshen Road and Cozaddale-Murdock Road and State Route 48. This is considered a corner lot as the property has road frontage on two public roads. The home on the property is approximately 218 feet from State Route 48 and 260 feet from Cozaddale-Murdock Road. The proposed detached garage is approximately 106 feet from State Route 48 and 125 feet from Cozaddale-Murdock Road.



Variance Review Criteria:

HTZC Section 3.8.3 provides the following guidelines for the BZA when considering variance requests.

- A. *The BZA shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this zoning code as will not be contrary to the public interest. Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this zoning code will result in practical difficulty for an area/dimensional variance.*
- B. *The following factors shall be considered and weighed by the BZA to determine practical difficulty:*
 - (1) *Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;*
 - (2) *Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;*
 - (3) *Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;*
 - (4) *Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;*
 - (5) *Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;*
 - (6) *Whether special conditions or circumstances exist as a result of actions of the owner;*
 - (7) *Whether the property owner's predicament can feasibly be obviated through some method other than a variance;*
 - (8) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and*

(9) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

C. No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined by its own facts.

Action:

The BZA will hold a public hearing on March 10, 2022, including the following actions:

- Open the hearing
- Swear in witnesses
- Take testimony regarding the application from staff, the applicant, and anyone else in attendance at the hearing who wishes to speak
- Close the hearing
- Deliberate
- Render a decision on the variance application



Application to the
Board of Zoning Appeals
7780 South SR 48
Hamilton Township, OH 45039

VARIANCE REQUEST

APPLICANT

Name Raymond Gibson
Address 9406 S. OH 48, Loveland OH 45140
Phone Number (513) 335-3791 Email RDJTG@ZoomTown.com

OWNER

Name Raymond Gibson
Address _____
Phone Number _____ Email _____
SAME AS ABOVE

SUBJECT PROPERTY

Street Address 9406 S. OH 48, Loveland OH 45140
Parcel ID Number 2613743
Zoning District _____

VARIANCE REQUESTED

Code Section 4.9 Table 4-5

Reason for variance Remove AND Replace existing Garage Structure
with Amish Loft Barn (20x32). This will upgrade appearance AND functionality
of structure. Zoning classifies current structure location as in front yard.
(See attached for pictures of proposed structure)

[Signature]
Applicant Signature

1/31/2022
Date

For Township Use Only

Application file date February 2, 2022

Fee \$300.00 Check Number cash Receipt Number 362921

Date of Legal Advertisement February 27, 2022

Date of Notice to Adjoining Owners February 27, 2022

Date of Public Hearing March 10, 2022

Action of the BZA Approved Denied Tabled

Additional Comments

Additional considerations regarding Zoning Variance request for 9406 OH48 (Ray Gibson)

The proposed Amish Loft Barn will replace an existing garage.

The Electrical and Water service to existing Garage are now separately metered and will be maintained for the new structure. The current structure also has an existing driveway, culvert, and gate for access. This makes alternative locations far less practical.

The proposed structure will be a dramatic improvement in appearance and functionality from the existing garage. This will greatly improve "curb appeal" and property value.

I have attached a few photos of the proposed barn taken when it was at the previous location. It will be reassembled as it was originally built.

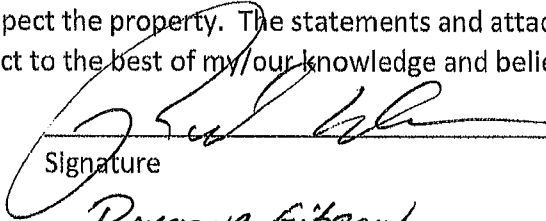
PROPERTY OWNER'S AFFIDAVIT

STATE OF OHIO

COUNTY OF WARREN

I (we) Raymond Gibson

hereby certify that we are all of the owners of the real estate which is the subject of the pending zoning application; that we hereby consent to Hamilton Township considering the attached application and approving the request for the subject real estate. We understand that our application will be considered and processed in accordance with the regulations as set forth by the Hamilton Township Zoning Code; that we agree to accept, fulfill and abide by those regulations and all stipulations and conditions attached to the approval. I (we) authorize Hamilton Township to place a Public Meeting notification sign on the property. I (we) authorize Hamilton Township staff to enter and inspect the property. The statements and attached exhibits are in all respects true and correct to the best of my/our knowledge and belief.


Signature

Raymond Gibson
Printed Name

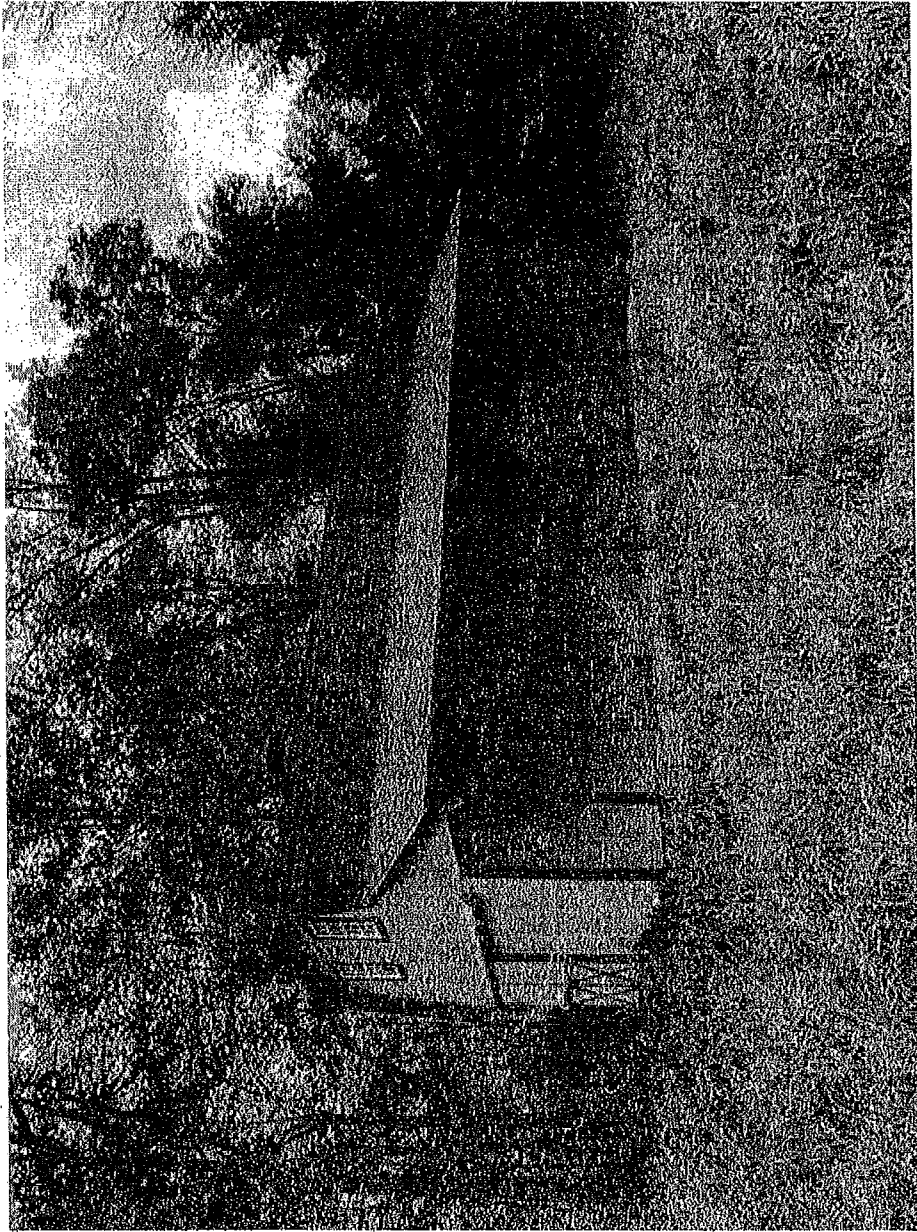
9406 S. OH 48
Street Address

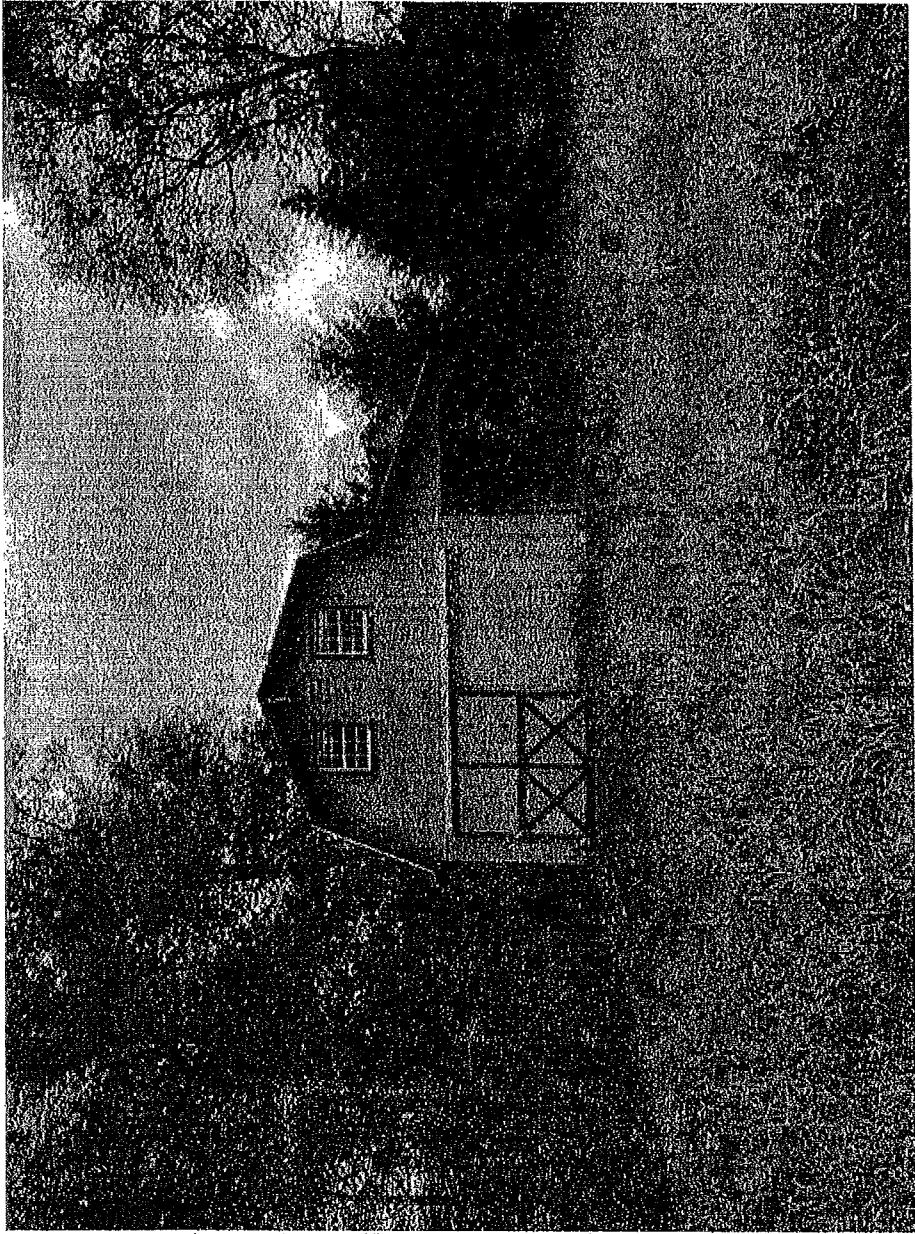
LOVELAND OH 45140
City, State, Zip Code

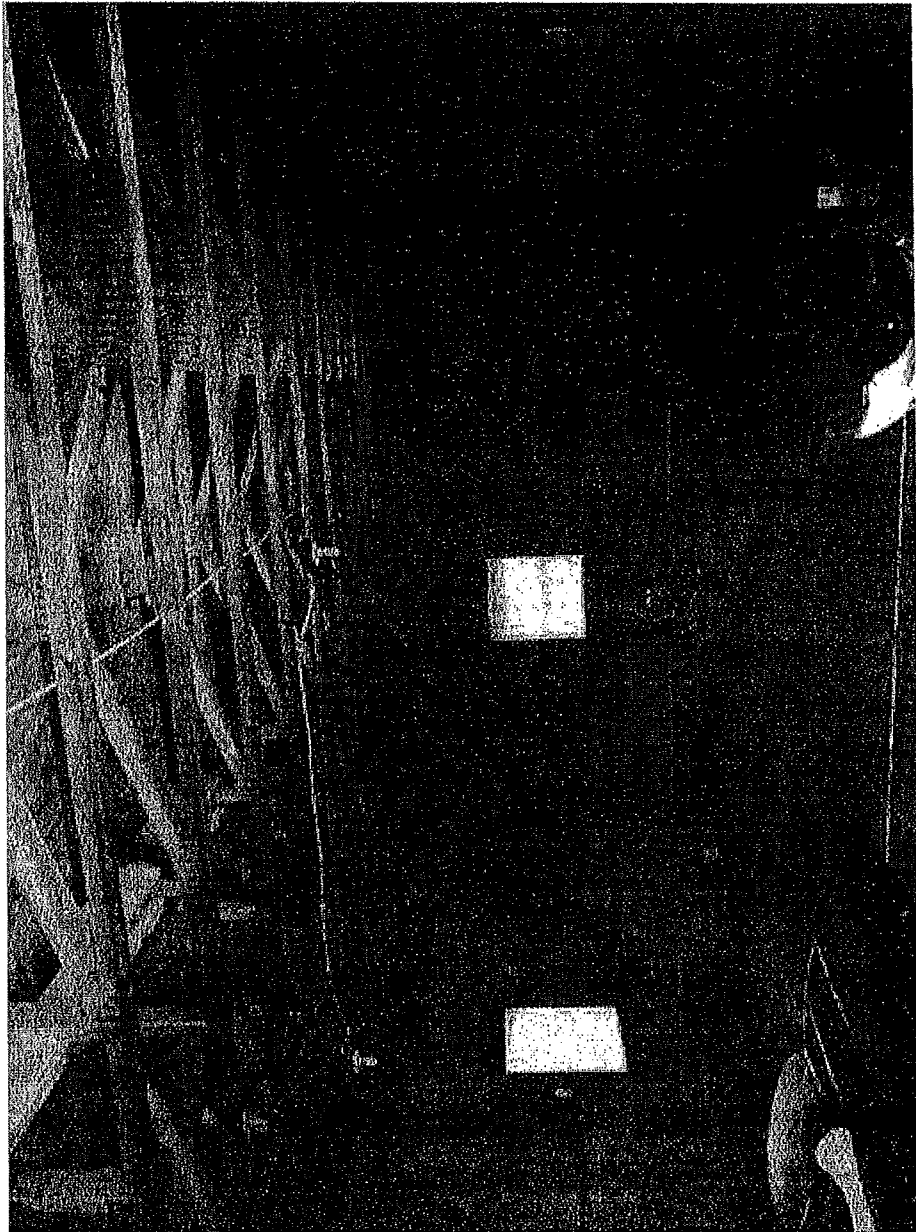
513 335 3791
Phone

Subscribed and sworn to before me this _____ day of _____ 20____

Notary Public







Property Owner:

Christy Elfers

418 ~~High N. Spicard St~~

Loveland, OH 45140

Phone ~~513-703-8499~~

PREVIOUS LOCATION
DISASSEMBLED AND
MOVED TO 9406 OH 48 Loveland

Builder:

The Wooden Branch

6945 S.R. 73 W.

Wilmington, OH 45177

Contact: Carl Hollingsworth

Phone 937-382-7337

Fax 937-382-7117

20' x 32'

Amish Loft Barn

Construction Features

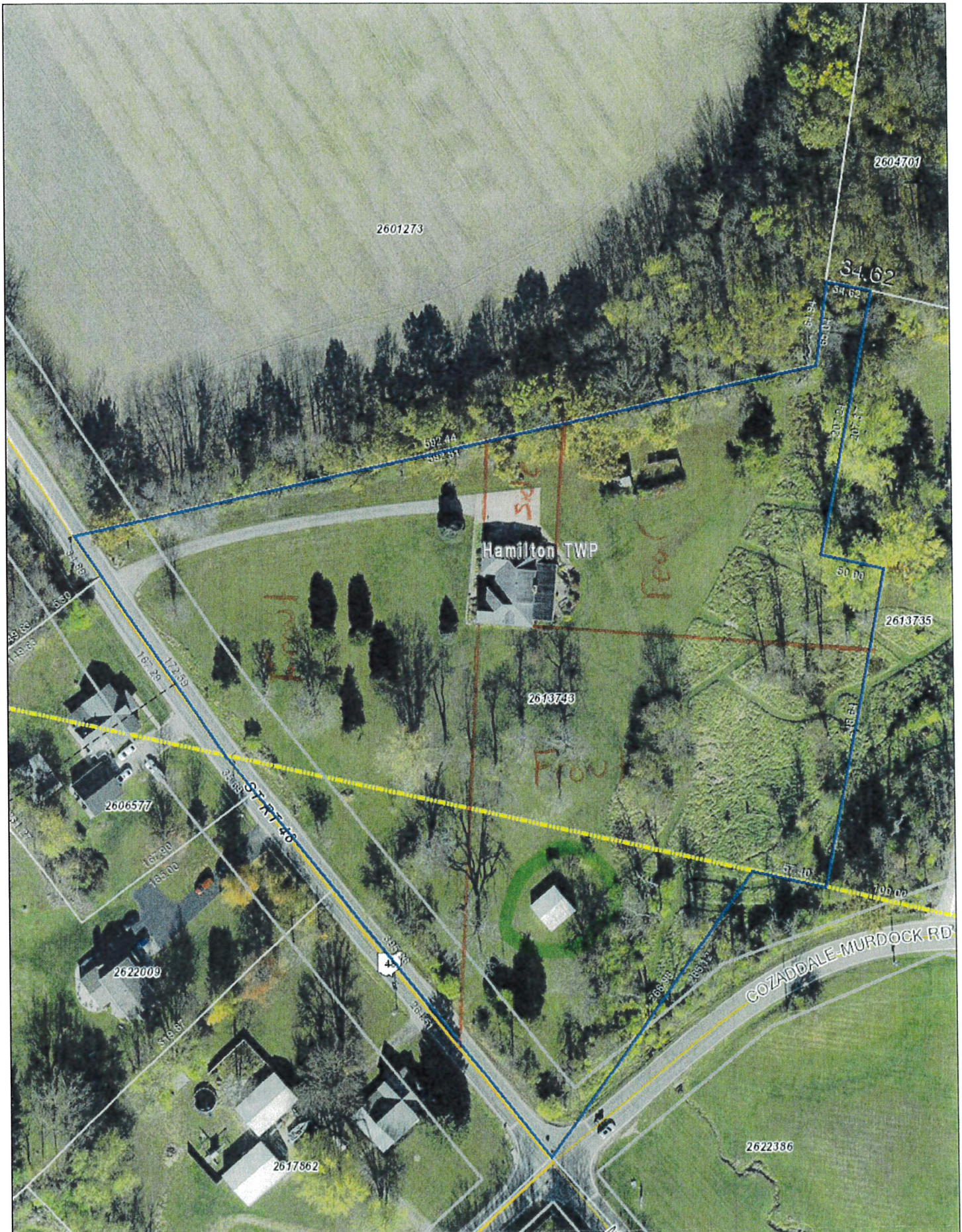
Building

- 2" x 4" Wall Framing 24" O. C. with 2"x3" nailer through center of wall
- 2" x 6" Roof Trusses 24" O.C.
- Pre-Engineered Floor Trusses 24" O.C. Loft floor
- 3/4" Plywood sub-floor - Loft
- Primed Dura-Temp siding
- Cedar Trim
- OSB sheeting
- #15 felt paper
- 25Yr. shingle
- Aluminum drip edge
- Full loft

edward horgan
@msm.com

Found

- Drawing Submitted in this document



2601273

2604701

34.62

Hamilton TWP

2613743

2613735

2606577

2622009

2617862

2622386

SPRRT 48

GOZADDALE MURDOCK RD

Front

Rear

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Application for an Appeal to the Board of Zoning Appeals

Hamilton Township Board of Zoning Appeals

Mr. Lucas Kleinhenz

7:00 PM, March 10, 2022

General Information

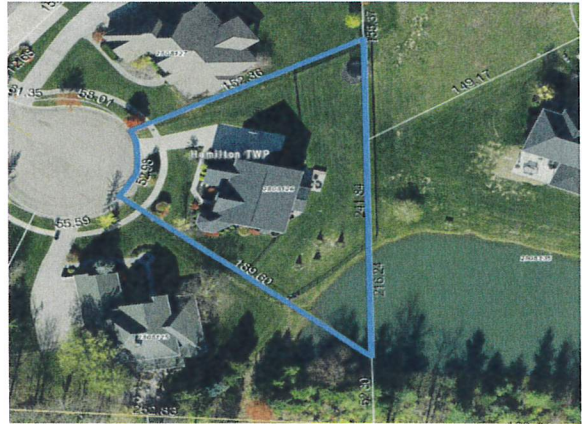
Applicant: Mr. Lucas Kleinhenz
260 South Wind Ct.
Maineville, OH 45039

Property Location: Same

Existing Zoning: R-4

Existing Land Use: SFD

Parcel Information: Size .4635 acres
Land Use SFD



Area Land Use: North: R-4 Urban Residence Zone
East: B-1 Neighborhood Business Zone
South: R-4/M-1 Urban Residence Zone/ Light Industry Zone
West: R-4 Urban Residence Zone

Request: The applicant has requested a variance from Section 4.9.5.N in order to construct a 16' x 42' in-ground pool 5 feet into the side setback and 5 feet into the rear setback.

The applicant states that their lot is a pie shaped lot sitting at the end of a cul-de-sac. They would like to move the swimming pool farther into the back yard and away from the house putting the pool 15 feet from the waters edge to the side and rear property lines.

Notice: A legal ad providing notice of the hearing on this case was published in *The Pulse* on February 27, 2022. Notices were mailed to all property owners within 200 feet of the subject property.

Applicable Regulations: Section 4.9.5.N. of The Hamilton Township Zoning Code ("HTZC"), states,

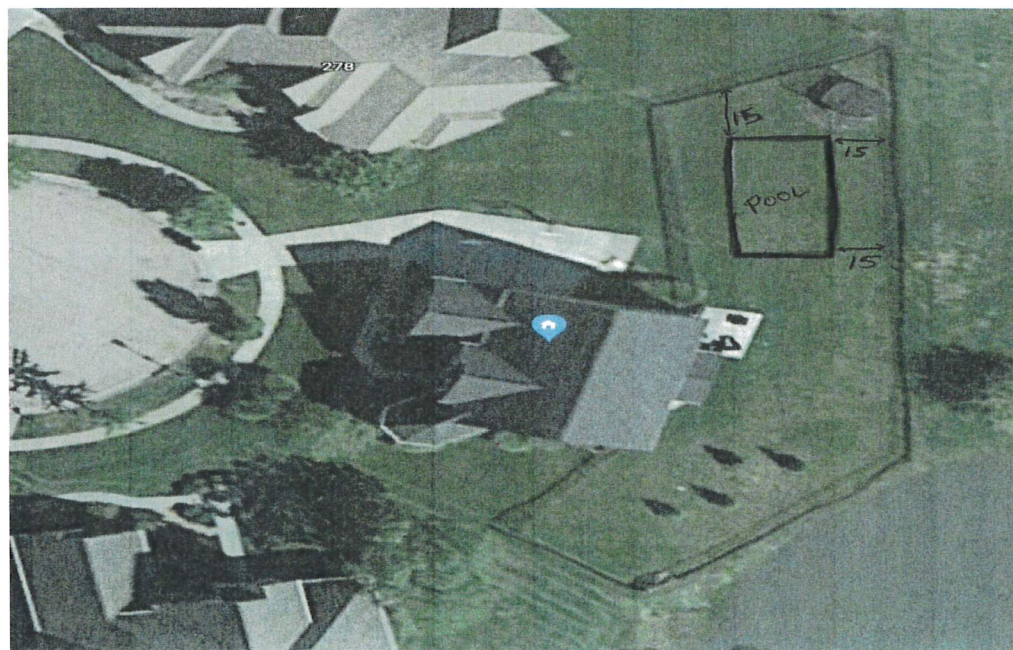
N. Private Swimming Pool or Public Swimming Pool

- (1) The swimming pool shall be set back a minimum of 20 feet from any property line. This setback shall be measured from the edge of the pool water.
- (2) The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four feet in height and maintained in good condition with a self-closing, self-latching gate that can be locked. Above grade pool walls may be counted toward the height of the required fence.

- (3) Any swimming pool for the use of occupants of multi-family dwellings containing over three dwellings or those that are accessory to a nonresidential use shall meet the structural and sanitary requirements of the Ohio Department of Health.
- (4) The swimming pool shall be intended and used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

Site Summary:

The subject property is located at the end of the cul-de-sac on South Wind Court in the Rivers Bend subdivision. This property is pie shaped and has a pond that cuts through the southern corner of the lot. There is an existing fence around the back yard where the pool will be constructed.



Variance Review Criteria:

HTZC Section 3.8.3 provides the following guidelines for the BZA when considering variance requests.

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- B. *The following factors shall be considered and weighed by the BZA to determine practical difficulty:*
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 - (2) *Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;*
 - (3) *Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;*
 - (4) *Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;*
 - (5) *Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;*
 - (6) *Whether special conditions or circumstances exist as a result of actions of the owner;*
 - (7) *Whether the property owner's predicament can feasibly be obviated through some method other than a variance;*
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- Open the hearing
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Application to the
Board of Zoning Appeals
7780 South SR 48
Hamilton Township, OH 45039

VARIANCE REQUEST

APPLICANT

Name Luke Kleinhenz

Address 260 South Wind Ct., Maineville, OH 45039

Phone Number 513-500-6951 Email lukekleinhenz@gmail.com

OWNER

Name Luke Kleinhenz / Stacy Kleinhenz

Address 260 South Wind Ct., Maineville, OH 45039

Phone Number 513-500-6951 Email lukekleinhenz@gmail.com

SUBJECT PROPERTY

Street Address 260 South Wind Ct., Maineville, OH 45039

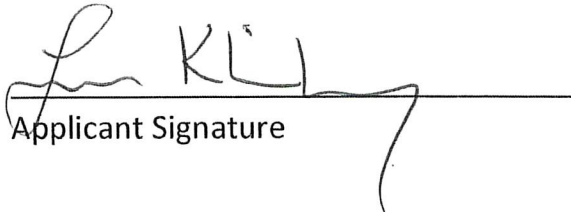
Parcel ID Number _____

Zoning District Maineville - Hamilton Township

VARIANCE REQUESTED

Code Section 4.9.5 N. Private Swimming Pool

Reason for variance The lot is pie shaped sitting on the cul-de-sac. Would like to
move the swimming pool farther into the back yard and away from the house. Would like to have
the pool water's edge be 15' from the side and rear property lines.


Applicant Signature

2/15/2022
Date

For Township Use Only

Application file date February 15, 2022

Fee \$300.00 Check Number 1495 Receipt Number 362951

Date of Legal Advertisement February 27, 2022

Date of Notice to Adjoining Owners February 27, 2022

Date of Public Hearing March 10, 2022

Action of the BZA Approved Denied Tabled

Additional Comments

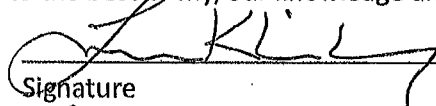
PROPERTY OWNER'S AFFIDAVIT

STATE OF OHIO

COUNTY OF WARREN

I (we) Lucas Kleinhenz

hereby certify that we are all of the owners of the real estate which is the subject of the pending zoning application; that we hereby consent to Hamilton Township considering the attached application and approving the request for the subject real estate. We understand that our application will be considered and processed in accordance with the regulations as set forth by the Hamilton Township Zoning Code; that we agree to accept, fulfill and abide by those regulations and all stipulations and conditions attached to the approval. I (we) authorize Hamilton Township to place a Public Meeting notification sign on the property. I (we) authorize Hamilton Township staff to enter and inspect the property. The statements and attached exhibits are in all respects true and correct to the best of my/our knowledge and belief.


Signature

Lucas Kleinhenz

Printed Name

260 South Wind Ct

Street Address

Maineville, OH 45039

City, State, Zip Code

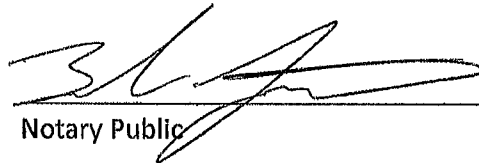
513-500-6951

Phone

Subscribed and sworn to before me this 15th day of February 2022



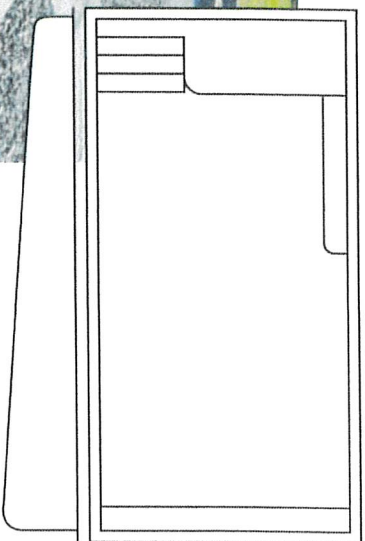
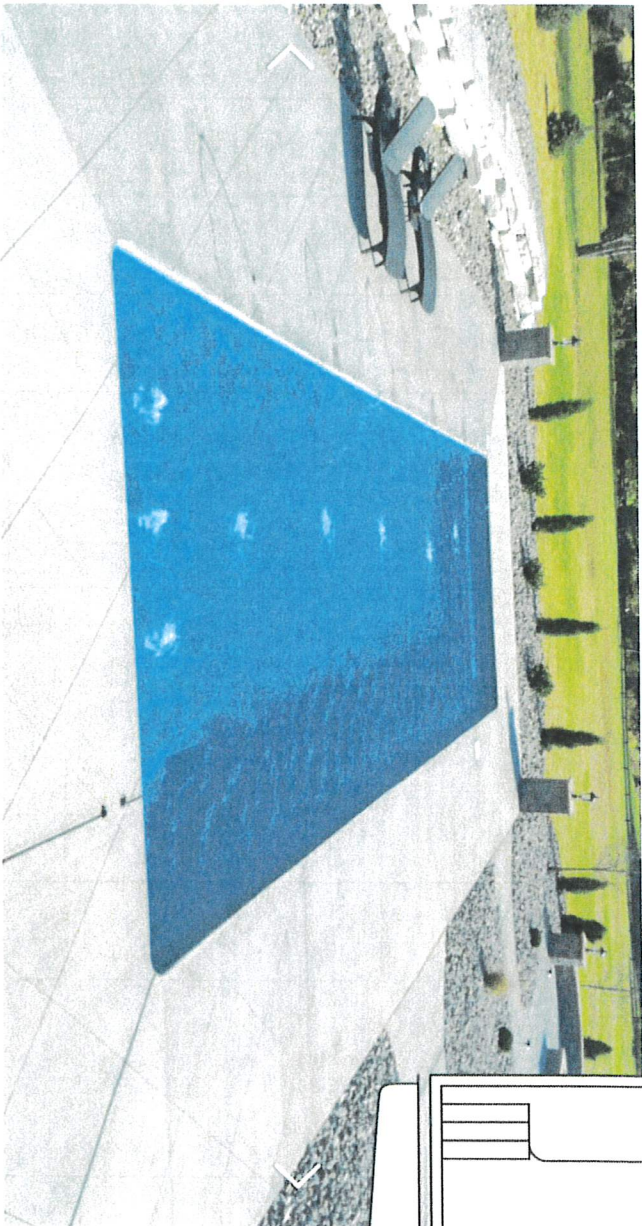
BRANDON FERGUSON
Notary Public
State of Ohio
My Comm. Expires
August 16, 2026


Notary Public

Kleinenz - 260 South Windmill Ct. Manneville, OH 45039



The Tropic



Pool Dimensions

Size: 16' x 42'

Depth: 3' to 6'

Application for an Appeal to the Board of Zoning Appeals

Hamilton Township Board of Zoning Appeals

Mr. Lucas Kleinhenz

7:00 PM, March 10, 2022

General Information

Applicant: Mr. Lucas Kleinhenz
260 South Wind Ct.
Maineville, OH 45039

Property Location: Same

Existing Zoning: R-4

Existing Land Use: SFD

Parcel Information: Size .4635 acres
Land Use SFD



Area Land Use: North: R-4 Urban Residence Zone
East: B-1 Neighborhood Business Zone
South: R-4/M-1 Urban Residence Zone/ Light Industry Zone
West: R-4 Urban Residence Zone

Request: The applicant has requested a variance from Section 4.9.5.M. in order to construct an unenclosed, covered porch approximately 10 feet into the rear yard setback of 30 feet.

The applicant states that their lot is a pie shaped lot sitting at the end of a cul-de-sac. The covered porch will be attached to the rear of the home and one post would sit 25 feet from the rear property line and the other post will sit 20 feet from the rear property line.

Notice: A legal ad providing notice of the hearing on this case was published in *The Pulse* on February 27, 2022. Notices were mailed to all property owners within 200 feet of the subject property.

Applicable Regulations: Section 4.9.5.M. of The Hamilton Township Zoning Code ("HTZC"), states,

M. Porch or Deck

- (1) Porches or decks that are enclosed (with screening or other materials), have a roof, or that are physically attached to the principal structure shall meet the setback requirements for principal buildings in the applicable zoning district. See [Section 6.2 Site Development Standards](#).
- (2) Unenclosed porches and decks may encroach into required setbacks in accordance with [Section 6.2 Site Development Standards](#).
- (3) Porches or decks that are under 18 inches in height do not require a zoning certificate.

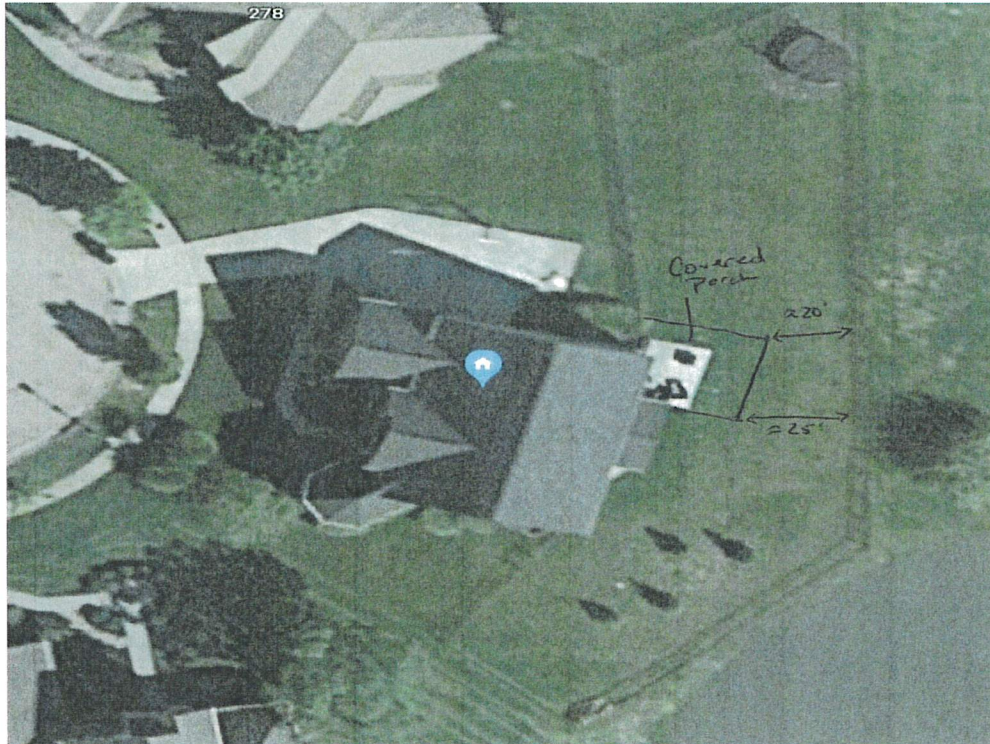
TABLE 6-1: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

	MINIMUM REQUIRED:			MINIMUM SETBACKS:			MAXIMUM BUILDING HEIGHT (STORIES/ FEET)	MINIMUM DWELLING UNIT SIZE (SQUARE FEET)
	LOT AREA [1] (SQUARE FEET)	LOT WIDTH AT BUILDING LINE (FEET)	WIDTH OF STREET FRONTAGE [2] (FEET)	FRONT YARD (FEET)	SIDE YARD [3] (FEET)	REAR YARD (FEET)		
R-4 URBAN RESIDENCE DISTRICT								
Single Family Dwelling, Detached	8,000	70	25	40	7/14	30	2 1/4; 35	720
Single Family Dwelling, Attached	43,560	See Sec. 4.8.2.C Dwelling, Attached Single Family					2 1/4; 35	1,200
All Other Principally Permitted Uses	43,560	200	200	50	5/20	35	2 1/4; 35	n/a

Site Summary:

The subject property is located on South Wind Court at the end of the cul-de-sac. This property is pie shaped and has a pond that cuts through the southern corner of the lot. There is an existing fence around the back yard where the pool will be constructed.





Variance Review Criteria:

HTZC Section 3.8.3 provides the following guidelines for the BZA when considering variance requests.

D. The BZA shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this zoning code as will not be contrary to the public interest. Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this zoning code will result in practical difficulty for an area/dimensional variance.

E. The following factors shall be considered and weighed by the BZA to determine practical difficulty:

(10) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;

(11) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

(12) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;

(13) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

(14) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;

(15) Whether special conditions or circumstances exist as a result of actions of the owner;

(16) Whether the property owner's predicament can feasibly be obviated through some method other than a variance;

(17) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and

(18) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

F. No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined by its own facts.

Action:

The BZA will hold a public hearing on March 10, 2022, including the following actions:

- Open the hearing
- Swear in witnesses
- Take testimony regarding the application from staff, the applicant, and anyone else in attendance at the hearing who wishes to speak
- Close the hearing
- Deliberate
- Render a decision on the variance application



Application to the
Board of Zoning Appeals
7780 South SR 48
Hamilton Township, OH 45039

VARIANCE REQUEST

APPLICANT

Name Luke Kleinhenz

Address 260 South Wind Ct., Maineville, OH 45039

Phone Number 513-500-6951 Email lukekleinhenz@gmail.com

OWNER

Name Luke Kleinhenz / Stacy Kleinhenz

Address 260 South Wind Ct., Maineville, OH 45039

Phone Number 513-500-6951 Email lukekleinhenz@gmail.com

SUBJECT PROPERTY

Street Address 260 South Wind Ct., Maineville, OH 45039

Parcel ID Number _____

Zoning District Maineville - Hamilton Township


VARIANCE REQUESTED

Code Section 4.9.5 M. Porch or Deck

Reason for variance Adding an unenclosed covered porch that is attached to the house.

One support post will be about 25' from the rear property line and the other support post will be

about 20' from the rear property line. Drawings and building plans included.


Applicant Signature

2/15/2022
Date

For Township Use Only

Application file date February 15, 2022

Fee \$300.00 Check Number 1495 Receipt Number 362951

Date of Legal Advertisement February 27, 2022

Date of Notice to Adjoining Owners February 27, 2022

Date of Public Hearing March 10, 2022

Action of the BZA Approved Denied Tabled

Additional Comments

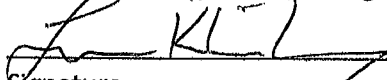
PROPERTY OWNER'S AFFIDAVIT

STATE OF OHIO

COUNTY OF WARREN

I (we) Lucas Kleinhenz

hereby certify that we are all of the owners of the real estate which is the subject of the pending zoning application; that we hereby consent to Hamilton Township considering the attached application and approving the request for the subject real estate. We understand that our application will be considered and processed in accordance with the regulations as set forth by the Hamilton Township Zoning Code; that we agree to accept, fulfill and abide by those regulations and all stipulations and conditions attached to the approval. I (we) authorize Hamilton Township to place a Public Meeting notification sign on the property. I (we) authorize Hamilton Township staff to enter and inspect the property. The statements and attached exhibits are in all respects true and correct to the best of my/our knowledge and belief.


Signature

Lucas Kleinhenz
Printed Name

260 South Wind Ct
Street Address

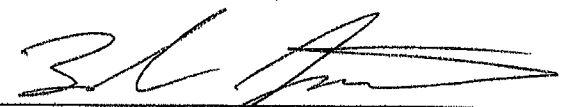
Maineville, OH 45039
City, State, Zip Code

513-500-6951
Phone

Subscribed and sworn to before me this 15th day of February 2022



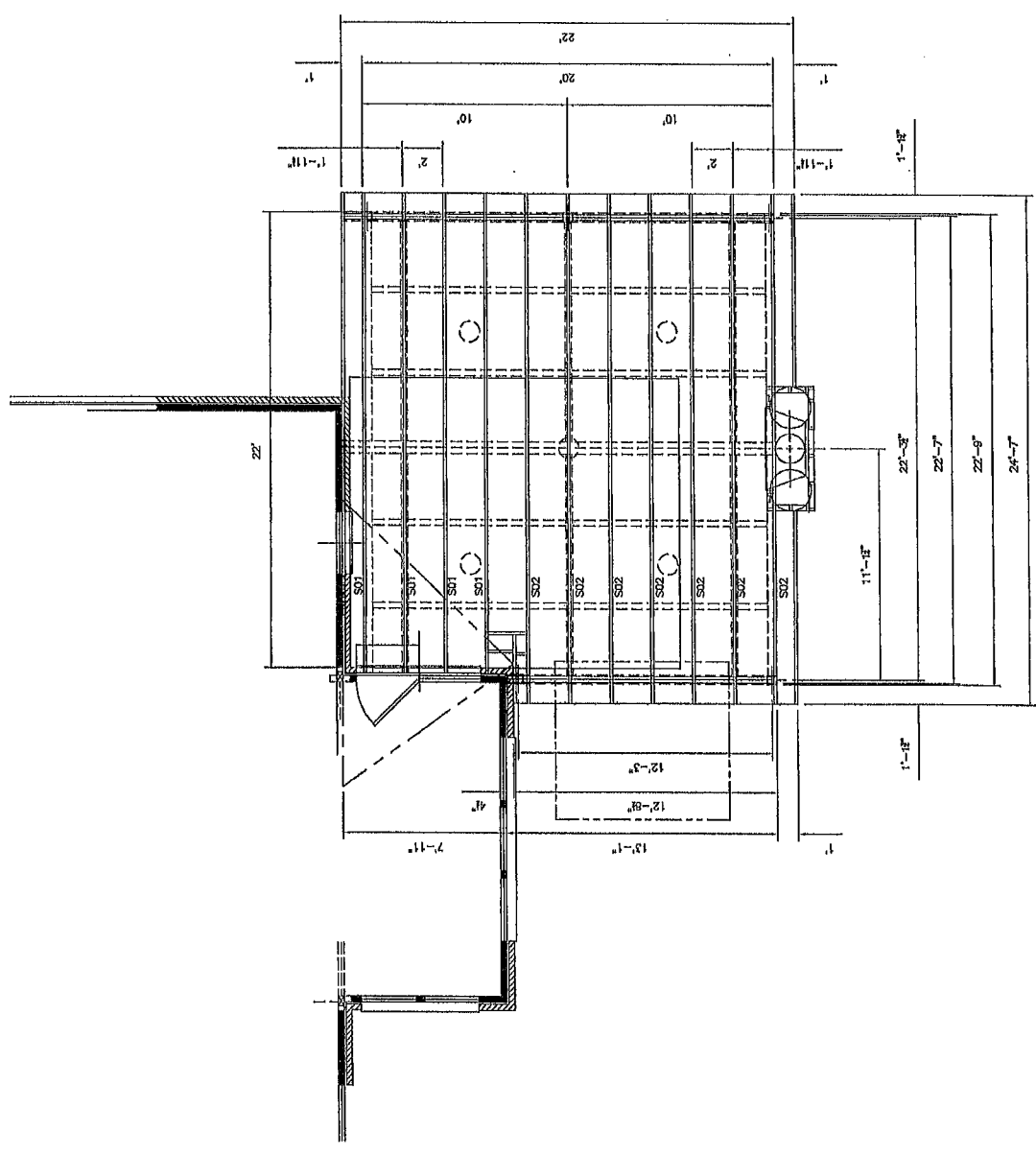
BRANDON FERGUSON
Notary Public
State of Ohio
My Comm. Expires
August 16, 2026

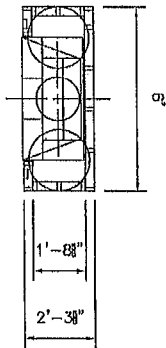
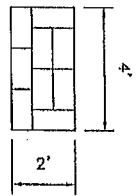
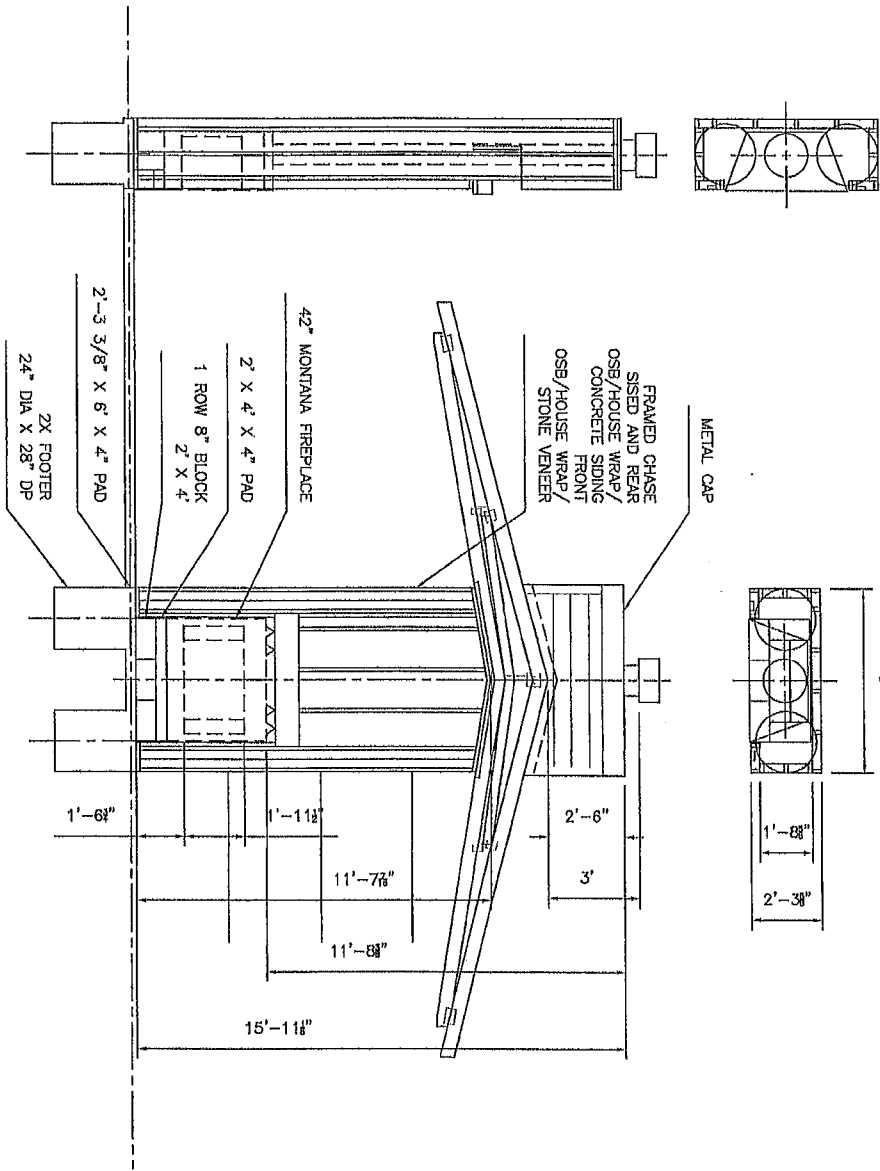

Notary Public

Kleinhenz - 260 South Wind ^{Google Maps} +. Maineville, OH 45039



KLEINHEIZ LUDWIG & STACEY
ARCHITECTS
MANUAL OF ARCHITECTS
SHELTER ADDITION
550 SF
PLAN





15'-11 1/8"

11'-6 3/8"

11'-7 7/8"

1'-11 1/2"

1'-6 3/8"

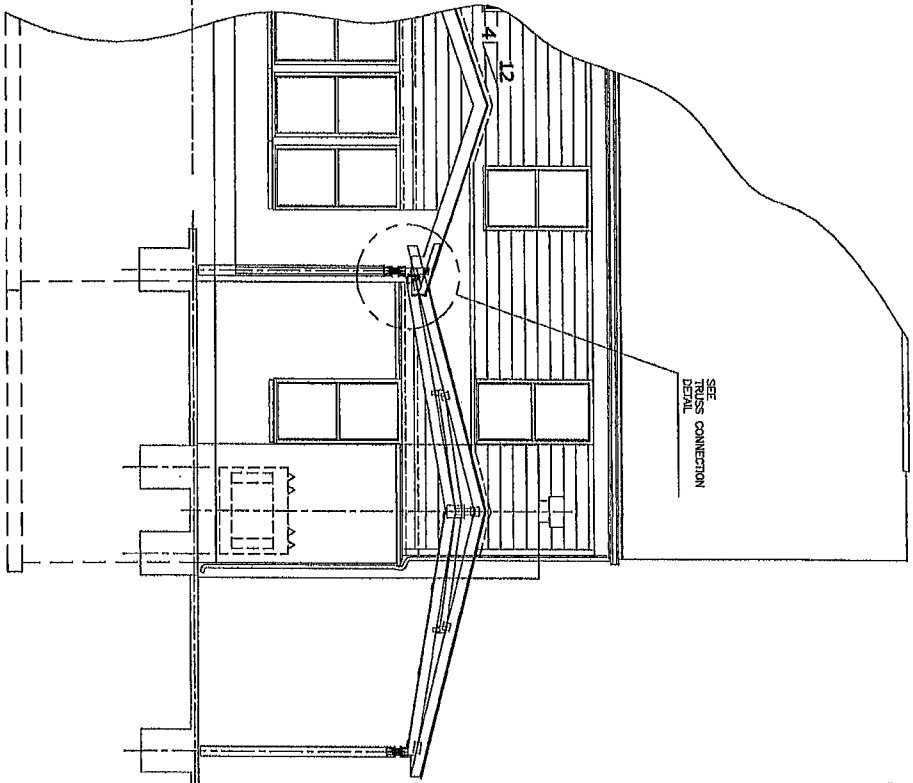
2'-6"

3'

- 2X FOOTER
24" DIA X 28" DP
- 2'-3 3/8" X 6' X 4" PAD
- 2' X 4' X 4" PAD
- 1 ROW 8" BLOCK
2' X 4'
- 42" MONTANA FIREPLACE

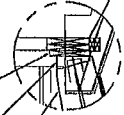
FRAMED CHASE
SIDED AND REAR
OSB/HOUSE WRAP/
CONCRETE SIDING
FRONT
OSB/HOUSE WRAP/
STONE VENEER

METAL CAP



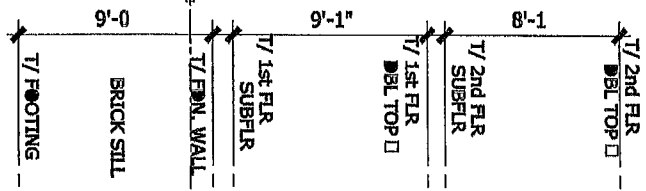
SEE TRUSS CONNECTION DETAIL

EXISTING WALL FRAMING

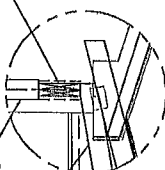


2 X 12 LEG BOLTED TO EXISTING WALL FRAMING

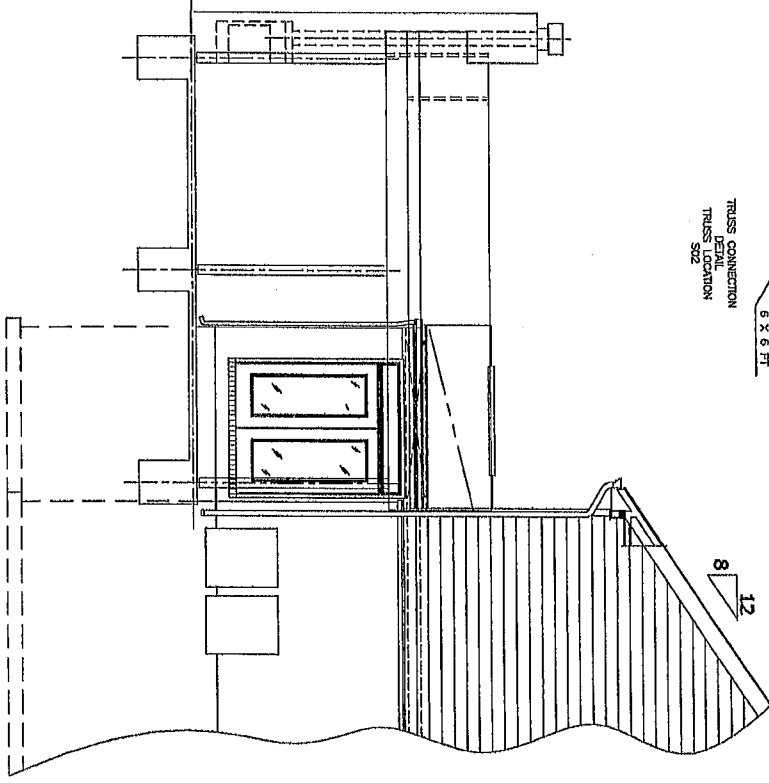
TRUSS CONNECTION DETAIL TRUSS SOT



2X LAM BEAM SPECIFIED BY TRUSS PNG



TRUSS CONNECTION DETAIL TRUSS SOT



SEE TRUSS CONNECTION DETAIL

KLEINBERG LUDAS & SPACKY
MANUSCRIPT ON ARCHES
SHEETER ADDITION
SSO SF
ELEVATIONS