



Board of Zoning Appeals

October 8, 2020

7:00 PM

I. *Call to Order*

II. *Variance Request:*

- 7847 Tabard Ct. expanding its property line by 10 feet, reducing the size of 7831 Tabard Ct. below the 0.5 acre minimum for the Canterbury Subdivision

III. *Adjourn*

**Due to COVID-19, we have limited seating capacity available. Seats will be reserved for applicants. For the remaining seats, if there is a crowd, it is asked that you only take a seat for the issue pertinent to your property.*



Board of Zoning Appeals

Notice of Public Hearing

Date of Meeting: October 8, 2020

Time of Meeting: 7:00 PM

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

Request: Variance Request: 7847 Tabard Court is requesting to shift the property line 10 feet, reducing the size of 7831 Tabard Court enough to cause this parcel to go below the minimum requirement of ½ an acre in the Canterbury Subdivision (*HTZC Table 6-1*).

Property Locations: 7831 & 7847 Tabard Court, Maineville, OH 45039

Property Owner: Richard Hoekstra, DDH, LLC. (Owner of 7831 Tabard Ct., the affected property)

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

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

Variance Request

7831 & 7847 Tabard Court, Maineville, OH 45039

October 8, 2020 at 7:00PM

Owner: Richard Hoekstra, 7831 Tabard Court

Applicant: Steven & Shannon Carrico

Location: 7847 & 7831 Tabard Court, Maineville, Ohio 45039

Zone: R-1 Single Family Rural Residence District

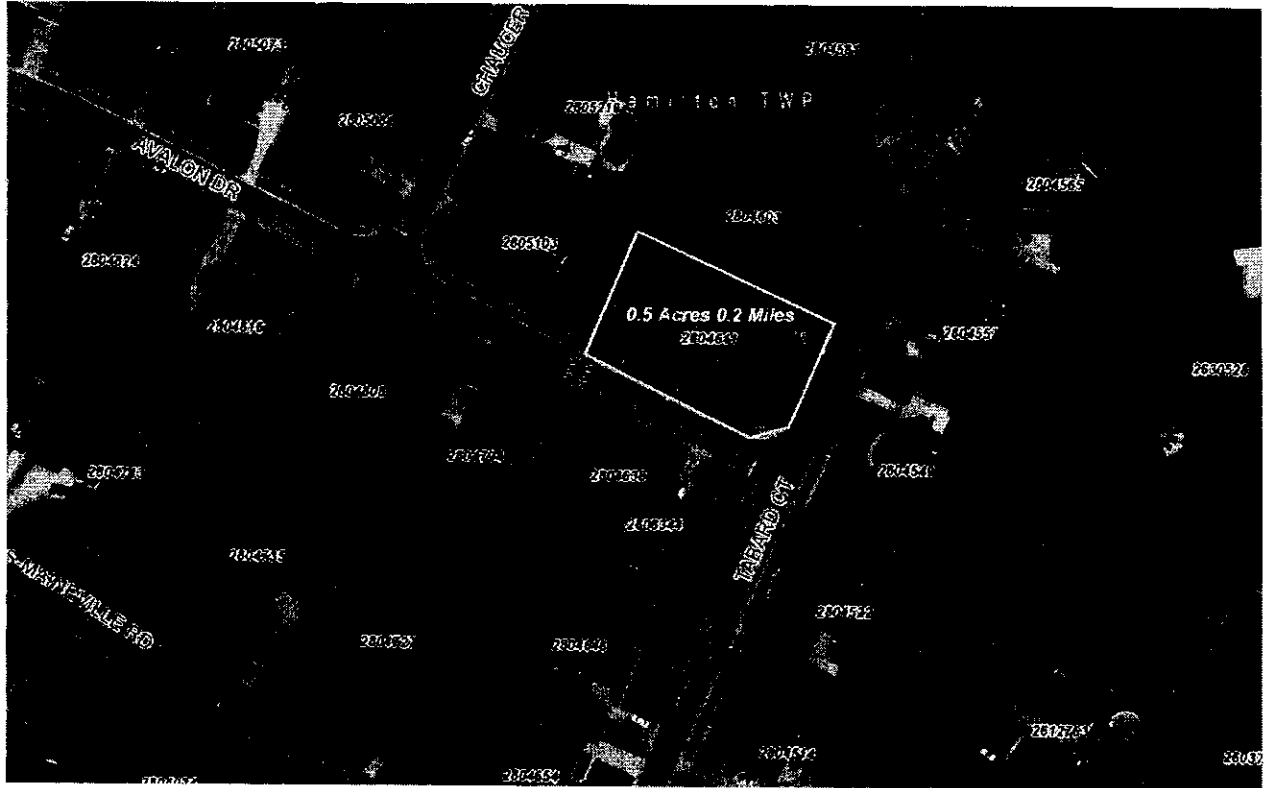
Request: Request for 7847 Tabard Court to expand its property line by 10 feet, reducing the size of 7831 Tabard Ct. below the 0.5 acre minimum for the Canterbury Subdivision. Therefore, the Variance request is for 7831 Tabard Court's Lot Size to be reduced below the minimum 0.5 acre size (to roughly 0.46 acres).

Surrounding Zoning and Land Uses:

North R-1 Single Family Residence District (Rural)
South R-1 Single Family Residence District (Rural)
East R-1 Single Family Residence District (Rural)
West R-1 Single Family Residence District (Rural)

Notice: A legal ad was published in the September 27th, 2020 issue of The Pulse in Warren County. Notices were mailed to all property owners within 200 feet.

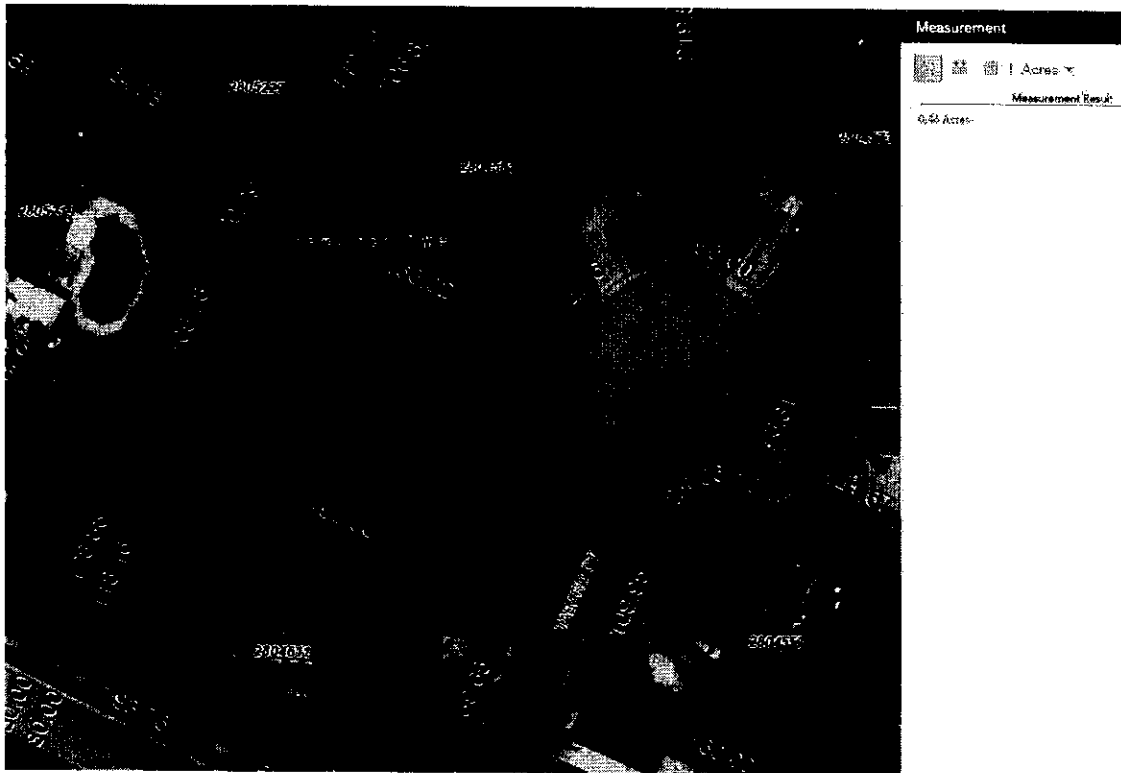
Aerial View:



Zoning Map:



Request: For 7847 Tabard Court to expand its property line by 10 feet, reducing the size of 7831 Tabard Ct. below the 0.5 acre minimum for the Canterbury Subdivision. Therefore, the Variance request is for 7831 Tabard Court lot size to be reduced below the minimum 0.5 acre size. The resulting Lot Size of 7831 Tabard Court will be approximately 0.46 acres, and the new house being proposed on site will meet Side setbacks if permitted.



Pertinent Regulations:

The subject property is zoned R-1, Single Family Rural Residential, with a Minimum 0.5 Acre Lot Size requirement

HTZC Table 6-1: Site Development Standards for Residential Zoning Districts

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	2 1/4; 35	960
Single Family Dwelling, Under 5 Acres, Inside Urban Service Area [5]	21,780	80	50 [6]	50	5/20	35	2 1/4; 35	960

21,780 Square Feet is equivalent to 0.5 Acres (1/2 acre)

September 16, 2020

To: The Board of Zoning Appeals:

We are writing to humbly ask you to consider a variance to the zoning code. We have four children, ages 7, 6, 3, and 11 months. We want to have a fence to provide a safe space for our young children to play. Our situation is unique because we are on a corner lot, and our home sits diagonally on the property. Because of the position of our home, our backyard is currently very narrow. We are in contact with the current owner of the adjacent property, and he is willing to sell ten feet to us. However, this would decrease his lot to a little under half an acre. Therefore, we are requesting a variance.

We believe that moving the property line would actually add to the appeal of the neighborhood for two reasons. The previous owner of our home owned both our lot and the one adjacent to it. Many years ago, he planted several trees in a row parallel to the home. Since the home and trees sit diagonally on the property, the current property line runs right between two of these trees. If the line were to shift ten feet to the right, the fence would encompass all of the trees, instead of splitting them up. Second, as you can see in the photo provided, the ten extra feet will actually make the lot lines look more natural as it will match the lot line of the neighbors behind us. This will be more aesthetically pleasing when a fence is added.

Thank you very much for taking the time to review our case. We look forward to meeting you in person.

Sincerely,

Steven Carrico

Shannon M. Carrico

Steven and Shannon Carrico
7847 Tabard Court
Maineville, OH 45039

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 August 13, 2020 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 re-plat the parcels.



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

VARIANCE REQUEST

APPLICANT

Name Steven and Shannon Carrico
Address 7847 Tabard Ct. Maineville, OH 45039
Phone Number 812-725-3918 Email shannonmcarrico@gmail.com

OWNER

Name RICHARD HOEKSTRA DNH INC.
Address 15 BAUSLUP DR. SPAINBORO OH 45066
Phone Number 513-238-6882 Email RHOEKSTRA@STARBUCK.COM

SUBJECT PROPERTY

Street Address 7831 TABARD CT.
Parcel ID Number 1610428002 LOT #9 CANTERBURY
Zoning District R-1

VARIANCE REQUESTED

Code Section _____
Reason for variance See attached letter

Steven Cario

Shannon M Carico

9-16-2020

Applicant Signature

Date

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 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.*

For Township Use Only

Application file date 9-16-2020

Fee 300.00 Check Number 1921 Receipt Number 415147

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) RICHARD HOEKSTRA PRESIDENT DOH INC.
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

[Handwritten Signature]
RICHARD HOEKSTRA

Printed Name

15 BIRKWOOD DR.

Street Address

SPRINGBROOK OHIO 45066

City, State, Zip Code

513-238-6882

Phone

Subscribed and sworn to before me this 15 day of September 2020



SHARLEEN SCHWEITZER
Notary Public, State of Ohio
My Commission Expires
March 24, 2021

Notary Public

[Handwritten Signature]

September 16, 2020

To The Board of Zoning Appeals:

We are writing to humbly ask you to consider a variance to the zoning code. We have four children, ages 7, 6, 3, and 11 months. We want to have a fence to provide a safe space for our young children to play. Our situation is unique because we are on a corner lot, and our home sits diagonally on the property. Because of the position of our home, our backyard is currently very narrow. We are in contact with the current owner of the adjacent property, and he is willing to sell ten feet to us. However, this would decrease his lot to a little under half an acre. Therefore, we are requesting a variance.

We believe that moving the property line would actually add to the appeal of the neighborhood for two reasons. The previous owner of our home owned both our lot and the one adjacent to it. Many years ago, he planted several trees in a row parallel to the home. Since the home and trees sit diagonally on the property, the current property line runs right between two of these trees. If the line were to shift ten feet to the right, the fence would encompass all of the trees, instead of splitting them up. Second, as you can see in the photo provided, the ten extra feet will actually make the lot lines look more natural as it will match the lot line of the neighbors behind us. This will be more aesthetically pleasing when a fence is added.

Thank you very much for taking the time to review our case. We look forward to meeting you in person.

Sincerely,

Steven Carrico

Shannon M. Carrico

Steven and Shannon Carrico
7847 Tabard Court
Maineville, OH 45039