



Board of Zoning Appeals

June 10, 2021

7:00 PM

I. Call to Order- Chair

II. Variance Requests:

- Pool Variance at 1301 Brookchase Circle, Maineville, OH 45039
- Patio Cover Variance at 765 Morning Dew Lane, Maineville, OH 45039
- Lot Split & Building Location Variances at 3170 Ireland Road, Morrow, OH 45152

III. Meeting Minutes

- April 8, 2021
- May 13, 2021

IV. Adjournment



Board of Zoning Appeals

Notice of Public Hearing

Date of Meeting: June 10, 2021

Time of Meeting: 7:00 PM

Location of Meeting: 7780 S. State Route 48, Maineville, OH 45039

Request & Locations: 3 Variance Requests:

- Pool Variance at 1301 Brookchase Lane
- New Single Family Home Front Setback Variance at 1067 Sedgefield Ct.
- Lot Split Continuous Frontage & Building in the Pole Portion of Flag Lot Variance Request at 3170 Ireland Road

Property Owners: Alicia Koch; Gregory Vranic; Dorothy Robinson

The plans for the project are available for review at the Administration Building Monday- Friday 8:00AM to 4:30PM. Those with questions regarding the project are encouraged to review the plans and contact the office and/or attend the meeting.

Alexander Kraemer
Economic Development & Zoning Director

Board of Zoning Appeals

April 8, 2021

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

Members present: Mark Wernery
 Harold Eberenz
 Michael Blomer
 Holly Roush

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.

Mr. Alex Kraemer, Economic Development and Zoning Director, presented the staff report. 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. This variance request is to construct an 18' by 36' in-ground pool at 1189 Beargrass Way, Maineville, OH 45039, 10 feet into the required 20-foot minimum side yard setback to preserve the existing tree line and the privacy of their backyard for themselves and their neighbors. The property owners are Andrea and Ryan Bohardt. The Hamilton Township Zoning Code, Chapter 4.9.5.N, states that Swimming pools must be set back a minimum of 20 feet from any property line. This setback shall be measured from the edge of the pool water.

Mr. Blomer invited the applicant forward to speak.

Andrea Bohardt stated that they are constructing the pool at a diagonal to follow the existing tree line. She mentioned that they did not note or discuss the grade of their yard when they applied for this variance. The only place they can put this pool is exactly where it is depicted on the drawing with the application, due to an existing drain. There is an existing fence that will be replaced with a metal fence and a self-latching gate.

Mr. Wernery asked what the distance is from the pool and the existing patio?

Mrs. Bohardt stated that it is only going to be 3 feet out from the patio and deck.

Mr. Blomer asked if the builder has any fear that the roots that will be torn up to dig this pool, will cause damage to the tree line anyway?

Mrs. Bohardt stated that they have the grass clearance which will put the pool just far enough away that there should not be any damage.

Mr. Eberenz asked how large the concrete pad surrounding the pool will be?

Mrs. Bohart explained that it will be 6 feet at the far end with the diving board and the remaining sides will have three feet of concrete. The new concrete will connect with the existing patio.

Mr. Wernery questioned if the neighbor would be okay with this plan?

Mrs. Bohardt stated that he is indifferent. He told them that he would be fine with whatever decision the Board made.

Mr. Blomer made a motion to close the public comment portion of this hearing to begin deliberations. There was a second from Mr. Eberenz.

All in favor. Aye.

Mr. Eberenz is concerned that the position of the pool makes it wider than being directly behind the house.

Mr. Blomer commented that they can place the pool wherever they would like on the property as long as it meets the code requirements. Based on their lot size, they could put the pool in without requesting a variance, but the goal is to preserve that line of privacy. He does not have an issue with the angle.

Mr. Wernery asked the property owner if they had considered taking the pool right off the back of the house?

Mrs. Bohardt stated that due to the grade of the yard, they would not be able to do that. It is slanted due to the drain grate. The already took down 12 trees just to get the clearance to place it where the plans indicate.

Mr. Bohardt commented that they believe it is in the best interest of both neighbors and themselves to maintain that tree line for privacy.

Mr. Eberenz made a motion to approve the variance request at 1189 Beargrass Way, Maineville, OH 45039, to allow the construction of an in-ground pool 10 feet into the side yard setback. There was a second from Mr. Blomer.

Members present:	Michael Blomer	Yes
	Harold Eberenz	No
	Holly Roush	Yes
	Mark Wernery	Yes

Motion carries.

Next, Mr. Kraemer presented the staff report for a variance request for 5267 Venetian Way, Morrow, OH 45152. The legal notice was posted in *The Pulse Journal* two weeks prior to this hearing. The property owner and applicant is Mr. David Potter. The applicant is requesting to build a 10' by 15' deck in the rear yard that backs up to Classicway Blvd. The deck will

encroach approximately 10 feet into the 30-foot rear yard setback for Villages of Classic way 60-foot lots. Mr. Potter had previously applied for a variance to build a 14' by 20' wood deck and was denied. Due to that, he applied for an was granted a variance on August 4, 2016 for a 4' by 8' deck, going 2 feet into the 30-foot setback. There is a neighboring property that was previously approved for the same variance that is before the Board tonight.

The way that these lots were constructed, requires any accessory items such as decks, sheds, etc. to have a variance.

Mr. Blomer invited the applicant to speak.

David Potter is the applicant. He pointed out that he currently has an awning over his existing patio but even with the shade, it gets too hot to enjoy the patio or do any entertaining. Therefore, he is requesting approval to construct a deck that is taller and will allow them to properly sit underneath the awning to enjoy the back yard space and stay cool. He planted 4 trees at the back of his property that will prevent neighbors from seeing the deck.

Mr. Blomer commented that the back yard is deceiving because his property line ends, and then there is a significant amount of space before you get to the middle of the bike trail that is located behind this home.

Mr. Potter stated that he took a picture of 5275 Venetian Way as it is the exact model of home as his and has the exact setbacks. Their deck that was approved is much more visible than what Mr. Potter's deck would be.

Mr. Eberenz made a motion with a second from Mr. Blomer to close the public portion of this hearing to begin deliberations.

All in favor. Aye.

Mr. Blomer believes that this request makes sense given the dynamics of the area.

Mr. Wernery made a motion to approve a deck variance for 5267 Venetian Way, Morrow, OH 45152. There was a second from Mr. Eberenz.

Members present:	Harold Eberenz	Yes
	Holly Roush	Yes
	Mark Wernery	Yes
	Michael Blomer	Yes

Motion carries.

Mr. Blomer called a brief recess in the meeting.

**** Audio is missing for the third variance request at this meeting. ****

With no further business to discuss, Mr. Blomer made a motion with a second from Mr. Wernery to adjourn the meeting. All in favor. Meeting Adjourned.

DRAFT

Board of Zoning Appeals

May 13, 2021

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

Members present: Brandon Roark
 Harold Eberenz
 Michael Blomer
 Mark Wernery
 Ryan Ziemba

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.

Mr. Alex Kraemer, Economic Development and Zoning Director, presented the staff report. 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. This is for a variance request to build a patio cover 2 feet into the 30-foot rear yard setback at 765 Morning Dew Lane, Maineville, OH 45039 in Village on the Green. The patio cover will be a 4-inch insulated awning installation that will be 16 feet by 25 feet. The 16-foot roof is requested to cover the existing 16-foot patio. The property owner is John Bauer. The surrounding properties are zoned R-3 multi-family.

Mr. Blomer invited the applicant to speak.

Mr. John Bauer stated that he has been sworn in. He is the property owner and applicant. He just wants the patio cover to extend over the entire existing patio.

Mr. Blomer asked footers have to be poured or if this is strictly attached to the house.

Mr. Bauer stated that it will be attached to the home.

Mr. Blomer made a motion to close the public comment portion of the hearing. All in favor.

Mr. Blomer and Mr. Ziemba stated that this is pretty straight forward.

Mr. Eberenz made a motion with a second from Mr. Ziemba to approve the variance request to construct a patio cover 2 feet into the rear setback at 765 Morning Dew Lane, Maineville, OH 45039.

Roll call as follows:	Mark Wernery	Yes
	Ryan Ziemba	Yes
	Michael Blomer	Yes
	Harold Eberenz	Yes

Brandon Roark Yes

Motion carries.

The second applicant for a variance request at tonight's hearing did not show up therefore, Mr. Blomer made a motion to continue the hearing for Stephen and Alicia Koch at 1301 Brookechase Circle, Maineville, OH 45039.

All in favor. Aye.

Mr. Ziemba made a motion with a second from Mr. Blomer to approve meeting minutes from the February 18, 2021 Board of Zoning Appeals.

All in favor. Aye.

Mr. Eberenz made a motion with a second from Mr. Ziemba to approve the meeting minutes from the February 25, 2021 Board of Zoning Appeals meeting.

All in favor. Aye.

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

All in favor. Aye.

DRAFT

**HAMILTON TOWNSHIP BOARD OF ZONING APPEALS
STAFF REPORT**

Variance Request

1301 Brookchase Circle, Maineville, OH 45039

May 13, 2021 at 7:00PM- Continued to June 10, 2021

Owner: Alicia Koch

Applicant: Stephen & Alicia Koch, 1301 Brookchase Circle, Maineville, OH 45039

Location: 1301 Brookchase Circle, Maineville, OH 45039

Zone: R-1 Single Family Residence District

Request: Request is to build an in-ground pool 10 feet into the 20 foot minimum Rear Yard Setback to align with the property fence previously installed when the house was built in 2014. **After speaking more in-depth with Mr. Koch, the actual variance request is more like 17 feet, from a 20 foot Rear Setback down to a 3 foot Rear Setback.**

Surrounding Zoning and Land Uses:

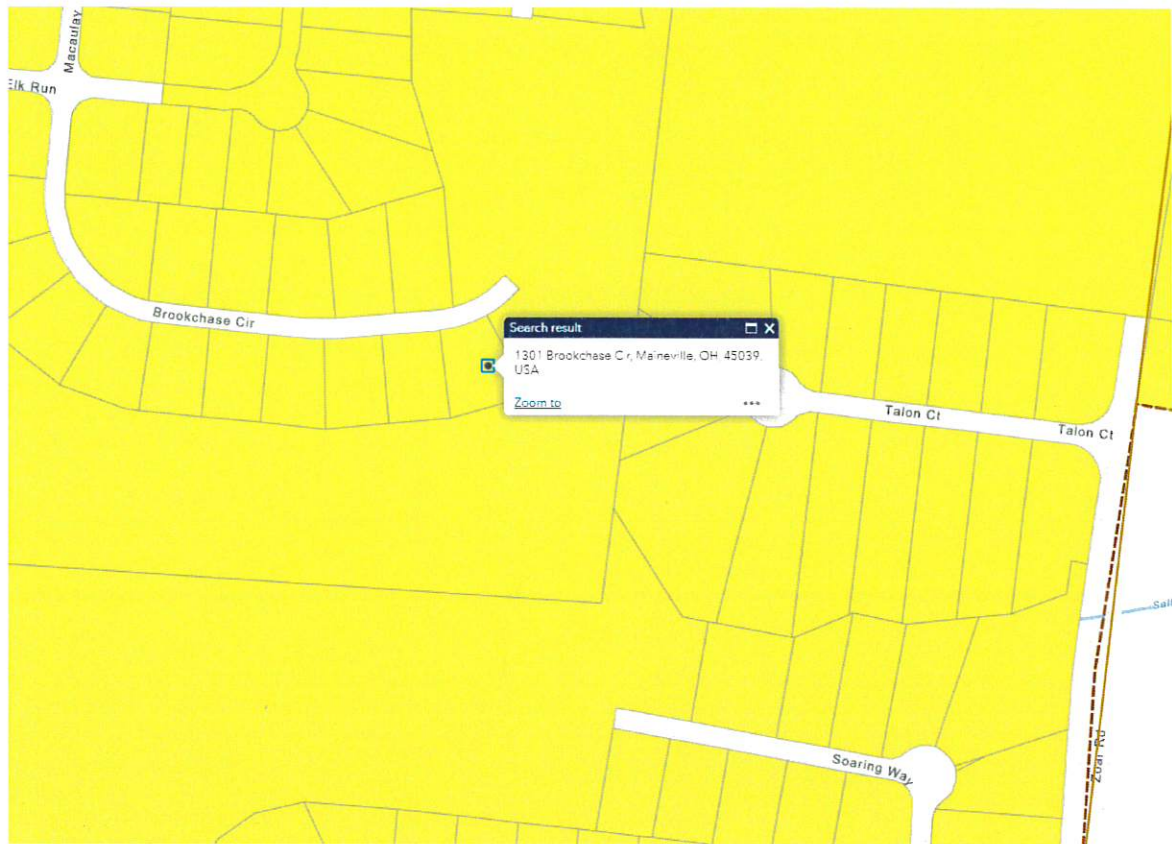
North R-1 Single Family Residence District
South R-1 Single Family Residence District
East R-1 Single Family Residence District
West R-1 Single Family Residence District

Notice: A legal ad was published in the Sunday May 2, 2021 issue of *The Pulse* in Warren County. Notices were mailed to all property owners within 200 feet and the application was made available at the Administration Building from 8AM to 4:30PM Monday through Friday.

Aerial View:



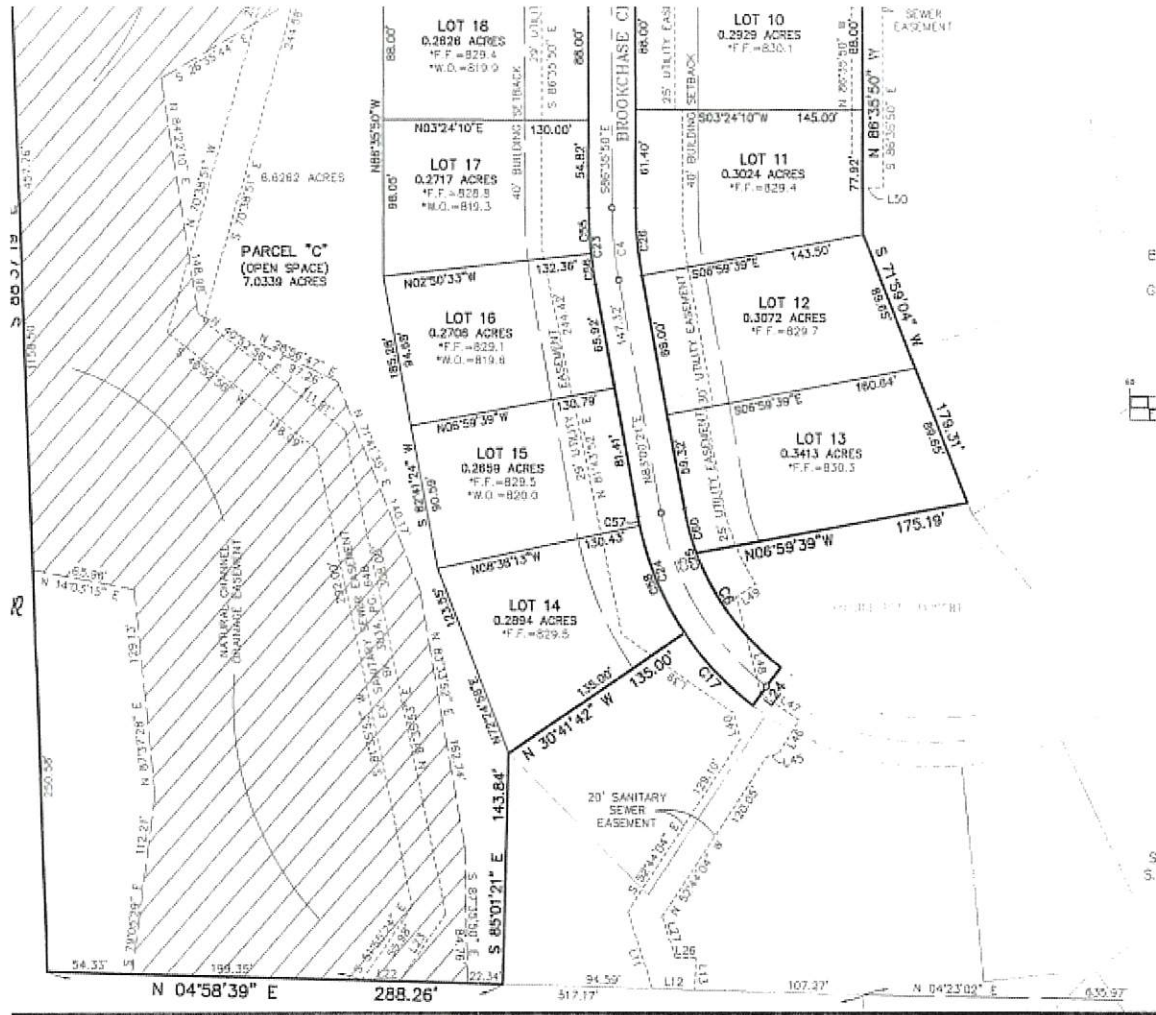
Zoning Map:



2020 Zoning (New)

-  A-1 Agricultural
-  B-1 Neighborhood Business Zone
-  B-2 General Business Zone
-  Multiple (Check)
-  M-1 Light Industry Zone
-  M-2 Heavy Industry Zone
-  M-H Mobile Home Park Zone
-  R-1 Single Family Residence Zone
-  R-2 Two Family Residence Zone
-  R-3 Multi-Family Residence Zone
-  R-4 Urban Residence Zone
-  T-C Trailer Camp Zone

Plot Plan (Lot 14):



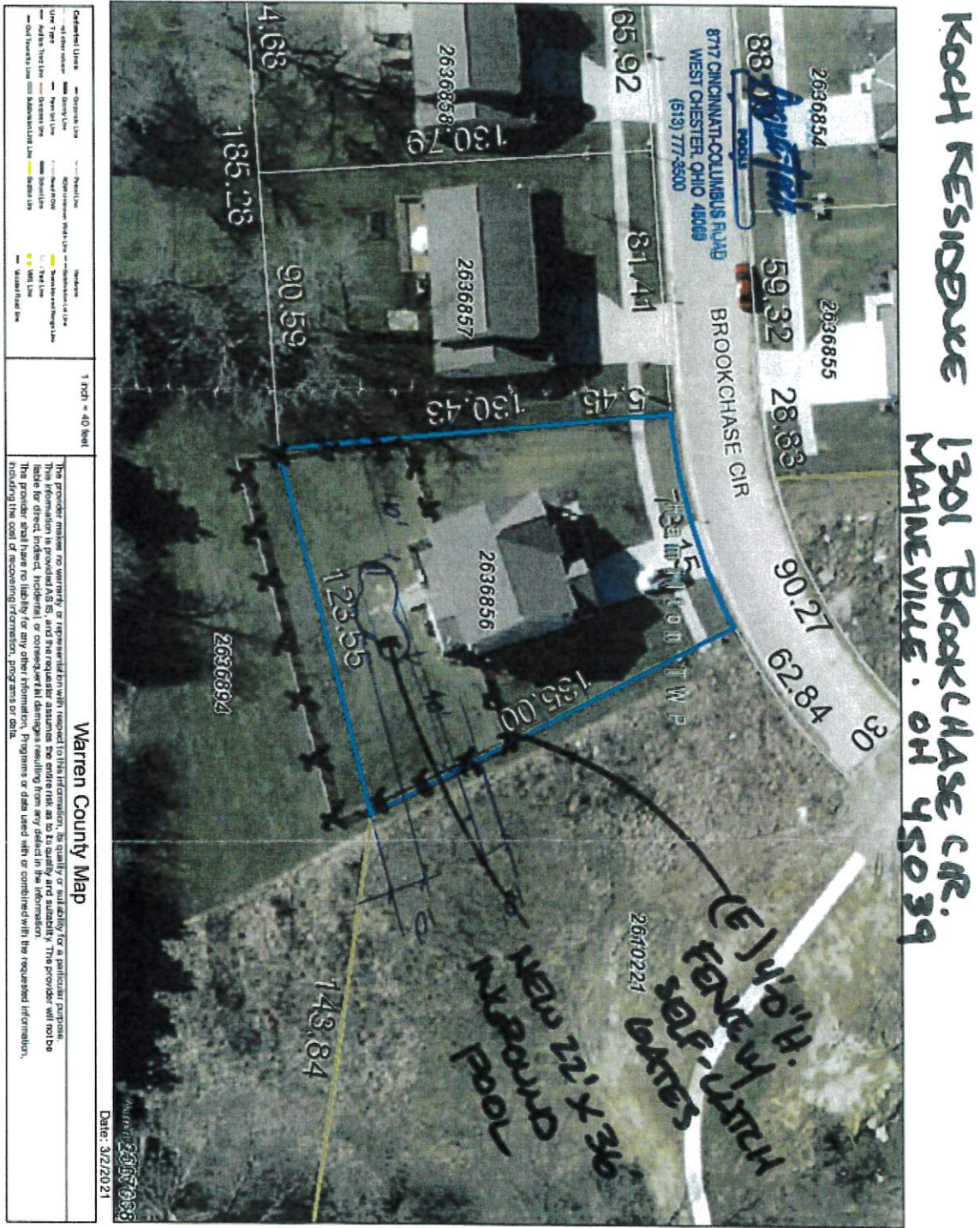
Pertinent Regulations:

N. Private Swimming Pool or Public Swimming Pool

- (I) 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.

Request:

Request is to build a 22' by 36' in-ground pool 10 feet into the 20 foot minimum Rear Yard Setback to align with the property fence previously installed when the house was built in 2014. The pool is proposed to be 10 feet from the back of the house.





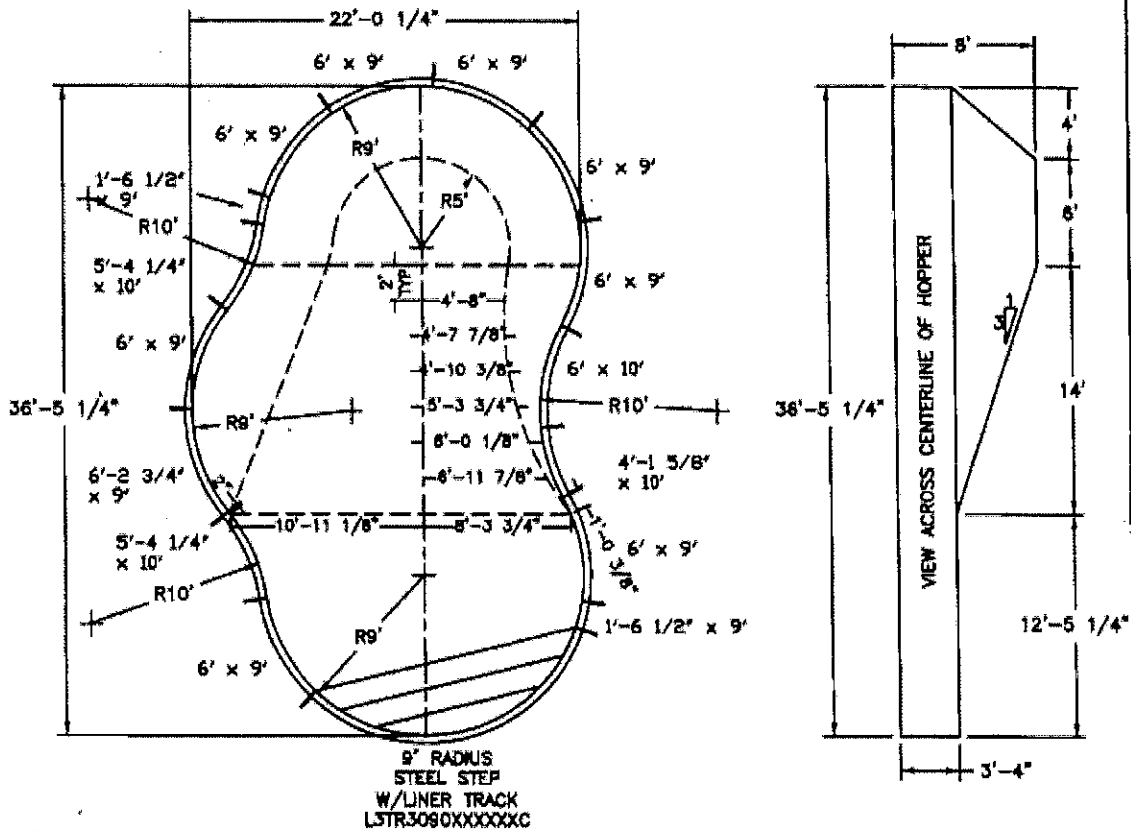



Pool Size: 18' X 36'-6"
 Pool Shape: OASIS
 Pool Number: POA05903

250 Route 61 South, Schuylkill Haven, PA 17972 • 570-385-4733 • fax: 570-385-1318 • CustomerService@CardinalSystemsInc.com

Bill of Materials

PART NO.	QUANTITY	DESCRIPTION
A' FRAME	16	A' FRAME ASSEMBLY
L3TR3090XXXXXC	1	9' RADIUS STEEL STEP W/LINER TRACK
5C42164XX09000	2	1'-6 1/2" x 9' Radius C PANEL W/O Z
5C42600XX09000	6	6' x 9' Radius C PANEL W/O Z
5C42626XX09000	1	6'-2 3/4" x 9' Radius C PANEL W/O Z
5R42415XX10000	1	4'-1 5/8" x 10' Radius R PANEL W/O Z
5R42542XX10000	2	5'-4 1/4" x 10' Radius R PANEL W/O Z
5R42600XX10000	1	6' x 10' Radius R PANEL W/O Z



Date: 2/24/2021	Perimeter: 96'-1 7/8"	
Drawn By: CODY A	Area: 609.2 SQ FT	
Scale: 1/8" = 1'-0"	Notes: AQUATECH/KOCH	

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Variance Review Criteria:

The HTZC in 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 on its own facts.*

Action: The BZA will hold a public hearing on May 13, 2021 (continued to June 10, 2021) that will include:

- 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 in Public
- Decision

Should the BZA choose to approve the variance request, the applicant will have 12 months to begin construction.



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

VARIANCE REQUEST

APPLICANT

Name Stephen & Alicia Koch
Address 1301 Brookchase circle maineville, Oh 45039
Phone Number (513)-720-3402 Email akarig12@gmail.com

OWNER

Name Alicia Koch
Address 1301 Brookchase circle, maineville, Oh 45039
Phone Number (513)315-1042 Email akarig12@gmail.com

SUBJECT PROPERTY

Street Address 1301 Brookchase circle, maineville Oh 45039
Parcel ID Number 1728 1800 010
Zoning District 20-hamilton twp little miami L5c R-1

VARIANCE REQUESTED

Code Section _____

Reason for variance Pool being 20ft from property line

bought property with fence already installed


Applicant Signature

3/10/2021
Date

For Township Use Only

Application file date March 22, 2021

Fee \$300.00 Check Number CASH Receipt Number 016379

Date of Legal Advertisement _____

Date of Notice to Adjoining Owners _____

Date of Public Hearing _____

Action of the BZA Approved Denied Tabled

Additional Comments

PROPERTY OWNER'S AFFIDAVIT

STATE OF OHIO

COUNTY OF WARREN

I (we) Stephen & Alicia
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.

[Handwritten Signature]
Signature

Stephen & Alicia Koch
Printed Name

1301 Brookchase Cir
Street Address

Maineville OH 45039
City, State, Zip Code

(513) 3151642
Phone

Subscribed and sworn to before me this 19th day of March 2021

[Handwritten Signature]
Notary Public



Carla M. Oeder
Notary Public, State of Ohio
My Commission Expires May 15, 2021

Application Requirements

Filing Fee

- Site plan drawn to scale
- Any other relevant plans
- Statement addressing Zoning Code Section 3.8.3
- Property Owner Affidavit for each parcel included in the request

Hamilton Township Zoning Code

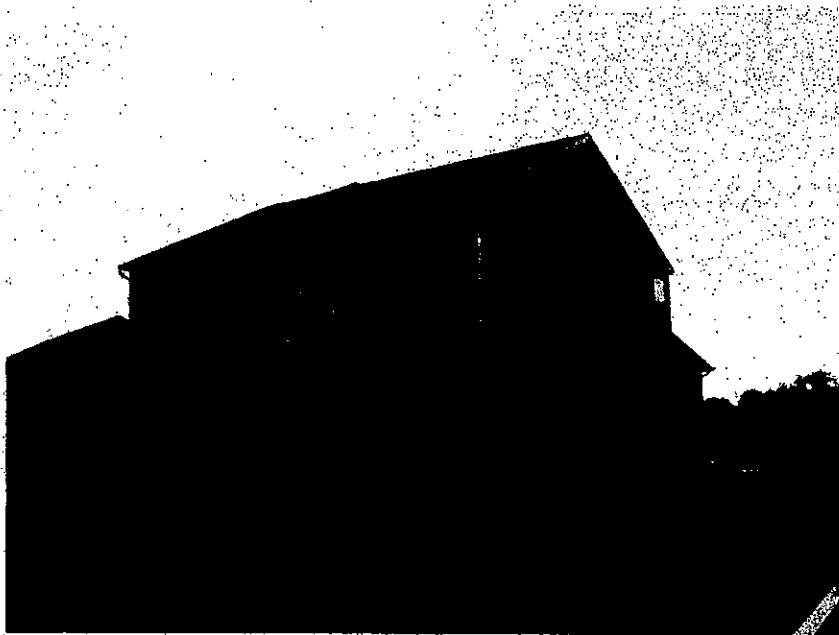
3.8.3. Variance Review Criteria

- 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 arealdimensional variance.
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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;
 - (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 on its own facts.

Warren County Ohio



Date Taken: 10/3/2018



fence was installed when house was built
[we bought it 7/2016]

Date Taken: 7/25/2014



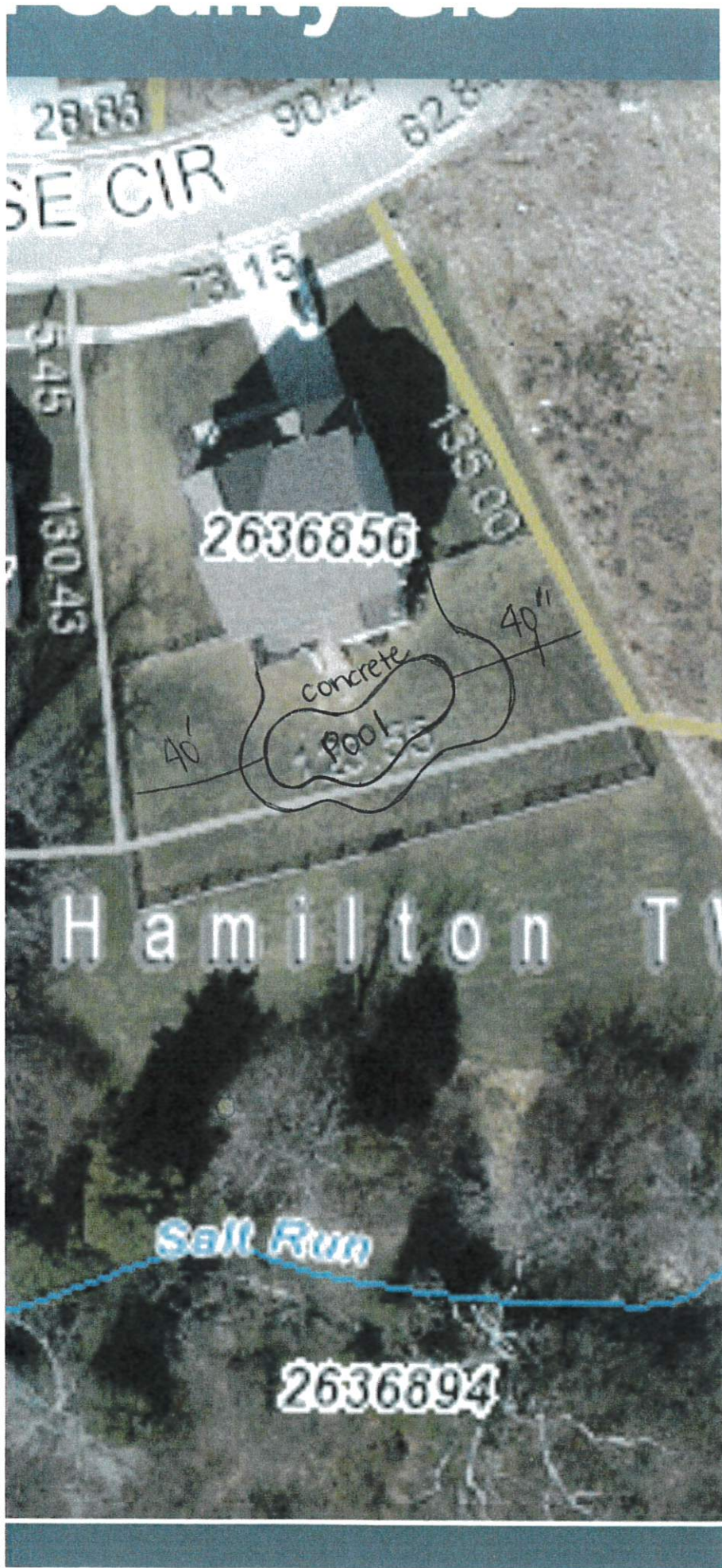
Pay Your Tax Bill



Warren County Homepage



Online Mapping



28.83 90.21 62.8

SE CIR

73.15

5.45

130.43

2636856

135.00

40'

concrete
pool

40''

Hamilton T

Salt Run

2636894



APPLICATION FOR A RESIDENTIAL ZONING CERTIFICATE

FOR OFFICE USE ONLY
APPLICATION # 21-002
DATE 3/22/2021

SUBJECT PROPERTY

DENIED

Street Address 1301 Brook Chase Circle
Parcel ID Number 1728180001
Subdivision Providence Lot # 14 Zoning District

APPLICANT

PROPERTY OWNER

Name Aqua Teen Pools
Address 8717 Cincinnati Columbus
W. Chester OH 45009
Phone Number 513-777-3500
Email ashley@aquateenpools.com

Stephen Koch
1301 Brook Chase Circle
Mansfield OH 45039

TYPE OF CONSTRUCTION

cm

- New Single Family, Pool, Above Ground, Solar Panels, New Two Family, Pool, In Ground, Other, Addition to Home, Detached Garage, Deck, Shed

DESCRIPTION

Describe construction in detail including square footage, height, and intended use
inground steel/vinyl linerpool.

Applicant Signature [Signature]

Date 3/2/21

Alex Kramer

Date 3/22/21 Approved Denied [check]

Hamilton Township Zoning Authority

Application Requirements

- Filing Fee
- Site plan drawn to scale including:
 - o Location of all buildings, existing and proposed
 - o Front, side and rear yard setbacks, as applicable for new construction
 - o Lot area with dimensions noted
 - o Location of fence for all pools

- Any other relevant plans

FOR OFFICE USE ONLY

Road Frontage	_____	<u>Minimums</u>
Width at building line	_____	
Front setback	_____	
Side setbacks	$\sqrt{40' + 40'}$	(20')/20'
Rear setbacks	10'	(20')

Zoning Fee 35.00 Cash _____
Receipt Number 016378 Check 6039

Date sent to Building Department _____
Date sent to Applicant _____

Inspection Dates
Setback _____
Final _____

Additional Comments



Pool Size: 18' X 36'-6"

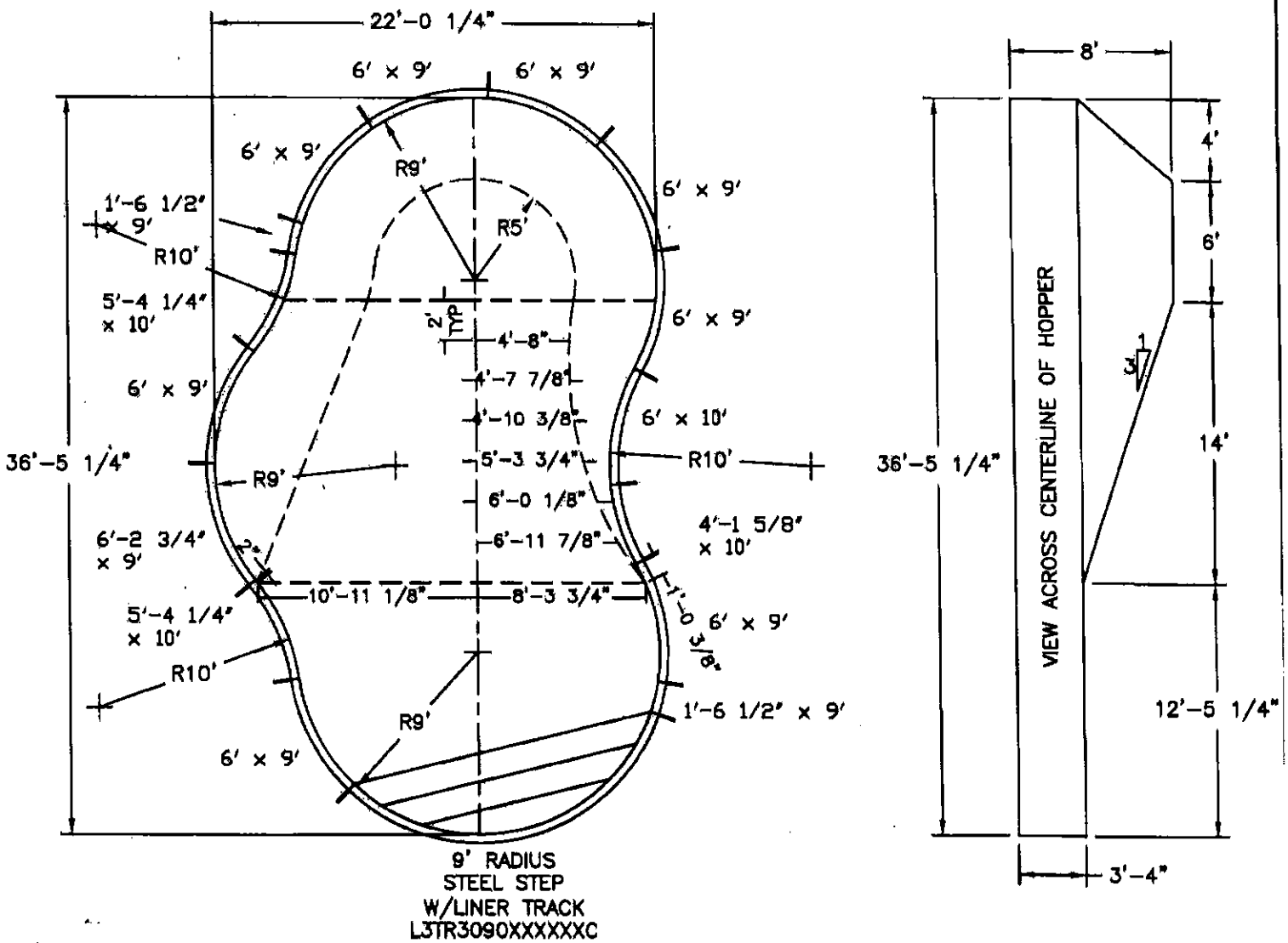
Pool Shape: OASIS



Pool Number: POA05903

250 Route 61 South, Schuylkill Haven, PA 17972 • 570-385-4733 • fax: 570-385-1318 • CustomerService@CardinalSystemsinc.com

Bill of Materials

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Date: 2/24/2021	Perimeter: 96'-1 7/8"	  CardinalSystemsinc.com
Drawn By: CODY A	Area: 609.2 SQ FT	
Scale: 1/8" = 1'-0"	Notes: AQUATECH/KOCH	

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**HAMILTON TOWNSHIP BOARD OF ZONING APPEALS
STAFF REPORT**

Variance Request

1067 Sedgefield Court, Maineville, OH 45039

June 10, 2021 at 7:00PM

Owner: Susan White & Elaine Arentsen
Applicant: Gregory & Lisa Vranic
Location: 1067 Sedgefield Court, Maineville, OH 45039
Zone: R-1 Single Family Residence District
Request: Request is to build a single-family residence 10 Feet into the 50 Foot Front Yard Setback in Fosters Pointe Subdivision, at 40 Feet set back from Sedgefield Court due to large utility lines that run in the Rear of the lot reducing size of the area to build a house.

Surrounding Zoning and Land Uses:

North R-1 Single Family Residence District
South R-1 Single Family Residence District
East R-1 Single Family Residence District
West R-1 Single Family Residence District

Notice: A legal ad was published in the Sunday May 23, 2021 issue of *The Pulse* in Warren County. Notices were mailed to all property owners within 200 feet and the application was made available at the Administration Building from 8AM to 4:30PM Monday through Friday.

Aerial View:



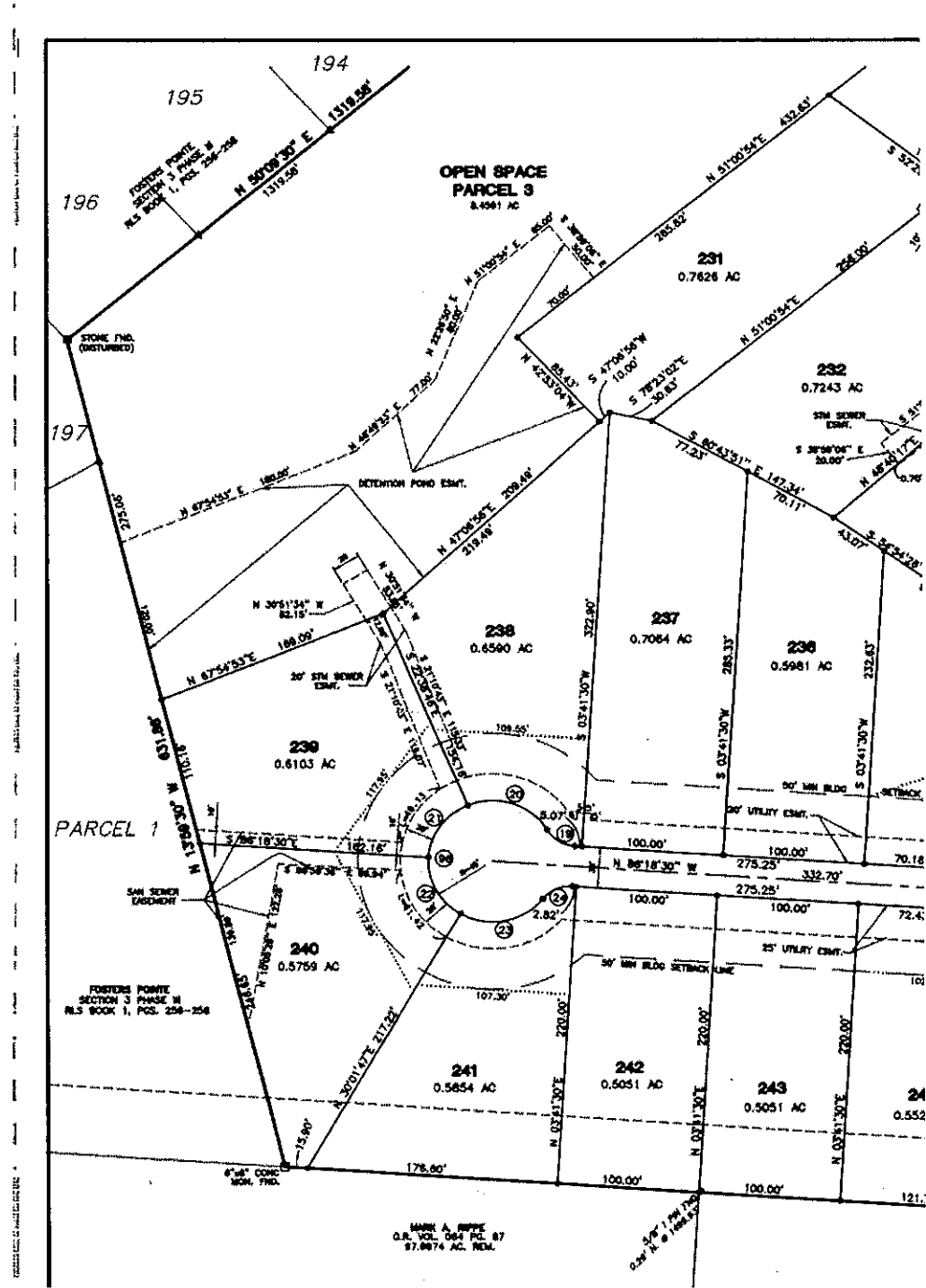
Zoning Map:



2020 Zoning (New)

-  A-1 Agricultural
-  B-1 Neighborhood Business Zone
-  B-2 General Business Zone
-  Multiple (Check)
-  M-1 Light Industry Zone
-  M-2 Heavy Industry Zone
-  M-H Mobile Home Park Zone
-  R-1 Single Family Residence Zone
-  R-2 Two Family Residence Zone
-  R-3 Multi-Family Residence Zone
-  R-4 Urban Residence Zone
-  T-C Trailer Camp Zone

Plot Plan (Lot 241):



Pertinent Regulations:

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-1 RURAL RESIDENCE DISTRICT								
Single Family Dwelling, Under 5 Acres, Outside Urban Service Area [4]	87,120	135	50	50	5/20	35	2½; 35	960
Single Family Dwelling, Under 5 Acres, Inside Urban Service Area [5]	21,780	80	50 [6]	50	5/20	35	2½; 35	960
Single Family Dwelling, 5 Acres or More	217,800	100	250	50	20/20	35	2½; 35	960
All Other Principally Permitted Uses	43,560	200	200	50	5/20	35	2½; 35	n/a

Subdivision Name	Zoning	Type	Front Setback	Side Setback	Rear Setback
21 Oaks	R-1 w/ S	Cluster	35 min,40 avg	7/14	30/20 OS
Adena at Miami Bluffs	R-3	PUD	30	5/14	30
Autumn Run	R-1 w/ S	PUD	35	5/20	35
Bear Run	R-1 w/ S	PUD	35	5/20	30
Belwood	R-1 no S		80	5/20	35
Bishops Bend	R-1 w/ S	PUD	50	5/25	35
Butterfield Park A	R-1 w/ S	PUD	35	5/14	30
Butterfield Park B	R-1 w/ S	PUD	35	5/14	30
Canterbury	R-1 w/ S		50	5/20	35
Chatsworth Estates	R-1				
Crane Meadows	R-1 no S		50	5/20	35
Creekside at Rivers Bend	R-4	PUD	40	7/14	30
Cross Creek	R-3		35	5/14	30
Del Mar	R-1				
Eagles Point	R-1 w/ S	Cluster	35 min,40 avg	7/14	30/20 OS
Estates of Hawthorn Manor (also Regency Park)	R-3	PUD			
Fairways at Rivers Glen	R-1 w/ S & R-4		35	5/20	35/30
Fosters Court	R-1 w/ S	PUD	35	5/20	35
Fosters Pointe	R-1 w/ S		50	5/20	35
Fosters Run I	R-1 w/ S	PUD	35	5/20	35
Fosters Run II	R-1 w/ S	PUD	35	5/20	35

Request:

Request is to build a single-family residence 10 Feet into the 50 Foot Front Yard Setback in Fosters Pointe Subdivision, at 40 Feet set back from Sedgefield Court due to large utility lines that run in the Rear of the lot reducing size of the area to build a house.

The Applicant states that moving the house up 10 feet closer to the street will not adversely affect the aesthetic nature of the housing development and other homes on the street.

Staff Note: Suggestion is to ensure the Sidewalk Indent gets put in at Driveway. This will be the terminus of the Sidewalk.

Variance Review Criteria:

The HTZC in 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 on its own facts.*

Action: The BZA will hold a public hearing on June 10, 2021 that will include:

- 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 in Public
- Decision

Should the BZA choose to approve the variance request, the applicant will have 12 months to begin construction.

April 26, 2021

Mr. Alexander Kraemer
Director of Economic Development & Zoning
Hamilton Township & Village of Maineville
7780 South State Route 48
Hamilton Township, Ohio 45039

Re: Building Variance Request for 1067 Sedgefield Ct Maineville, Ohio-Vranic

Dear Mr. Kraemer:

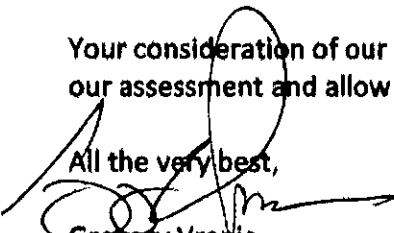
Thank you for your consideration, enclosed please find our completed application for a variance for the property at 1067 Sedgefield Ct. Maineville, Ohio. My wife, Lisa and I are in contract to purchase this lot in order to build a new home by Diyanni Homes.

We are requesting your approval to allow for a 40 ft set-back for the construction of the home instead of the normal 50 ft set-back. The reason for the request is outlined in the attached variance paperwork, but the main reason is to allow for extra backyard space on the lot due to the encroachment of the public utility lines, utility poles and equipment that border the entire depth of the property line.

We are hopeful that you will view the utility lines as the perfect reason to allow for the movement of our proposed housing plan to 40 ft instead of the normal 50 ft set back from the street. We believe that the 40 ft set-back will not only give us some additional space at the rear of the property but will also continue to follow the flow of the neighborhood and will still align our home with the neighboring properties on the street.

Your consideration of our request is appreciated, and we are hopeful that you will agree with our assessment and allow for this change to the township variance code to go forward.

All the very best,



Gregory Vranic
gvranic@msn.com
614-562-5025



HAMILTON
TOWNSHIP

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

VARIANCE REQUEST

APPLICANT

Name Gregory Vranic & Lisa Vranic

Address 4905 Applecross Dr Dublin, Ohio 43017 (Current until 6/9/21)

Phone Number 614-562-5025 Email gvranic@msn.com

OWNER

Name _____

Address _____

Phone Number _____ Email _____

SUBJECT PROPERTY

Street Address 1067 Sedgefield Ct (Lot 241) Maineville, Ohio 45039

Parcel ID Number Lot 241

Zoning District Hamilton Township

VARIANCE REQUESTED

Code Section Hamilton Township Zoning Code 3.8.3 Variance Code

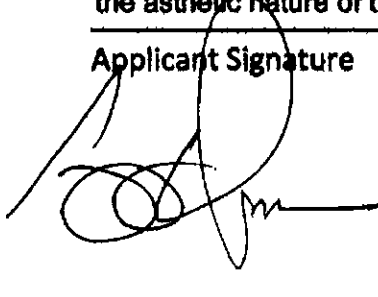
Reason for variance Request an exception of the 50 ft set-back requirement to a 40 ft

set-back to accomodate our new home build on Lot 241 @ 1067 Sedgefield Ct Maineville, Ohio.

The property line at the rear of the property is taken up by large utility lines/poles that reduce the size of the rear portion of the lot. We would request the 40 ft variance in order to give us more backyard space for the house in lieu of losing part of the back area due to the large utility/electrical poles and equipment. Moving the home up 10 ft closer to the street will not adversely affect the aesthetic nature of the housing development and other homes on the street.

Applicant Signature

Date

 / *Lisa Vranic*

4/26/21

PROPERTY OWNER'S AFFIDAVIT

STATE OF OHIO
Franklin
COUNTY OF WARREN

I (we) Gregory Vranic & Lisa Vranic
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.

Gregory Vranic *Lisa O. Vranic*

Signature

Gregory Vranic/Lisa Vranic
Printed Name

4905 Applecross Dr (Current Address)/ 1067 Sedgefield Ct. (
Street Address

Dublin, Ohio 43017/ Maineville, Ohio 45039
City, State, Zip Code

614-562-5025
Phone



Subscribed and sworn to before me this 26 day of April 2021

[Signature]

Notary Public

For Township Use Only

Application file date Tuesday, April 27, 2021

Fee \$300.00 Check Number 7746 Receipt Number 116282

Date of Legal Advertisement _____

Date of Notice to Adjoining Owners _____

Date of Public Hearing _____

Action of the BZA Approved _____ Denied _____ Tabled _____

Additional Comments

Application Requirements

- Filing Fee
- Site plan drawn to scale
- Any other relevant plans
- Statement addressing Zoning Code Section 3.8.3
- Property Owner Affidavit for each parcel included in the request

Hamilton Township Zoning Code

3.8.3. Variance Review Criteria

- 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 areadimensional 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 on its own facts.

**HAMILTON TOWNSHIP BOARD OF ZONING APPEALS
STAFF REPORT**

Variance Request

3170 Ireland Road, Morrow, OH 45152

June 10, 2021 at 7:00PM

Owner: Dorothy Robinson

Applicant: Dorothy Robinson

Location: 3170 Ireland Road, Morrow, OH 45152

Zone: R-1 Single Family Rural Residence District

Request: 2 Variance Requests: First, to subdivide the 23.7 acres into two parcels with the eastern parcel boundary moved from 250 feet to 380 feet to go around the current aeration system for the existing house.

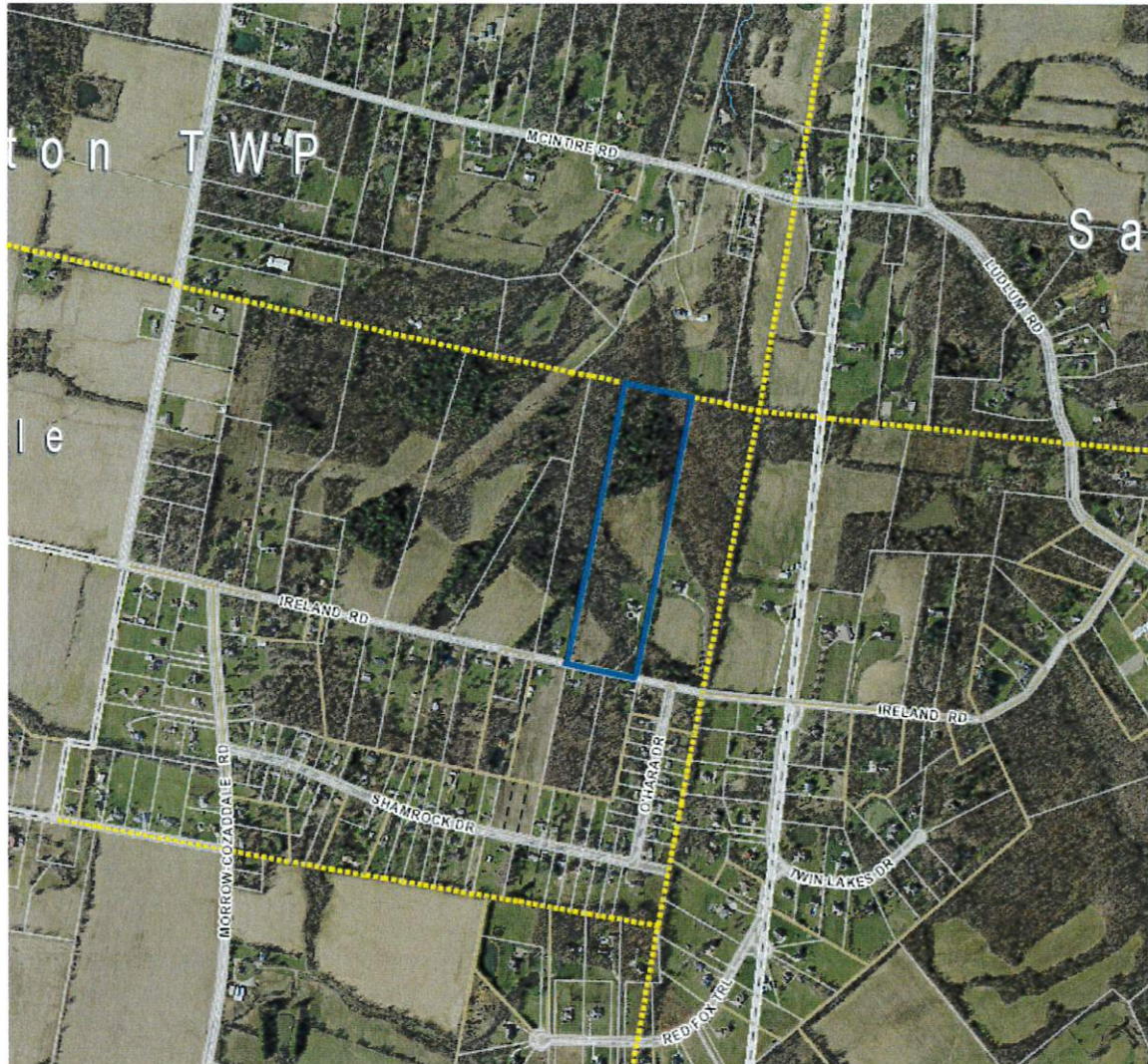
Second, on the newly-created western parcel, to allow for a single family house to be built on the "pole" portion of the flag lot.

Surrounding Zoning and Land Uses:

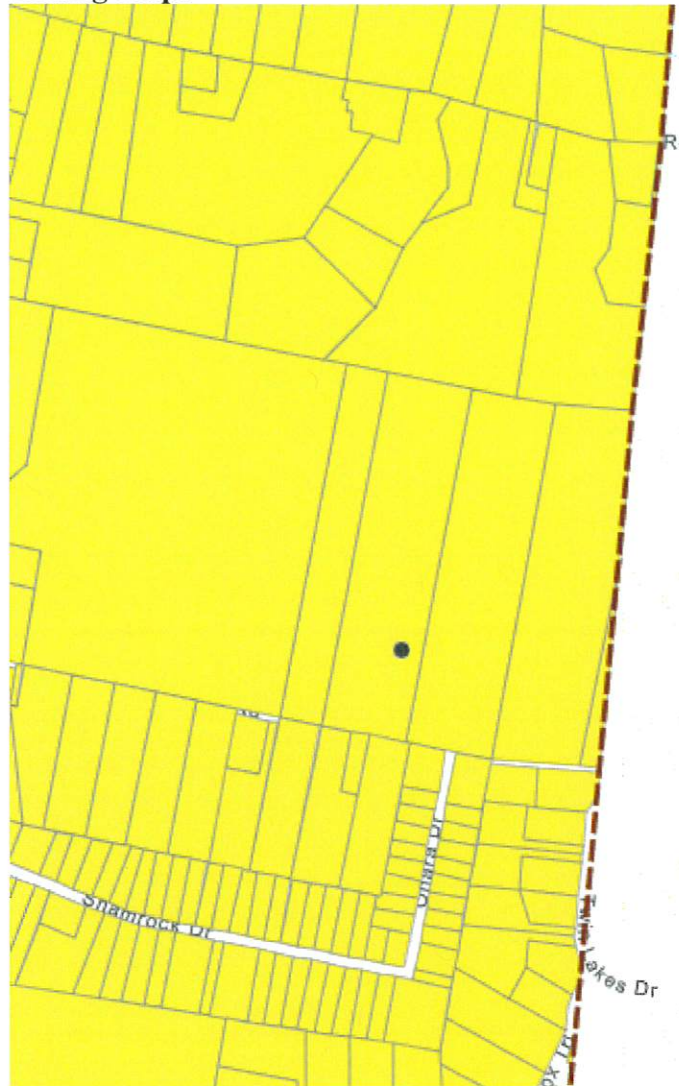
North R-1 Single Family Residence District
South R-1 Single Family Residence District
East R-1 Single Family Residence District
West R-1 Single Family Residence District

Notice: A legal ad was published in the Sunday May 23, 2021 issue of *The Pulse* in Warren County. Notices were mailed to all property owners within 200 feet and the application was made available at the Administration Building from 8AM to 4:30PM Monday through Friday.

Aerial View:



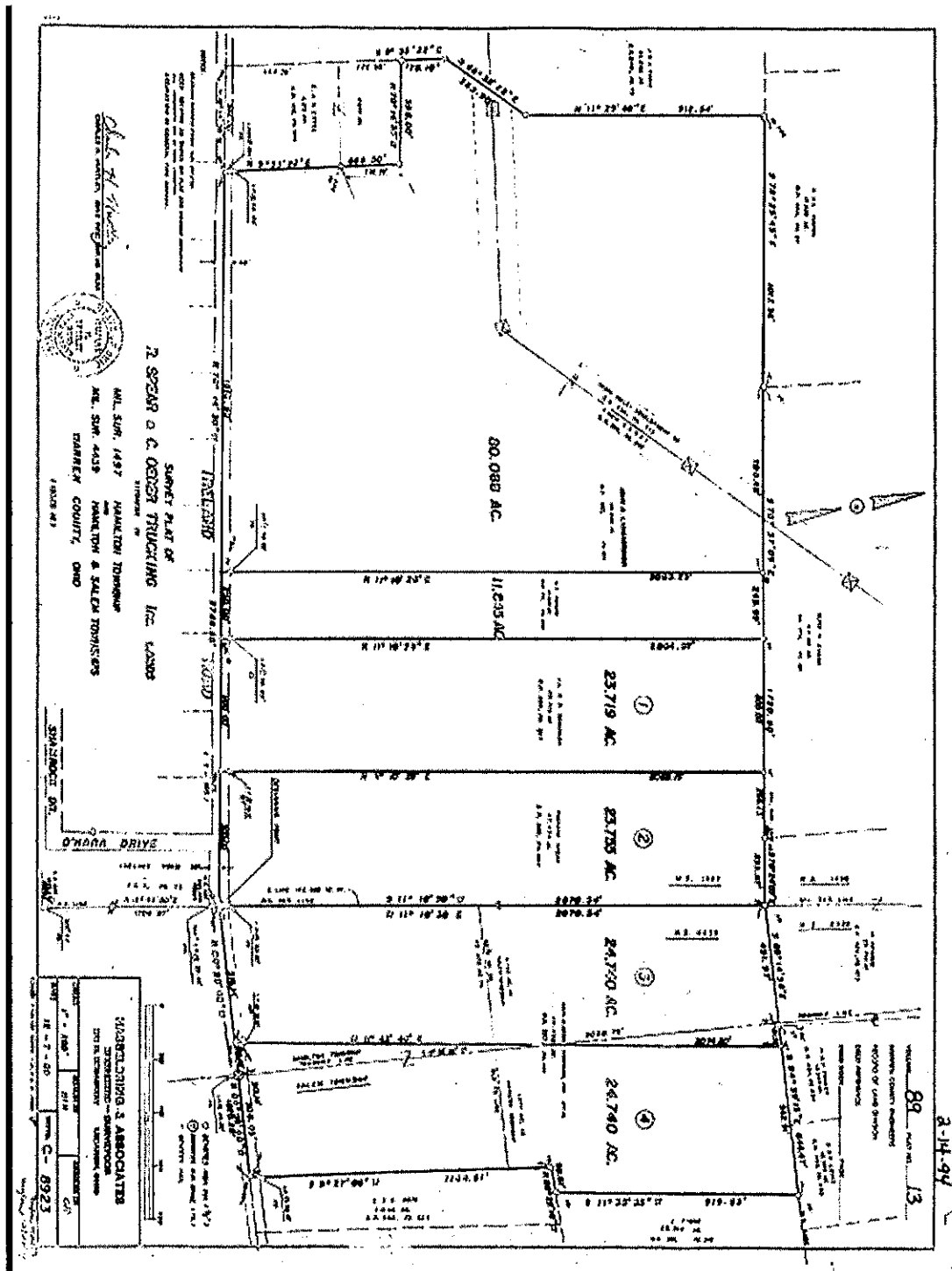
Zoning Map:



2020 Zoning (New)

-  A-1 Agricultural
-  B-1 Neighborhood Business Zone
-  B-2 General Business Zone
-  Multiple (Check)
-  M-1 Light Industry Zone
-  M-2 Heavy Industry Zone
-  M-H Mobile Home Park Zone
-  R-1 Single Family Residence Zone
-  R-2 Two Family Residence Zone
-  R-3 Multi-Family Residence Zone
-  R-4 Urban Residence Zone
-  T-C Trailer Camp Zone

Survey:



Pertinent Regulations:

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-1 RURAL RESIDENCE DISTRICT								
Single Family Dwelling, Under 5 Acres, Outside Urban Service Area [4]	87,120	135	50	50	5/20	35	2½; 35	960
Single Family Dwelling, Under 5 Acres, Inside Urban Service Area [5]	21,780	80	50 [6]	50	5/20	35	2½; 35	960
Single Family Dwelling, 5 Acres or More	217,800	100	250	50	20/20	35	2½; 35	960
All Other Principally Permitted Uses	43,560	200	200	50	5/20	35	2½; 35	n/a

I. Panhandle Lots

Panhandle lots are permitted subject to the following regulations:

- (1) The panhandle portion of the lot shall have a minimum frontage equal to the lot width required in the district where the lot is located.
- (2) Panhandle lots shall not be used to avoid the construction of a street.
- (3) The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in Figure 6-5.
- (4) The panhandle portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.

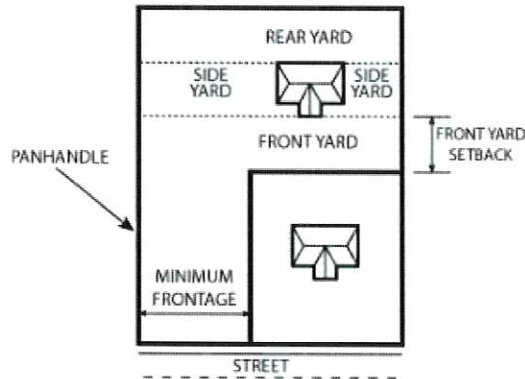


Figure 6-5: Yard and Front Yard Setback Locations on a Panhandle Lot

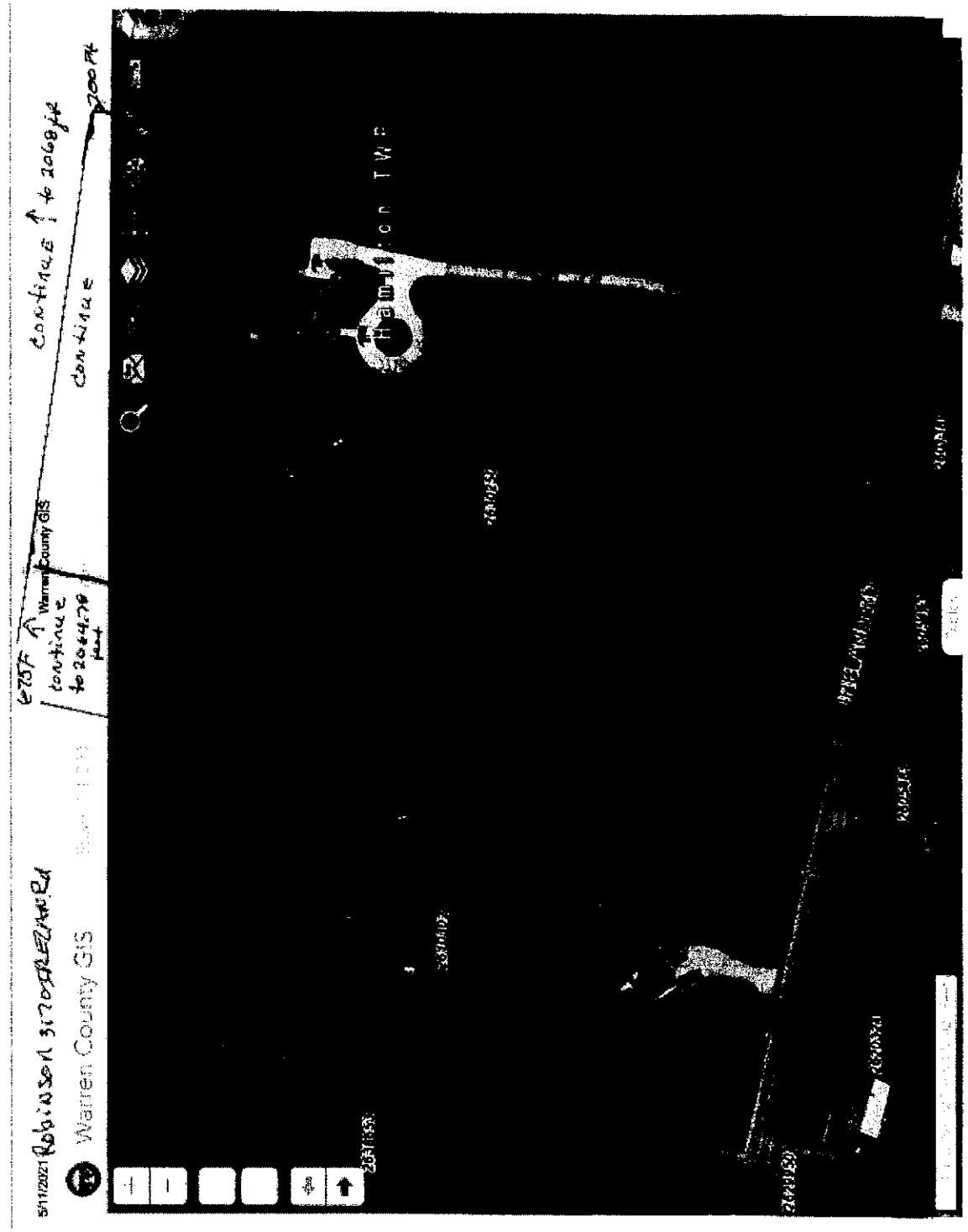
Request:

Request is for two Variances due to a Lot Split at 3170 Ireland Road. The first Variance is to lower the required 250 feet of continuous frontage of the "pole" portion of a flag lot (for parcels 5 acres and larger) to be reduced to 120 feet at approximately 550 feet into the property, starting the reduction at around 200 feet into the newly-created western parcel. This is due to the existing aeration system location for the existing house on the current parcel and proposed future eastern parcel.

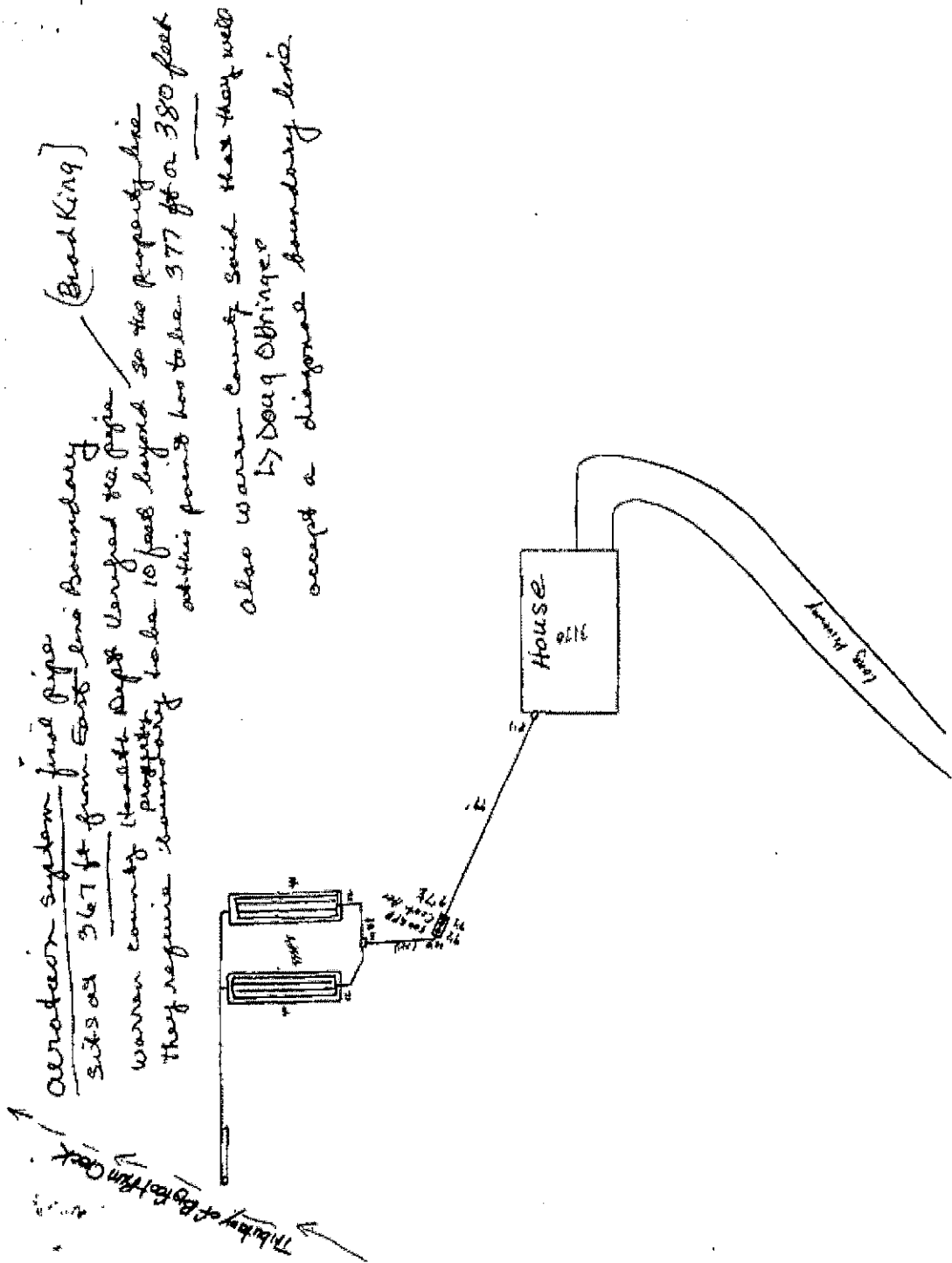
The second Variance request is on the newly-created 5+ acre western parcel: to allow for a single-family residence to be built in the "pole" portion of the lot (HTZC regulation prohibits building in the pole portion of flag lots, only buildable in the flag portion). Topographical hardships for building in the rear or "flag" portion of the lot exist.

The applicant meet with Staff numerous times to try and figure out a solution that met the *Hamilton Township Zoning Code* to no avail.

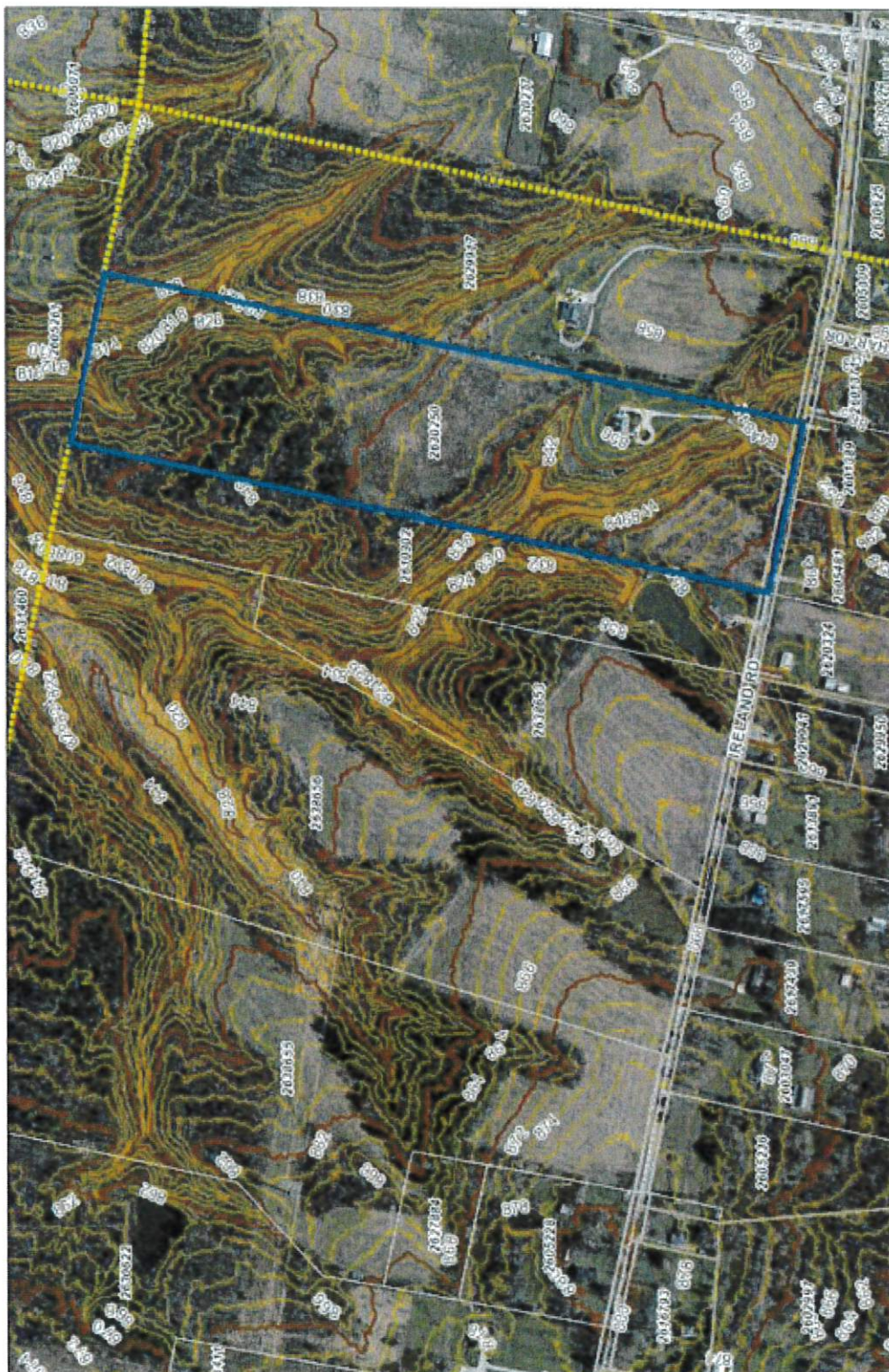
Proposed Lot Split Photo:



Existing Aeration System:

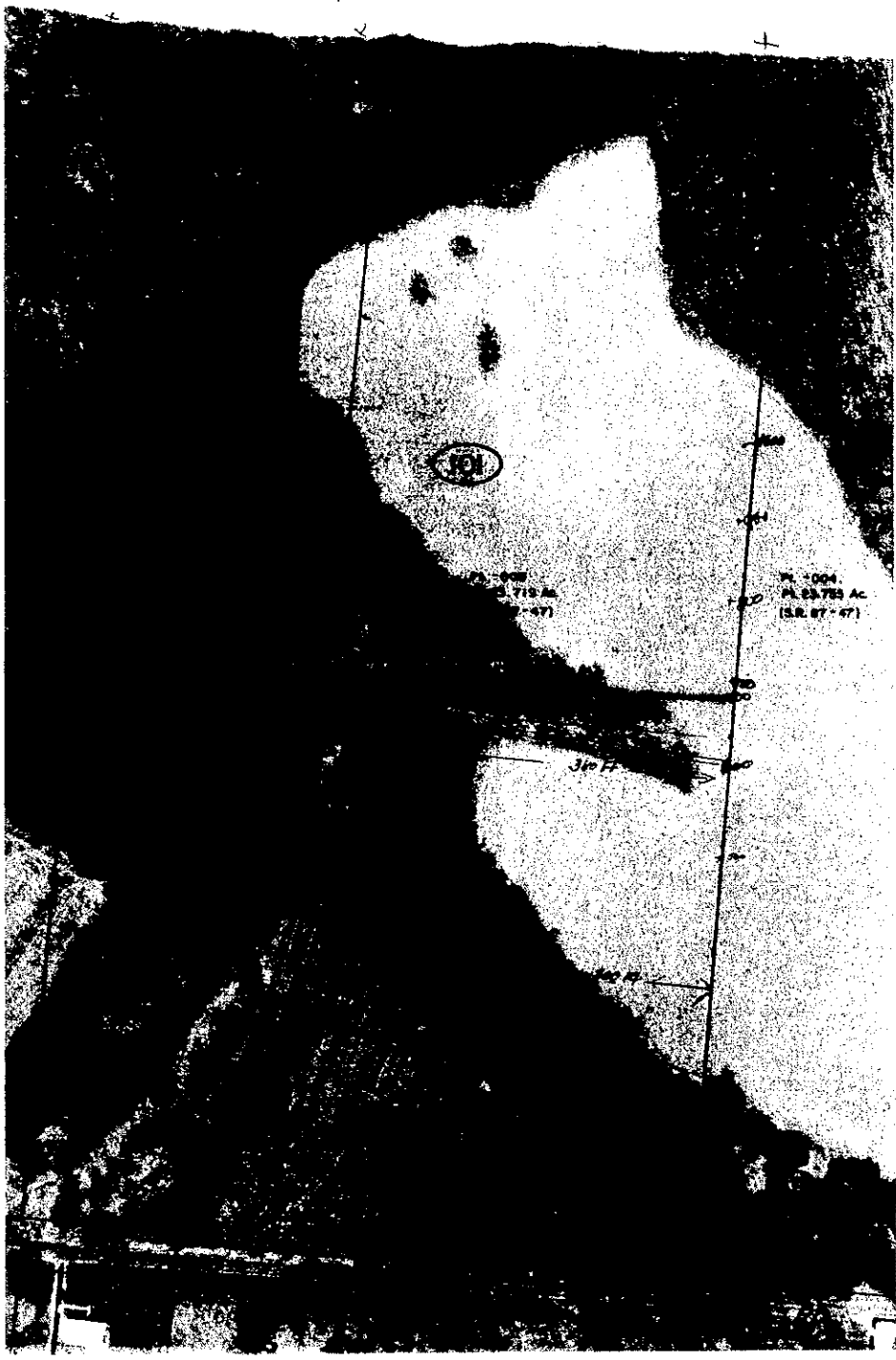


Topographical Map:



Full Site Map:

Robinson Asect 2630250 on Auditor's Site



Variance Review Criteria:

The HTZC in 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.*
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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;*
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 - (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 on its own facts.*

Action: The BZA will hold a public hearing on June 10, 2021 that will include:

- 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 in Public
- Decision

Should the BZA choose to approve the variance request, the applicant will have 12 months to begin construction.



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

VARIANCE REQUEST

APPLICANT

Name Dorothy Robinson

Address 3170 IRELAND MORROW 45152

Phone Number 513-899-9449 Email JROBINSON74526@roadrunner.com

OWNER

Name Dorothy Robinson

Address 3170 IRELAND Rd.

Phone Number 513-899-9449 Email JROBINSON74526@Roadrunner.COM

SUBJECT PROPERTY

Street Address 3170 IRELAND Rd.

Parcel ID Number 2630250

Zoning District Hamilton Twp

VARIANCE REQUESTED

Code Section _____

Reason for variance I need 2 Variances in Subdividing these 23⁺ acres. The 1st Variance request is to allow the boundary of 250 feet to be moved out to 380' to go around my homes aeration system. Warren County Brad King said they have accepted a diagonal property line to accommodate various issues. Please see the attached pictures.

The 2nd Variance is to allow a single family house to be built on the flag portion of the remaining land approx 17 acres. Don Norman from Warren County Dept of Soil & Water

Page 2

walked it with me and also provided me a topographical picture showing the topography hardships to build a house on the rear portion. He said it would require @ a 46" culvert but it would require a lot of earth work + @ 30 feet of fill. It would cost considerably more to build a house in the rear portion which is being cultivated as a hay field currently. Jason Fisher from W.C. Engineer Dept visited the property + said we have enough space for a driveway on the west side of the property.

Thankyou for your consideration.
Jc. Dorothy Robinson

Application Requirements

- Filing Fee
- Site plan drawn to scale
- Any other relevant plans
- Statement addressing Zoning Code Section 3.8.3
- Property Owner Affidavit for each parcel included in the request

Hamilton Township Zoning Code

3.8.3. Variance Review Criteria

- 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 areadimensional variance.*
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- C.** *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.*

For Township Use Only

Application file date May 20, 2021

Fee 300.00 Check Number 1354 Receipt Number 916231

Date of Legal Advertisement _____

Date of Notice to Adjoining Owners _____

Date of Public Hearing _____

Action of the BZA Approved _____ Denied _____ Tabled _____

Additional Comments

PROPERTY OWNER'S AFFIDAVIT

STATE OF OHIO

COUNTY OF WARREN

I (we) Dorothy Robinson 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.

Dorothy Robinson
Signature

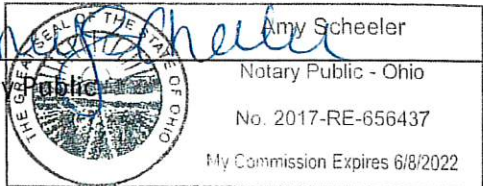
DOROTHY ROBINSON
Printed Name

3170 IRELAND Rd
Street Address

MORROW Ohio 45152
City, State, Zip Code

513-899-9449
Phone

Subscribed and sworn to before me this 20th day of may 2021

Amy Scheeler
Notary Public

Amy Scheeler
Notary Public - Ohio
No. 2017-RE-656437
My Commission Expires 6/8/2022

5/11/2021 ROBINSON 3170 ALEXANDER Rd

Warren County GIS

Scale: 1:1,700

675F ↑ Warren County GIS
continue ↑ to 2064.78 feet

continue ↑ to 3069.48 feet



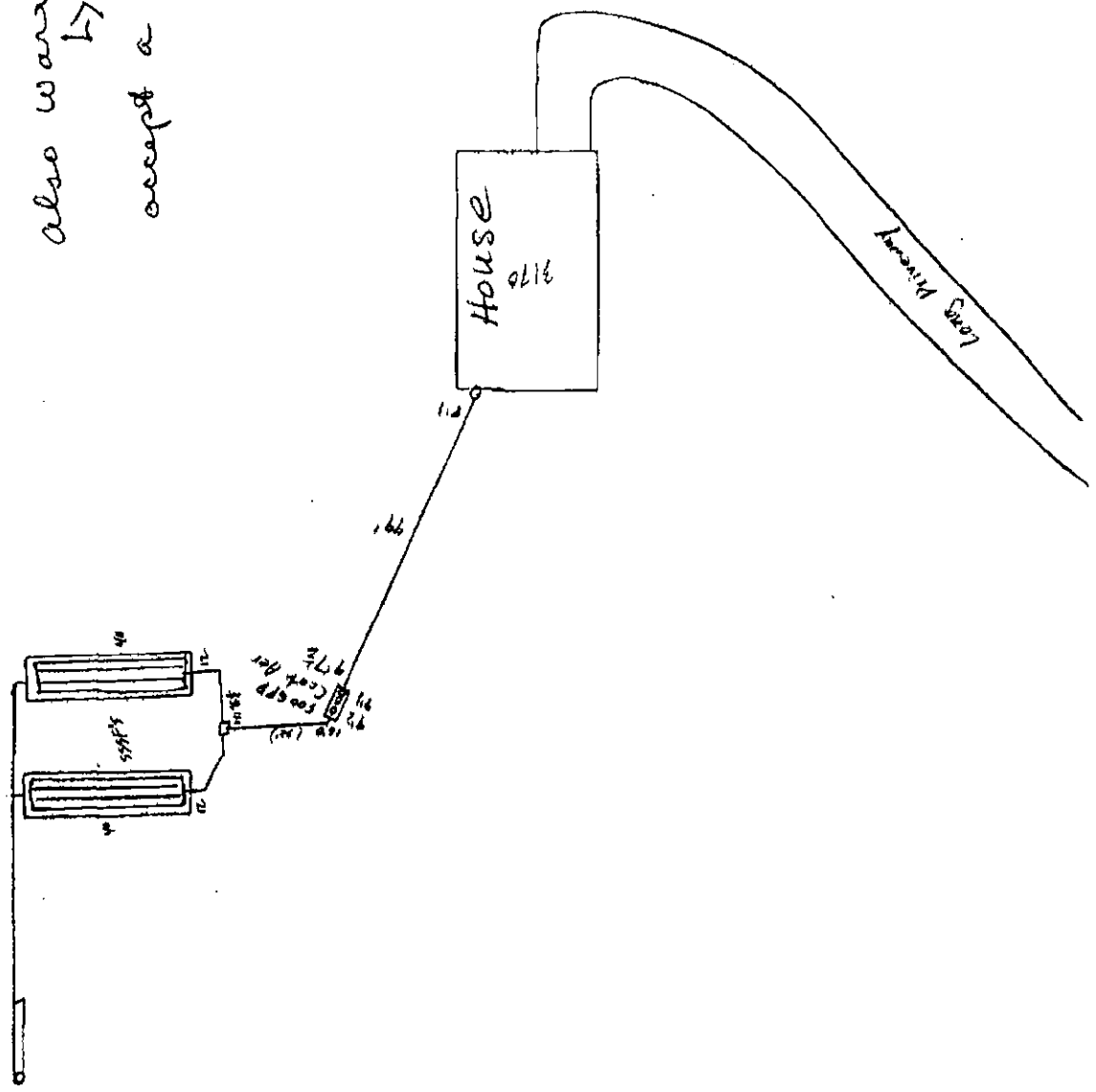
1:1,700 927 396 170021 East

Tables

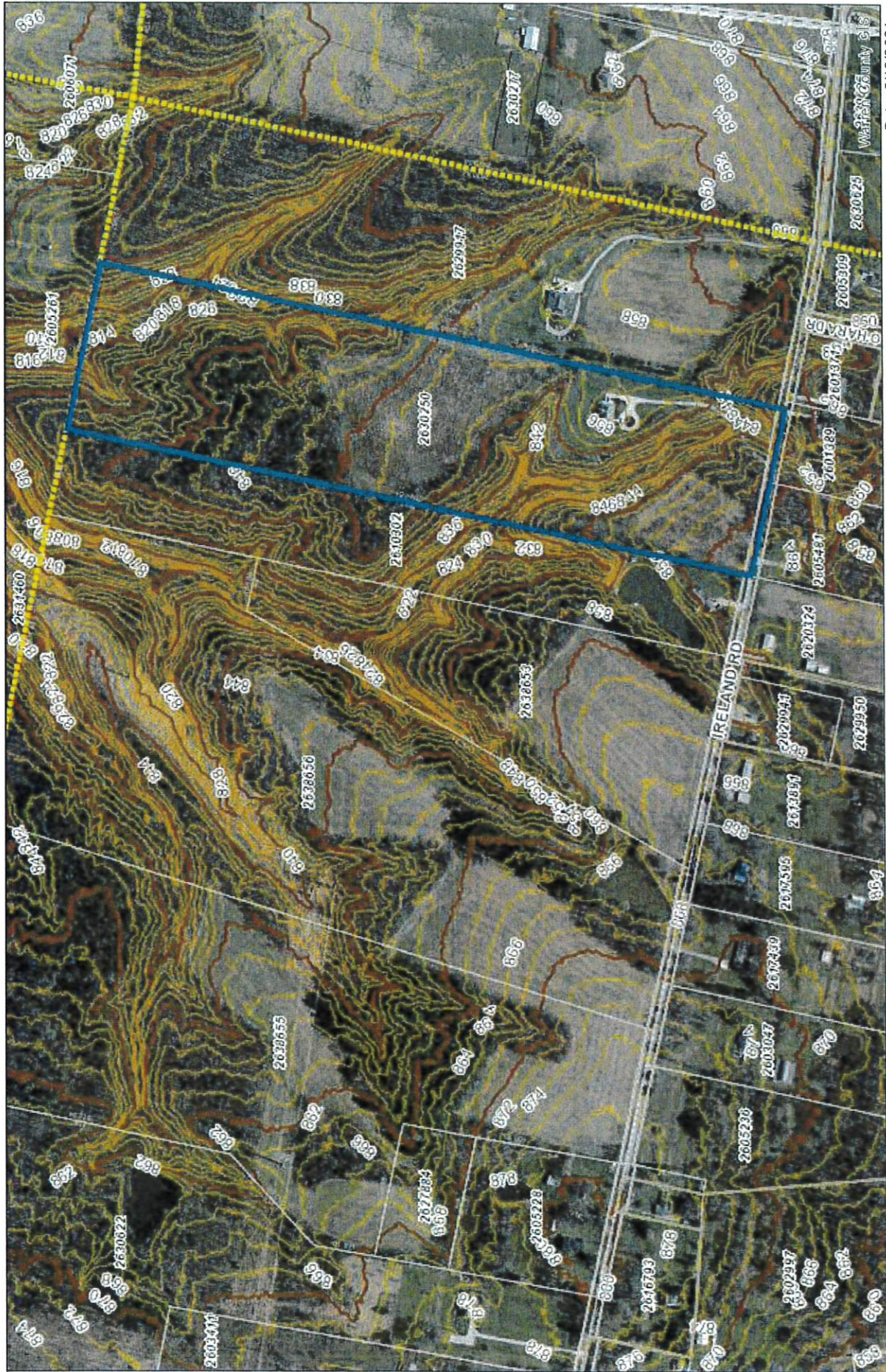
(Brad King)

irrigation system final pipe sits at 367 ft from East line boundary
warren county health dept verified the pipe they require boundary to be 10 feet beyond so the property line at this point has to be 377 ft or 380 feet

also warren county said that they will accept a diagonal boundary line
↳ Doug O'Ringer



↑ Tributary of Bigfoot Run Creek



Date: 5/12/2021

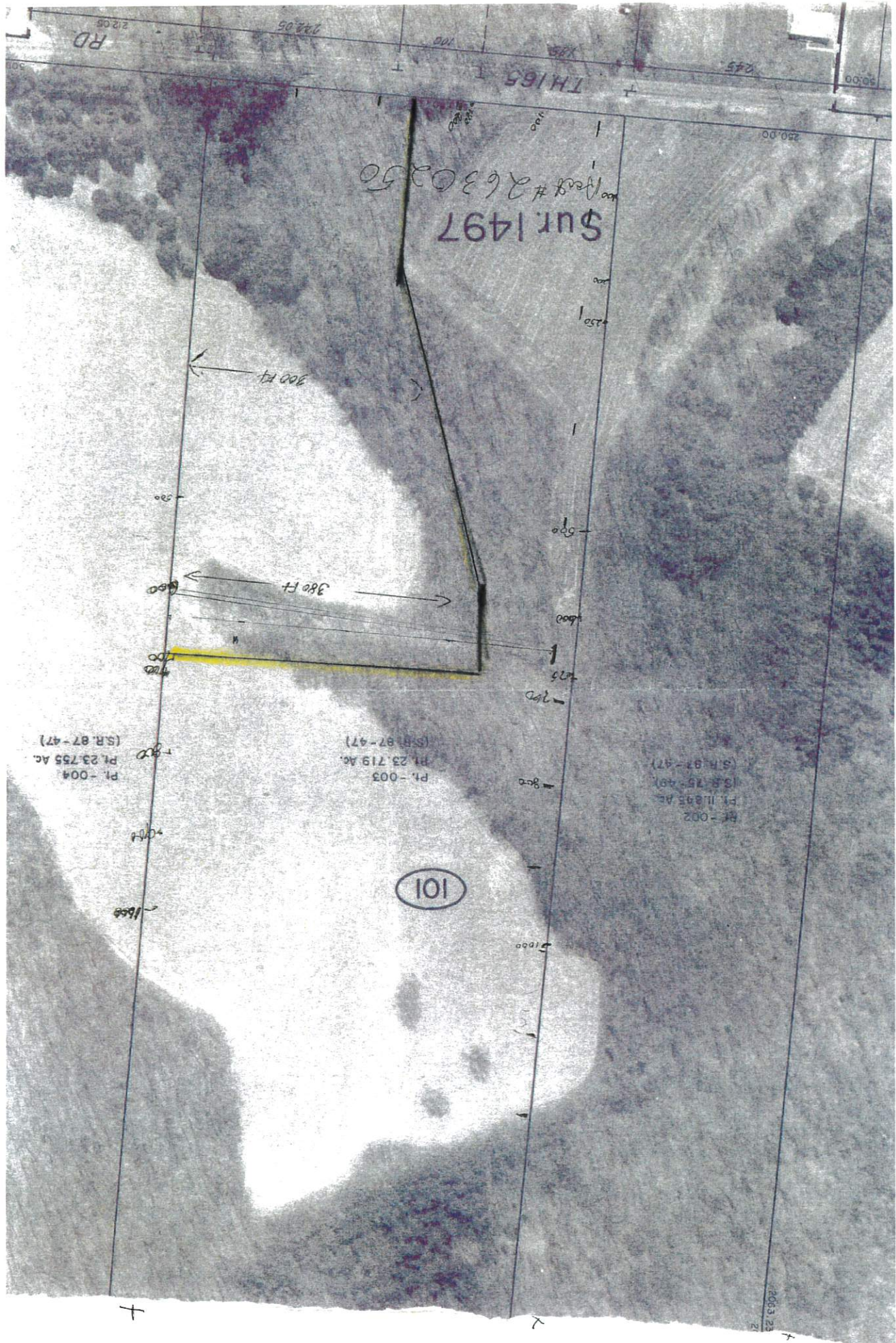
Dorothy Robinson - 3170 Ireland Road - driveway crossing

The provider makes no warranty or representation with respect to this information, its quality or suitability for a particular purpose. This information is provided AS IS, and the requester assumes the entire risk as to its quality and suitability. The provider will not be liable for direct, indirect, incidental, or consequential damages resulting from any defect in the information. The provider shall have no liability for any other information, programs or data used with or combined with the requested information, including the cost of recovering information, programs or data.

1 inch = 400 feet

Cadastral Lines	Other Lines	Networks
Corporate Line	Parcel Line	Highway
County Line	ROM/Unimov' Width Line	Subdivision Lot Line
Farm Lot Line	Road ROW	Township and Range Line
Corporate Line	School Line	Tract Line
Subdivision Lot Line	Sidewalk Line	MSB Line
	Sidewalk Line	Washed Road Line

DON Norman w.c. Dept of Soil & Water



Robinson Acct 2630250 on Audubon Site

Sur 1497

Acct # 2630250

300 ft

386 ft

101

PL-004
PL 23.755 Ac.
(SR. 87-47)

PL-003
PL 23.719 Ac.
(SR. 87-47)

PL-002
PL 11.895 Ac.
(S.R. 75-49)
(S.R. 87-47)

TH 165

RD

2003.23