



## Board of Zoning Appeals

May 13, 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

III. *Meeting Minutes*

- February 18, February 25 and April 8, 2021

IV. *Adjournment*

*\*Due to COVID-19, we have limited seating capacity available. Seats will be reserved for applicants first.*



## Board of Zoning Appeals

### Notice of Public Hearing

Date of Meeting: May 13, 2021

Time of Meeting: 7:00 PM

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

Request & Locations: 2 Variance Requests:

- Pool Variance at 1301 Brookchase Circle, Maineville, OH 45039
- Patio Cover Variance at 765 Morning Dew Lane, Maineville, OH 45039

Property Owners: Stephen Koch; John Bauer

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

## February 18, 2021

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

Members present:

- Holly Roush
- Brandon Roark
- Harold Eberenz
- Michael Blomer
- Ryan Ziemba

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

First order of business is to elect a new Chair, Vice Chair and Secretary for the Board of Zoning Appeals. Mr. Ziemba nominated Mr. Michael Blomer for the position of Chair of the Board.

Roll call as follows:

Michael Blomer	Yes
Harold Eberenz	Yes
Ryan Ziemba	Yes
Brandon Roark	Yes
Holly Roush	Yes

Mr. Blomer is the new Chair of the Board.

Mr. Blomer nominated Mr. Harold Eberenz for Vice Chair. Mr. Ziemba nominated himself for the position of Vice Chair. For the record, Mr. Eberenz seconded both nominations.

Roll call for Mr. Eberenz's nomination:

Ryan Ziemba	No
Brandon Roark	No
Holly Roush	No
Harold Eberenz	No
Michael Blomer	Yes

Roll call for Mr. Ziemba's nomination:

Brandon Roark	Yes
Holly Roush	Yes
Harold Eberenz	Yes
Michael Blomer	Yes
Ryan Ziemba	Yes

Mr. Ryan Ziemba is the new Vice Chair.

Mr. Roark nominated Mr. Mark Wernery as Secretary.

Roll Call as follows:	Harold Eberenz	Yes
	Micahel Blomer	Yes
	Ryan Ziemba	Yes
	Brandon Roark	Yes
	Holly Roush	Yes

Mr. Wernery is the new secretary.

Mr. Alex Kraemer, Economic Development and Zoning Director, presented the staff report. We are here for a sign variance request for 7780 S. St. Rt. 48, Maineville, OH 45039, Intersection of State Routes 48 and 22/3, and 2000 E. St. Rt. 22/3, Morrow, OH 45152. The Hamilton Township Trustees own all addresses listed. The applicant is Township Administrator, Mr. Brent Centers. 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 variance request is to erect an 8 foot tall LED Ground Sign to replace the existing 8 foot tall Hamilton Township Monument Sign. The surrounding properties consist of B-2 General Business, R-1 Single Family Residence, Village of Maineville and B-1 Neighborhood Business District. The proposed signage will identify each location and have a full color message display. The height is 8 feet tall from the base to the top and the LED message display is approximately 3 feet in height. The same variance requests applies to Station 77 located at 2000 E. St. Rt. 22/3 as well as the intersection of 22/3 and 48. Per the Hamilton Township Zoning Code Chapter 9.8.1 Signs for Public and Institutional Uses in Any District, one ground sign or one wall sign is permitted for any public or institutional use per street frontage; the maximum sign area shall be 25 sq. ft. per side (2 sides max); the maximum height of the ground sign shall be 5 feet and signs shall be set back a minimum of 10 feet from the street right-of-way line. The variance request is to erect 3 signs that are 3 feet over the maximum height allotment to better communication with Hamilton Township residents. Hamilton Township purchased these 3 electronic message board ground signs through CARES Act funding to notify residents of important information and to better identify its buildings. The Administration Building currently has an 8 foot tall stone plaque marker as its sign. Since this is grandfathered-in, the new sign would replace that sign with the same height of 8 feet. This was the template used for all 3 signs.

Mr. Blomer asked if the sign will have paid advertisements on them? The rotation of timing on the digital message boards was a concern before as well.

Mr. Eberenz asked at what speed the messages would rotate. Mr. Kraemer responded that they will rotate every 15 seconds.

Mr. Ziemba asked if there is a current sign with Fire Station 76?

Mr. Kraemer clarified that there is a wall sign but there will not be an LED sign.

Mr. Ziemba asked how much light these will emit? He is concerned with the light that will be put off at Station 77 where no light currently exists.

Mr. Kraemer stated that it is not specifically listed in the report.

Mr. Eberenz asked if the Township owns the land at the intersection where one of the signs is being proposed.

Mr. Kraemer stated that we do not own the right-of-way at the intersection of St. Rt. 48 and Rt. 22-3. He commented that Mr. Brent Centers, Hamilton Township Administrator, could give more details on that matter.

Mr. Centers introduced himself. In response to the question about 15 seconds, we will follow the zoning regulations. Station 76 does not currently have a monument sign, only a wall mount sign. Station 76 will have a monument sign that will not contain the LED display so that it is not distracting for drivers to have multiple signs so close together. We have no plans to destroy the current sign at the admin building. The lumens are not a negotiable point with this design as the company determined they are standard. The Station 77 digital sign will replace the current standard sign at the Fire Station and should not cause any additional lighting concerns for the neighbors across the street. Lastly, we do not own that right-of-way at the major intersection of 48 and 22-3; ODOT owns that. We are in discussion with them about placing our sign there. If we can not get their approval, we have started discussions with the property owner on the adjacent corner. We do believe that we can get one of the two to agree to allow us to place a sign there. There will be no paid advertisements on these signs. They will be used to share Township information and Township Events.

Mr. Centers explained that these signs were brought about with CARES funding. He presented handouts for the Board and mentioned that we did not just shoot from the hip and miss by requesting an 8-foot sign when only 5 feet are permitted. The government issued CARES funding and the point was to make things touchless, covid preventable, and allow individuals to get information without having to come into the building. The problem with the CARES funding was the timeline that they gave to us. By the time we got it, it was late October and then early November, we were given roughly one month to appropriate and spend the funds by December 31<sup>st</sup>. We were ready to present our final 2021 budget to the Trustees when we received \$1.14 million to spend on very specific items. A lot of jurisdictions in Warren County spent those funds by dumping them into Fire/EMS salaries which is perfectly permissible. We spent the funds the way they were intended so the list given to the Board contained the full list of items that Hamilton Township purchased. We chose to purchase digital signs with our funds and since we already had the 8-foot sign, zoning mis-referenced the non-commercial public entities, instead of the governmental entities that do allow 8 foot. With that, we went ahead and contracted and designed these, with forty-five thousand dollars per sign; that we believe is a financial hardship since we now have \$135,000 spent for signs. We do take ownership for missing what is in our zoning code.

Mr. Blomer clarified, variance 1 is for the Administration/Police Department Building, variance 2 is for Station 77, and variance 3 is the intersection of 22-3 and 48 (but is listed as Station 76 for this hearing). Is the electric available and the infrastructure for the Wi-Fi, etc.?

Mr. Centers replied that is correct. The only place that electric is not ready is at the intersection because we do not know which parcel it will be at.

Mr. Blomer closed the public comment portion of the hearing to allow board deliberations.

Discussions took place to add conditions to the request.

Mr. Ziembra made a motion with a second from Mr. Eberenz to approve a variance request for Brent Centers/Hamilton Township to erect three electronic ground signs in Hamilton Township that are 8 feet in height, three feet over the maximum allotment for public uses, for 7780 South State Route 48, Maineville, OH 45039, 2000 E. US 22-3, Morrow, OH 45152, and the intersection of State Route 48 and Route 22-3 in Hamilton Township.

Roll call as follows:	Michael Blomer	Yes
	Harold Eberenz	Yes
	Ryan Ziembra	Yes
	Brandon Roark	Yes
	Holly Roush	Yes

Motion carries.

Next, Mr. Kraemer presented the staff report for a variance request for 5373 Hopewell Valley Dr., Morrow, OH 45152. The property owner and applicant is Mr. Michael Hatton. The legal 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 applicant is requesting to build a wheelchair accessible ramp 3 feet into the 50-foot front setback on a corner lot at 5373 Hopewell Valley Drive. This ramp will serve as a secondary exit from the home and access the deck. The surrounding properties consist of R-3 Multi-family residence district.

Mr. Blomer invited the applicant forward to speak.

Mr. Hatton was sworn in to give testimony.

Mr. Eberenz asked if Mr. Hatton is the resident that had this home built and if something was missed that would have allowed for the distance instead of requesting a variance.

Mr. Hatton stated that they had a hard time with the builder delivering things that were promised during sales pitches when they purchased the home. They were supposed to have a walkout rear patio to ease his wife's accessibility since she is in a wheelchair. It ended up being a five-foot drop. They went from having zero plans for a deck, to her needing one to gain use of the backyard. So at the time of building, three feet for a variance was not planned.

Mr. Blomer asked when the house was built. Mr. Hatton stated that it was built in 2019.

Mr. Roark asked for clarification on the issue of needing a variance.

Mr. Kraemer explained that the proposed construction only gives 47 feet from the ramp to the property line, but our zoning code requires a 50-foot setback.

Mr. Roark asked if the ramp would be removed if they were to ever sell this home?

Mr. Hatton stated that they do not plan to move anytime soon but if that is a condition, then he will certainly have it removed.

Mr. Blomer asked what material the deck will be constructed of?

Mr. Hatton stated that it will be pressure treated wood.

Mr. Ziemba asked if this will be ADA compliant?

Mr. Hatton stated that it will. With the way that the yard slopes, the ramp itself will not necessarily be a ramp, but more of a walkway as there will not be a significant ramp.

Mr. Blomer closed the floor for public comments to allow the board to begin deliberations.

Mr. Blomer mentioned that there is an obvious hardship since Mrs. Hatton is wheelchair bound. This is a corner lot so that means that there are technically two front yards which makes this ramp very visible but there is definitely a hardship here as it allows his wife to enjoy their property.

Mr. Eberenz made a motion with a second from Mr. Blomer to approve the 3-foot front yard variance at 5373 Hopewell Valley Dr.

Roll call as follows:	Ryan Ziemba	Yes
	Brandon Roark	Yes
	Holly Roush	Yes
	Harold Eberenz	Yes
	Michael Blomer	Yes

Motion carries.

Mr. Blomer made a motion with a second from Mr. Ziemba to continue a request to expand a non-conforming structure for Mr. Kurtis Lyons at 10557 Saratoga Ave., Goshen, OH 45122 to the February 25, 2021 Board of Zoning Appeals meeting.

Roll call as follows:	Michael Blomer	Yes
	Ryan Ziemba	Yes
	Brandon Roark	Yes

Holly Roush	Yes
Harold Eberenz	Yes

Mr. Kraemer presented findings of fact that need a signature from previous hearings.

Mr. Eberenz made a motion with a second from Mr. Ziembra to approve the meeting minutes from the November 12, 2020 Board of Zoning Appeals meeting.

All in favor.

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

DRAFT



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

**Variance Request**

**1301 Brookchase Circle, Maineville, OH 45039**

**May 13, 2021 at 7:00PM**

**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.

**Surrounding Zoning and Land Uses:**

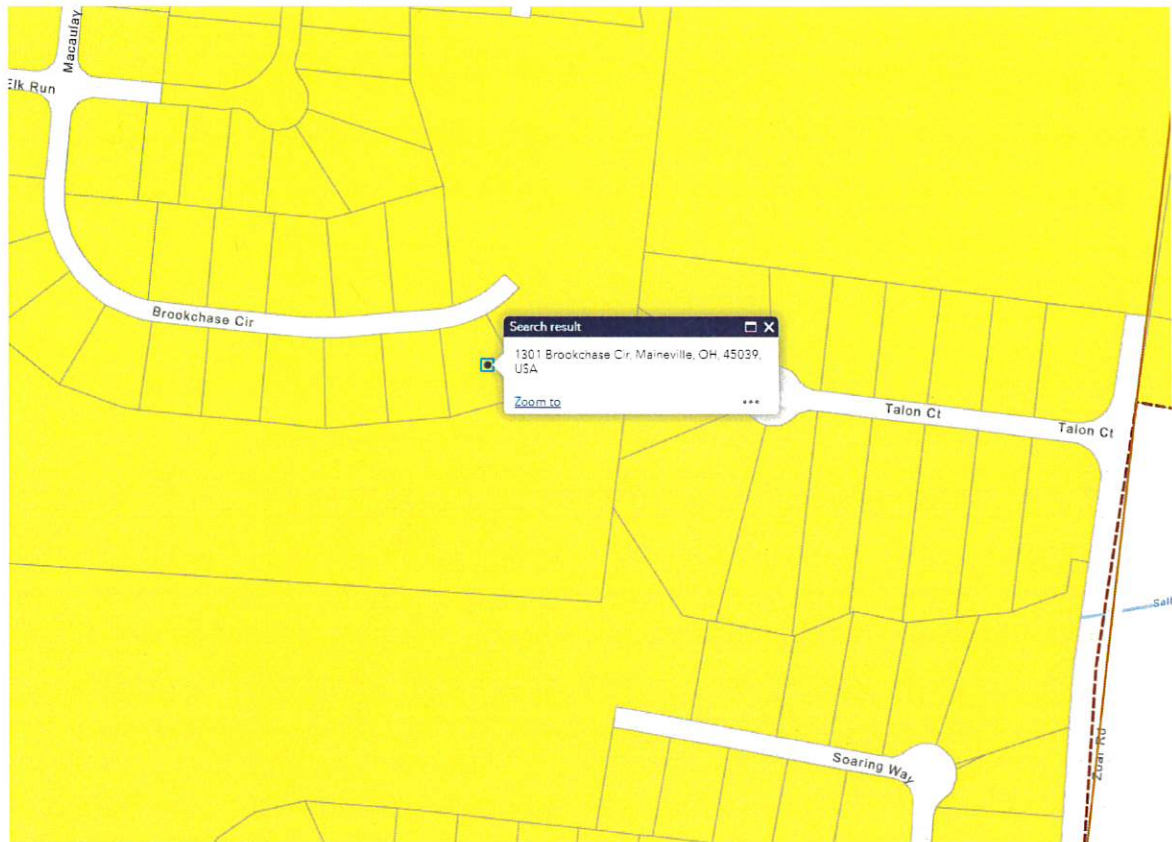
North R-1 Single Family Residence District  
South R-1 Single Family Residence District  
East R-1 Single Family Residence District  
West R-1 Single Family Residence District

**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:**



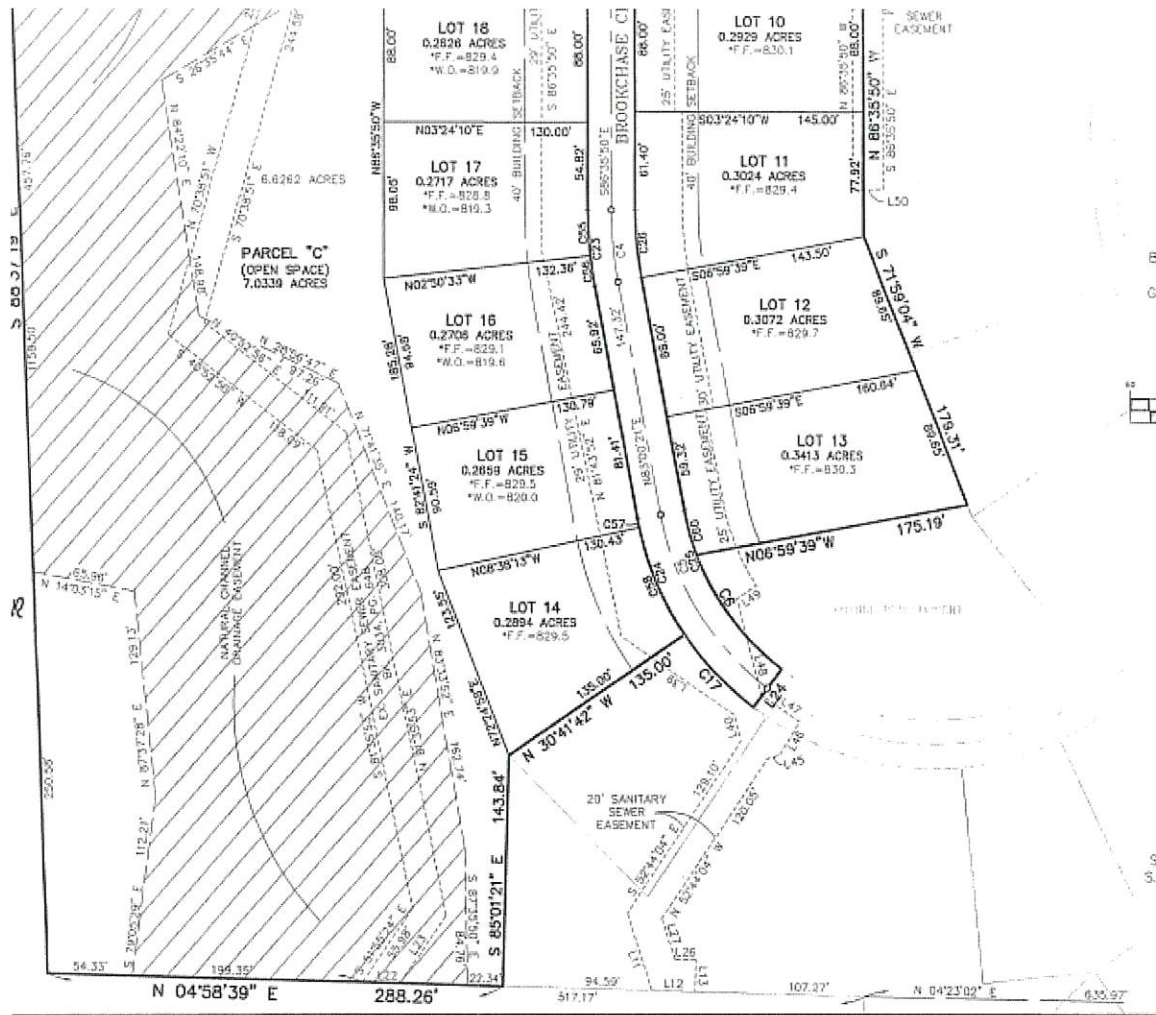
## Zoning Map:



### 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:**

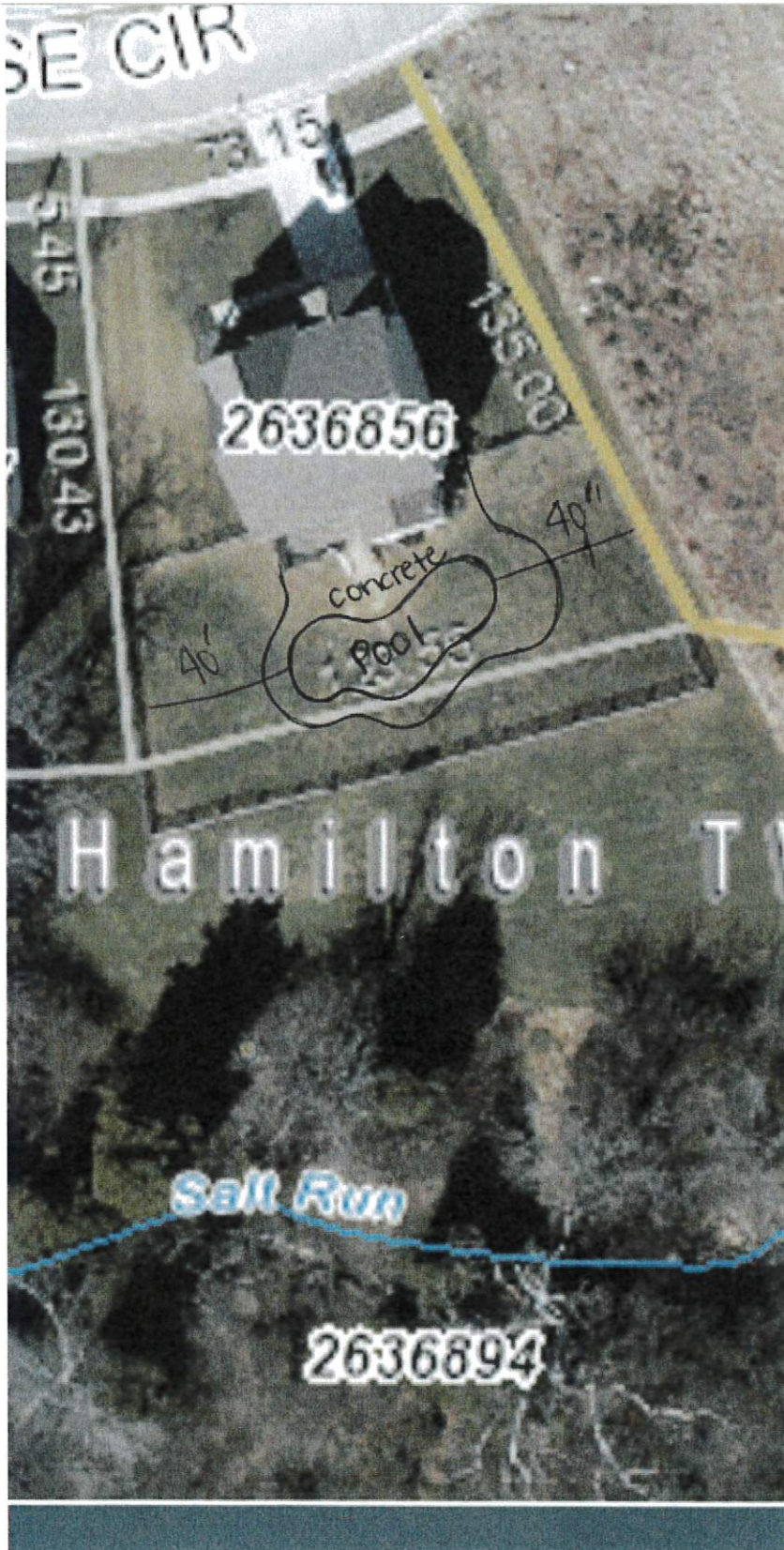
**N. Private Swimming Pool or Public Swimming Pool**

- (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.





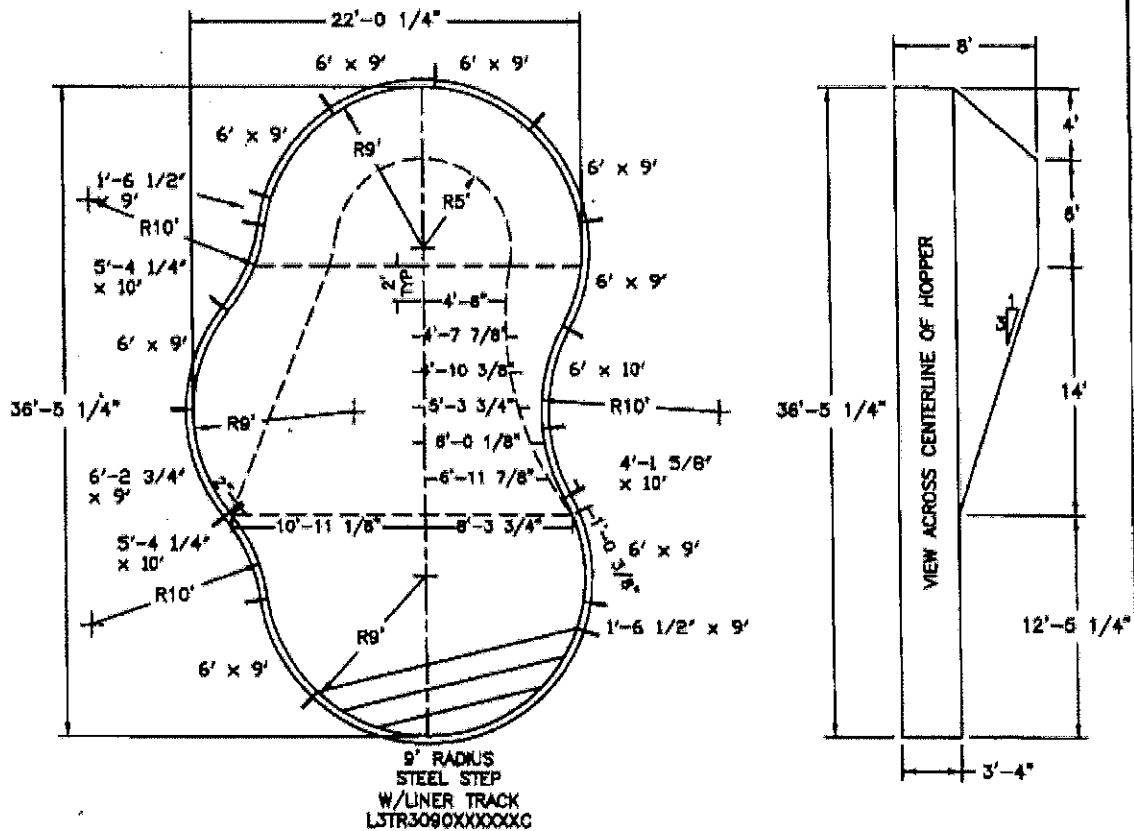


Pool Size: 18' X 36'-6"  
 Pool Shape: OASIS  
 Pool Number: POA05903

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	8	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"	 CardinalSystemsInc.com
Drawn By: CODY A	Area: 609.2 SQ FT	
Scale: 1/8" = 1'-0"	Notes: AQUATECH/KOCH	

This information is the confidential property of Cardinal Systems, Inc. Disclosure or duplication without proper written approval is strictly prohibited. Acceptance and use of this drawing constitutes knowledge and acceptance by the user of the terms and conditions set forth in the notes and warning which accompanied this drawing is incorporated herein and made part hereof and is found on Cardinal Systems, Inc.'s website at www.CardinalSystemsInc.com

**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 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

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**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 19<sup>th</sup> 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

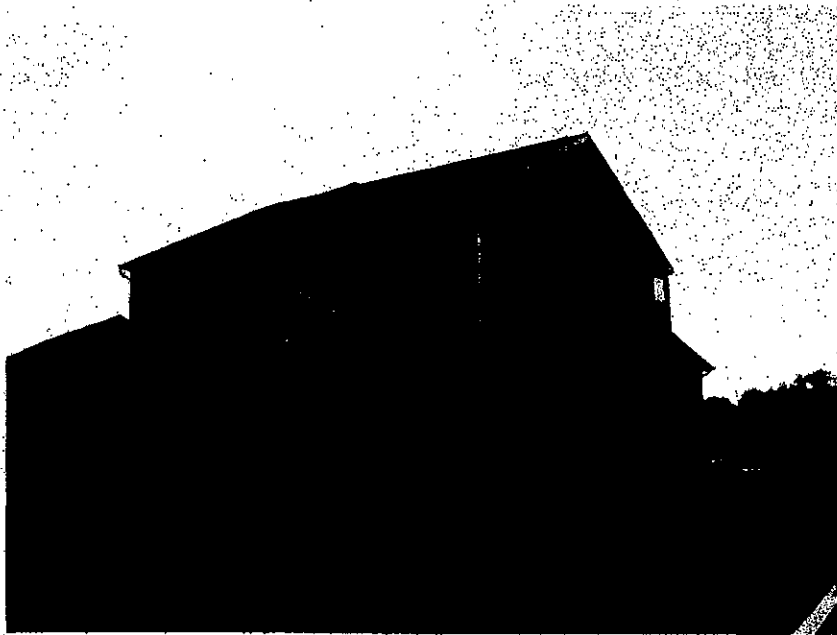
### 3.8.3. Variance Review Criteria

- 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 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.

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



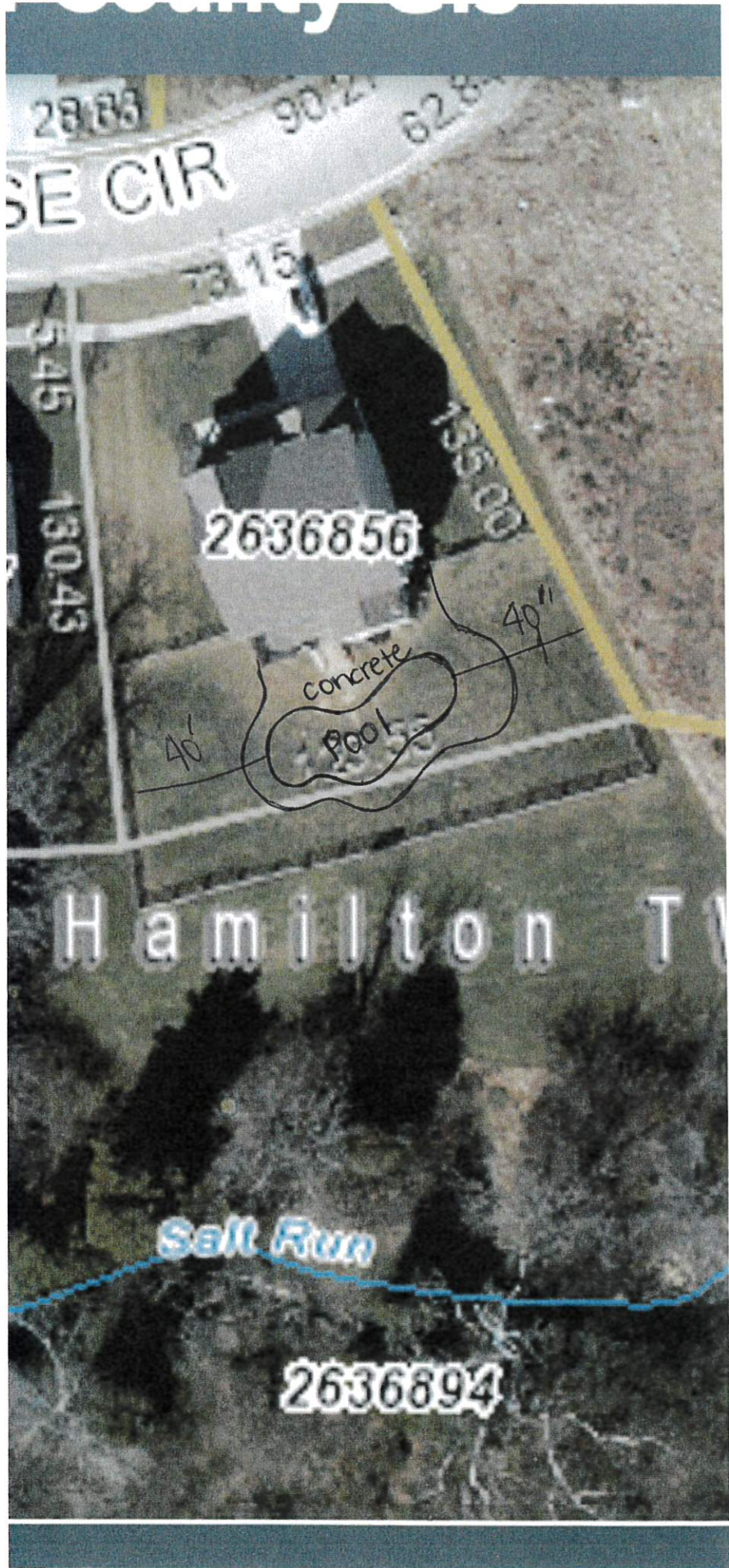
Pay Your Tax Bill



Warren County Homepage



Online Mapping



28.85

90.2

62.8

SE CIR

73.15

54.5

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 877 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 3/22/21

Alex Kravner
Hamilton Township Zoning Authority

Date 3/22/21 Approved Denied [checkmark]



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

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**FOR OFFICE USE ONLY**

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

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KOCH RESIDENCE

1301 BROOKCHASE CIR.  
MAINEVILLE, OH 45039



<ul style="list-style-type: none"> <li>County Line</li> <li>Parcel Line</li> <li>Subdivision of the Township and Range Line</li> <li>Section Line</li> <li>Water Line</li> <li>Metres Line</li> <li>Water Road Line</li> </ul>	<ul style="list-style-type: none"> <li>Overpass Line</li> <li>Subdivision Line</li> <li>Section Line</li> <li>Water Line</li> <li>Metres Line</li> <li>Water Road Line</li> </ul>
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Warren County Map

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Date: 3/2/2021

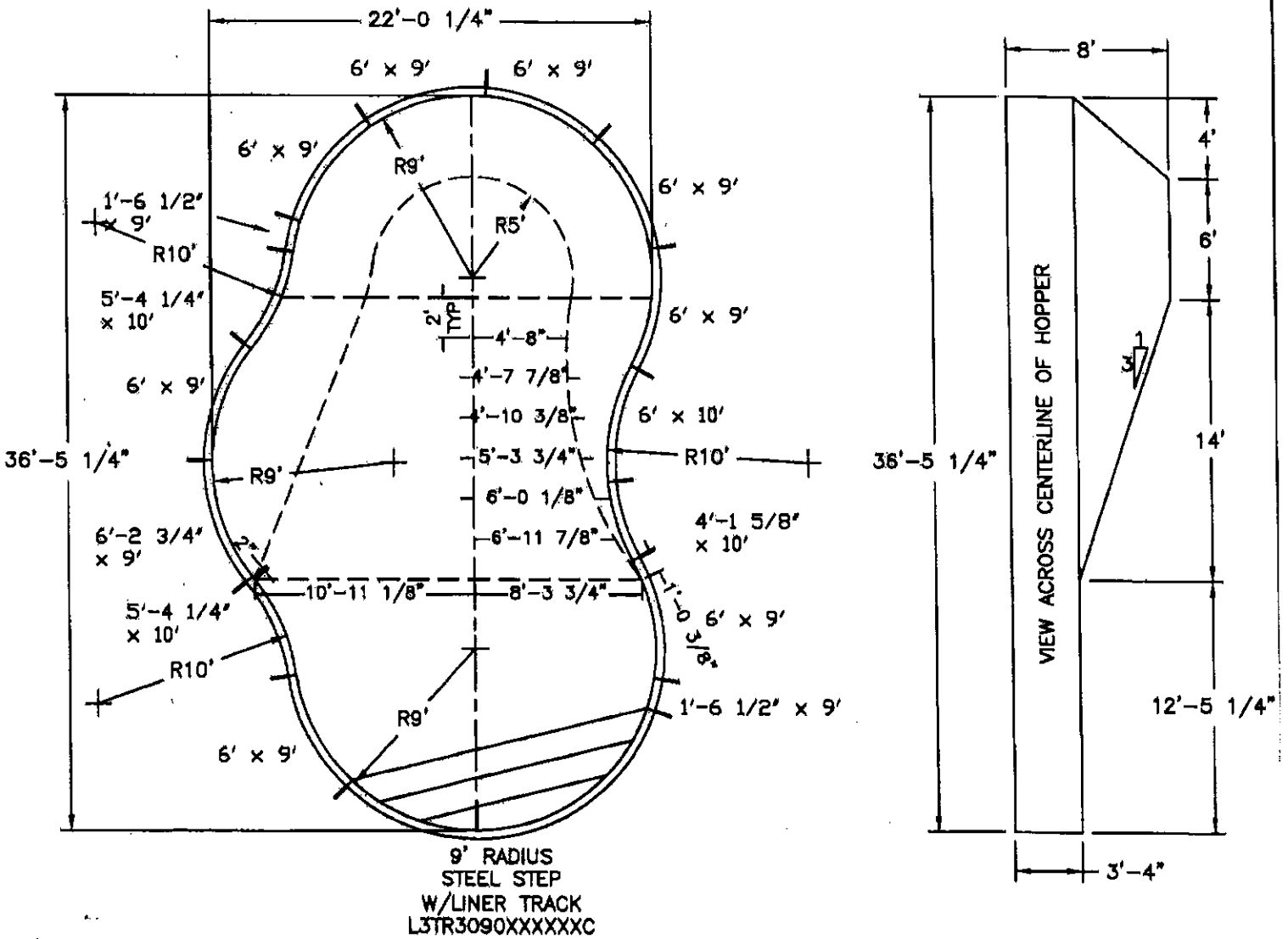




Pool Size: 18' X 36'-6"  
 Pool Shape: OASIS  
 Pool Number: POA05903

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
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L3TR3090XXXXXC	1	9' RADIUS STEEL STEP W/LINER TRACK
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5R42600XX10000	1	6' x 10' Radius R PANEL W/O Z



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	

This information is the confidential property of Cardinal Systems, Inc. Disclosure or duplication without proper written approval is strictly prohibited. Acceptance and use of this drawing constitutes knowledge and acceptance by the user of the terms and conditions set forth in the notice and warning which accompanied this drawing is incorporated herein and made part hereof and is found on Cardinal Systems, Inc.'s website at www.CardinalSystemsInc.com

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

**Variance Request**

**765 Morning Dew Lane, Maineville, OH 45039**

**May 13, 2021 at 7:00PM**

**Owner:** John H. Bauer, 765 Morning Dew Lane, Maineville, OH 45039 (Village on the Green)

**Applicant:** John H. Bauer, 765 Morning Dew Lane

**Location:** 765 Morning Dew Lane, Maineville, OH 45039

**Zone:** R-3 Multi-Family Residence District

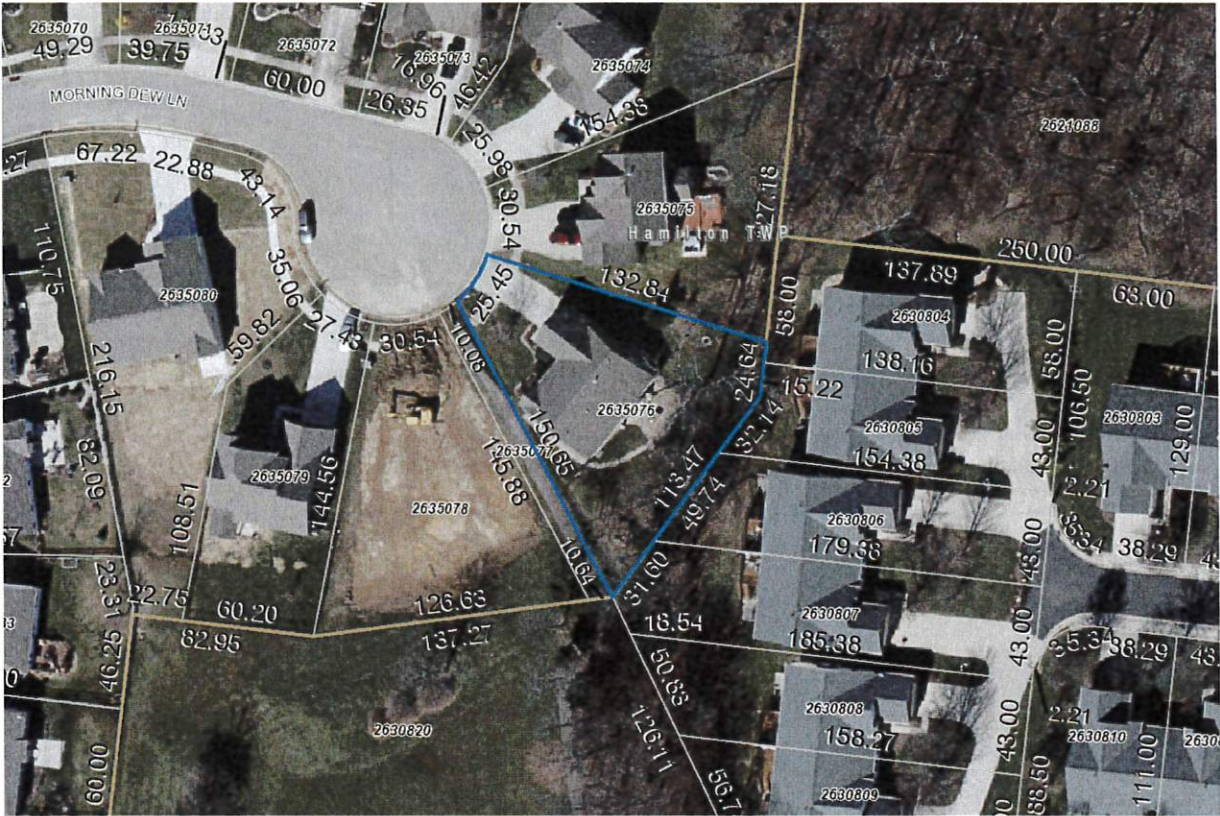
**Request:** Request is for a 2 foot variance to build a patio cover 2 feet into the 30 foot Rear Yard Setback in this section of Village on the Green.

**Surrounding Zoning and Land Uses:**

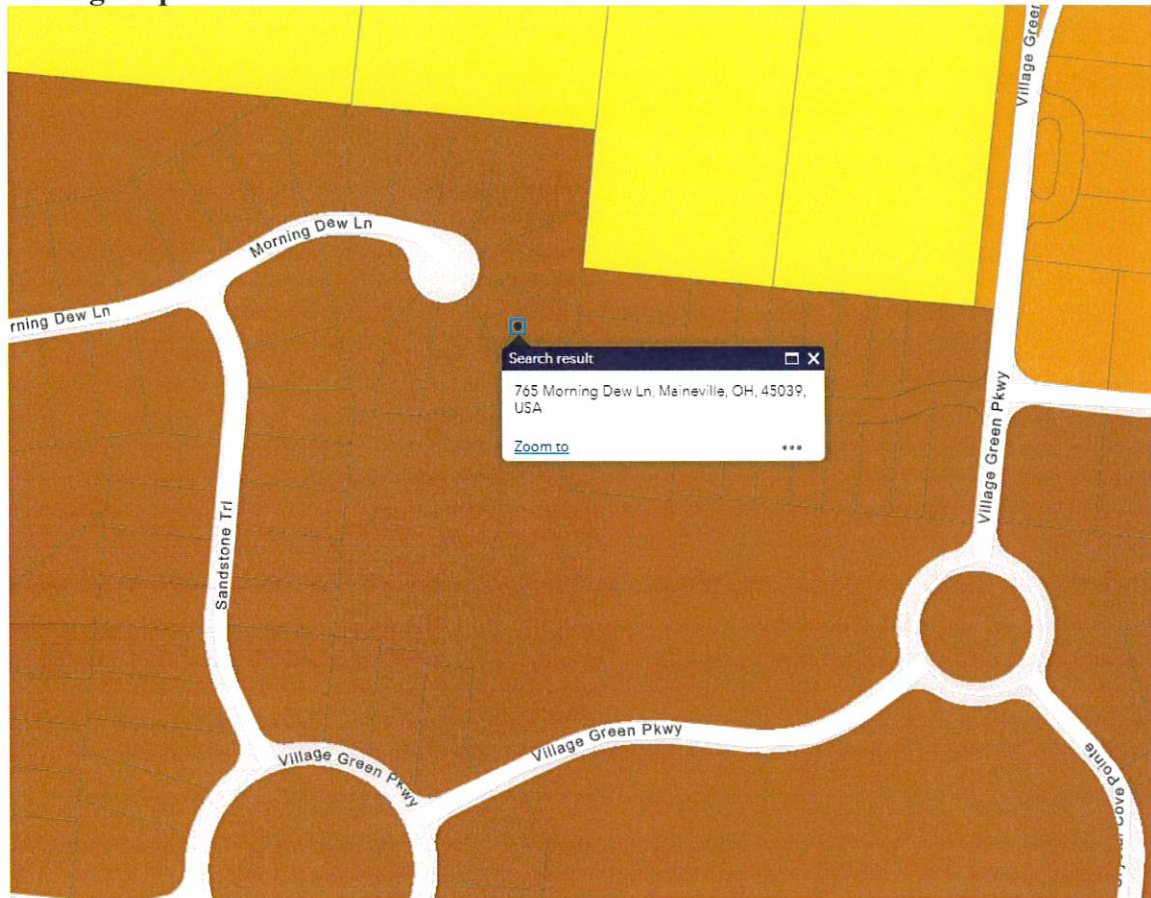
North R-3 Multi-Family Residence District  
South R-3 Multi-Family Residence District  
East R-3 Multi-Family Residence District  
West R-3 Multi-Family Residence District

**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:



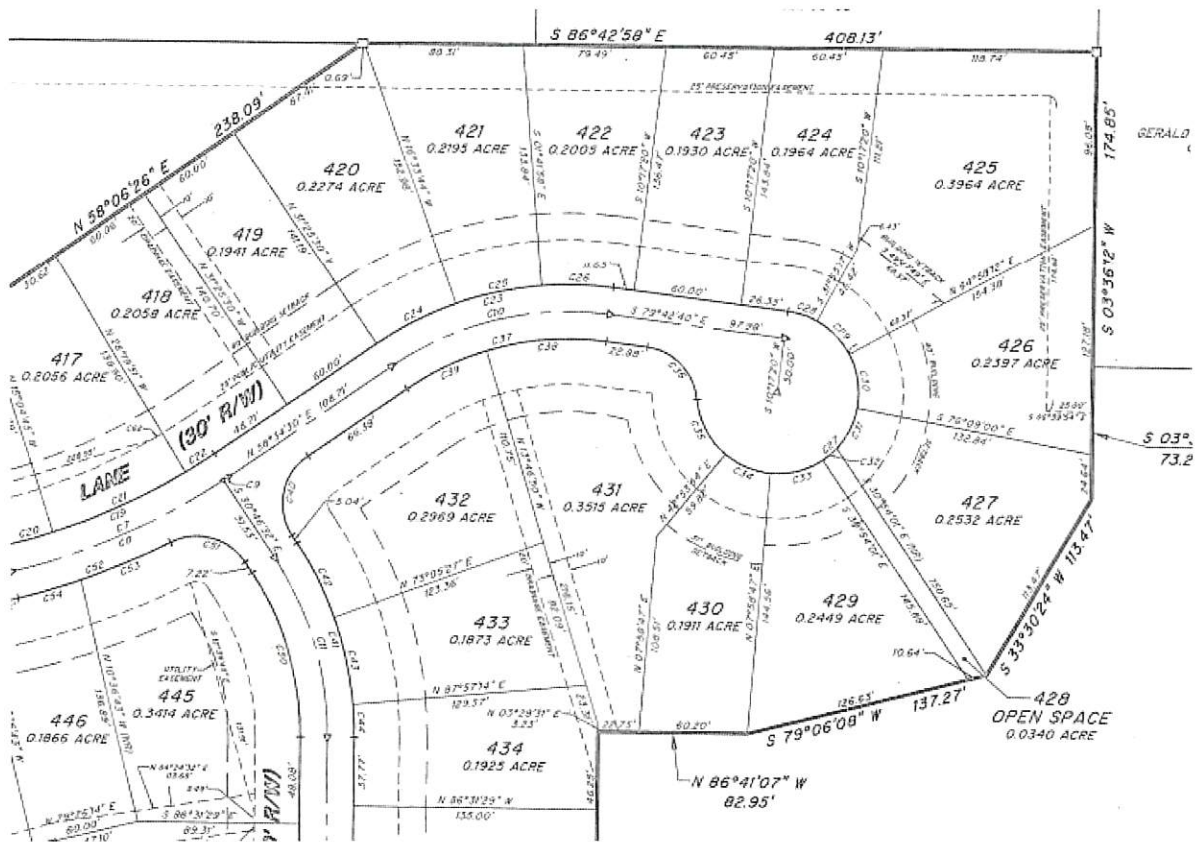
## Zoning Map:



### 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

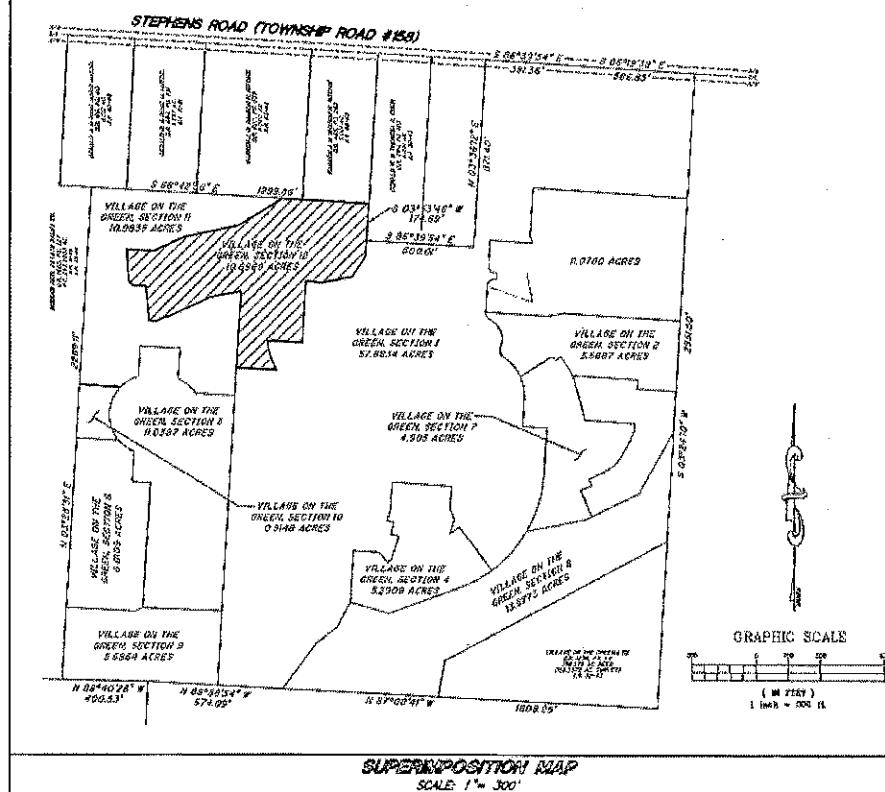
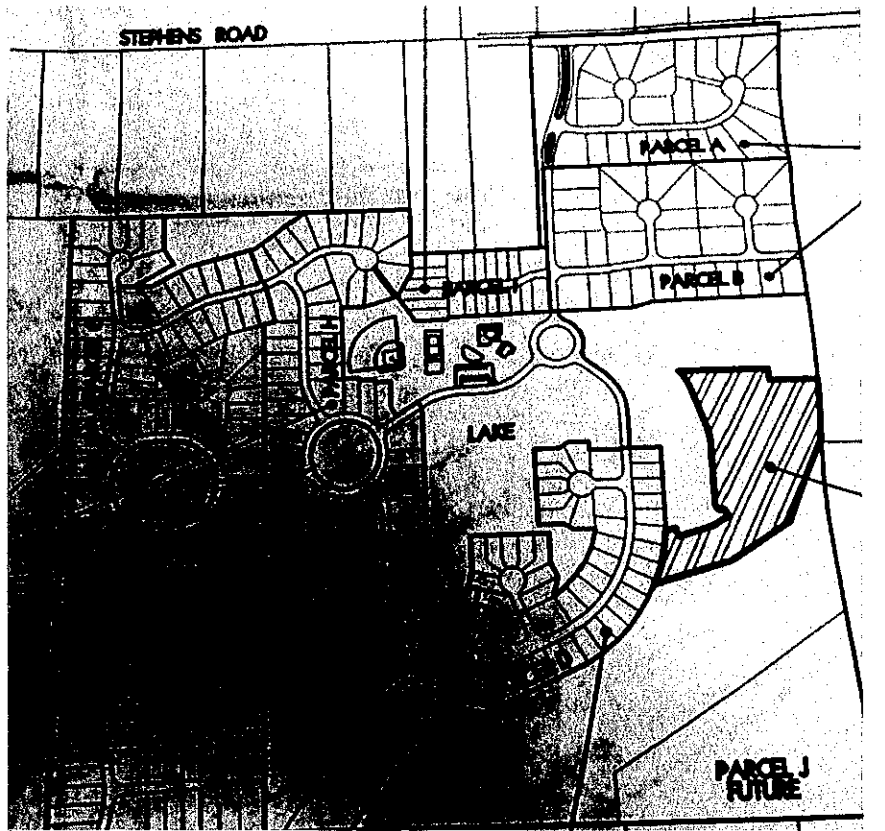
**Plot Plan (Lot 427):**



**Pertinent Regulations:**

Village on the Green, Section 12 or Parcel H.

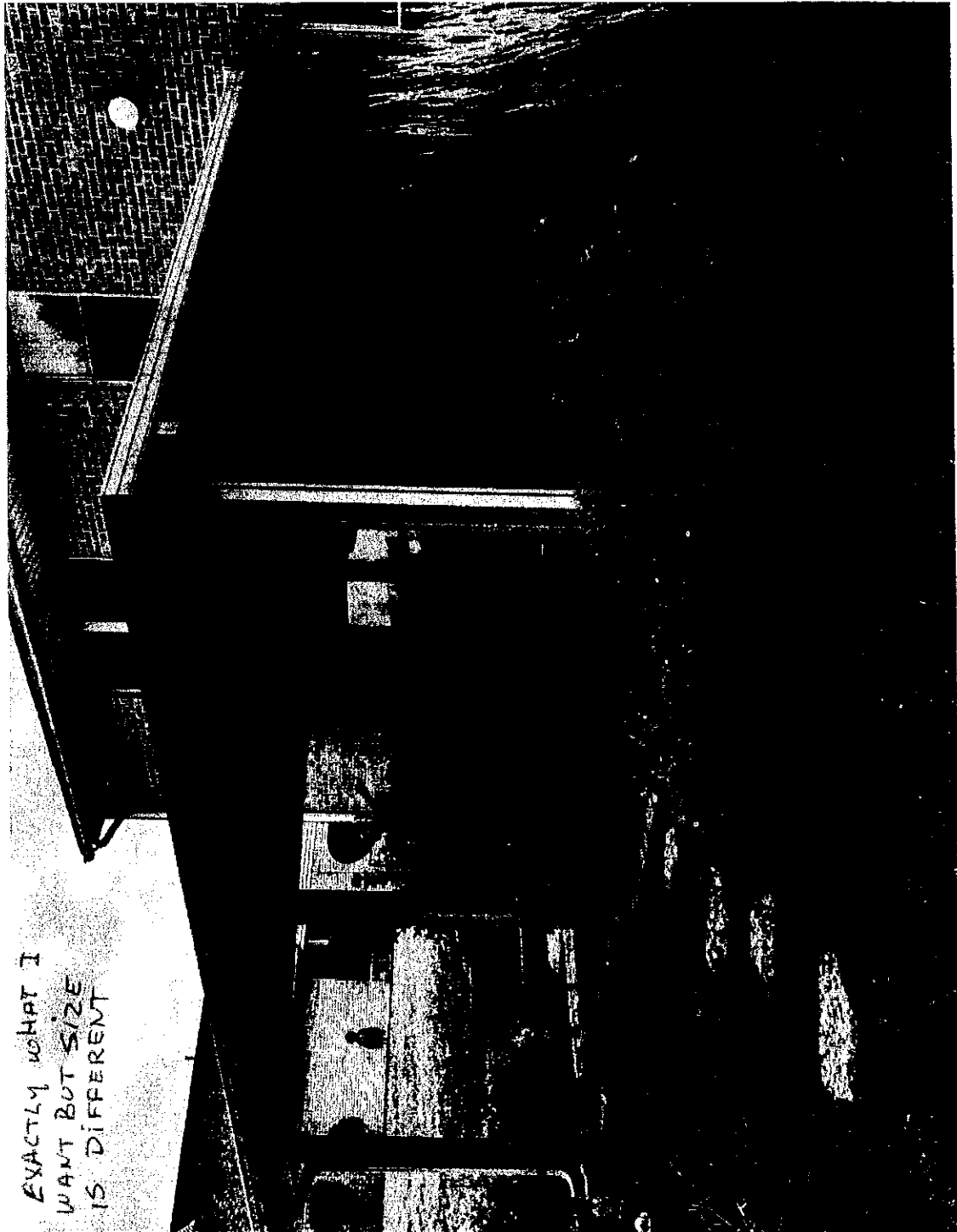
Subdivision Name	Zoning	Type	Front Setback	Side Setback	Rear Setback
Village on the Green Section C	R-3, R-4	PUD	25	4/20	20
Village on the Green Section D	R-3, R-4	PUD	25	4/10	10
Village on the Green Section I	R-3, R-4	PUD	22.5	5/10	20
Village on the Green Section J	R-3, R-4	PUD			
Village on the Green Section A & B	R-4	PUD	50	5/20	30
Village on the Green Section E,F,G,H	R-3, R-4	PUD	40	5/10	30

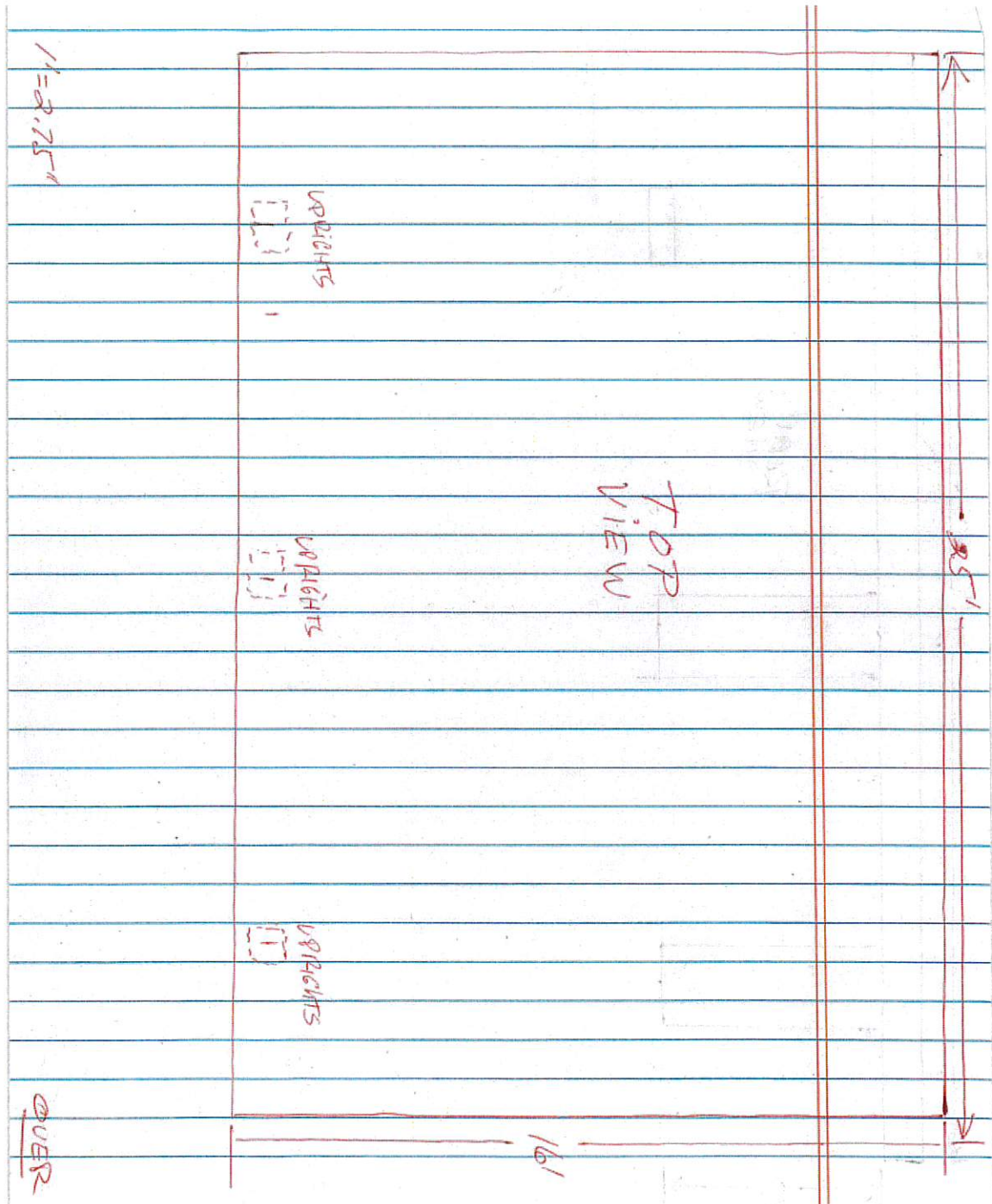




**Request:**

Request is for a 2 foot variance to build a patio cover 2 feet into the 30 foot Rear Yard Setback in this section of 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 16 foot patio.





**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 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 John H. BAUER  
Address 765 MORNING DEW LN  
Phone Number 9372181785 Email JohnhBAUER1947@gmail.com

**OWNER**

Name John H. BAUER  
Address 765 MORNING DEW LN  
Phone Number 9372181785 Email JohnhBAUER1947@gmail.com

**SUBJECT PROPERTY**

Street Address 765 MORNING DEW LN  
Parcel ID Number \_\_\_\_\_  
Zoning District \_\_\_\_\_

**VARIANCE REQUESTED**

Code Section \_\_\_\_\_  
Reason for variance PATIO COVER

John H. Bauer  
Applicant Signature

4-11-21  
Date

**For Township Use Only**

Application file date April 14, 2021

Fee \$300.00 Check Number 1426 Receipt Number 116246

Date of Legal Advertisement \_\_\_\_\_

Date of Notice to Adjoining Owners \_\_\_\_\_

Date of Public Hearing \_\_\_\_\_

Action of the BZA    Approved \_\_\_\_\_    Denied \_\_\_\_\_    Tabled \_\_\_\_\_

Additional Comments

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PROPERTY OWNER'S AFFIDAVIT

STATE OF OHIO

COUNTY OF WARREN

I (we) John H. BAUER

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.

John H. Bauer  
Signature

John H. BAUER  
Printed Name

765 MORNING DEW LN.  
Street Address

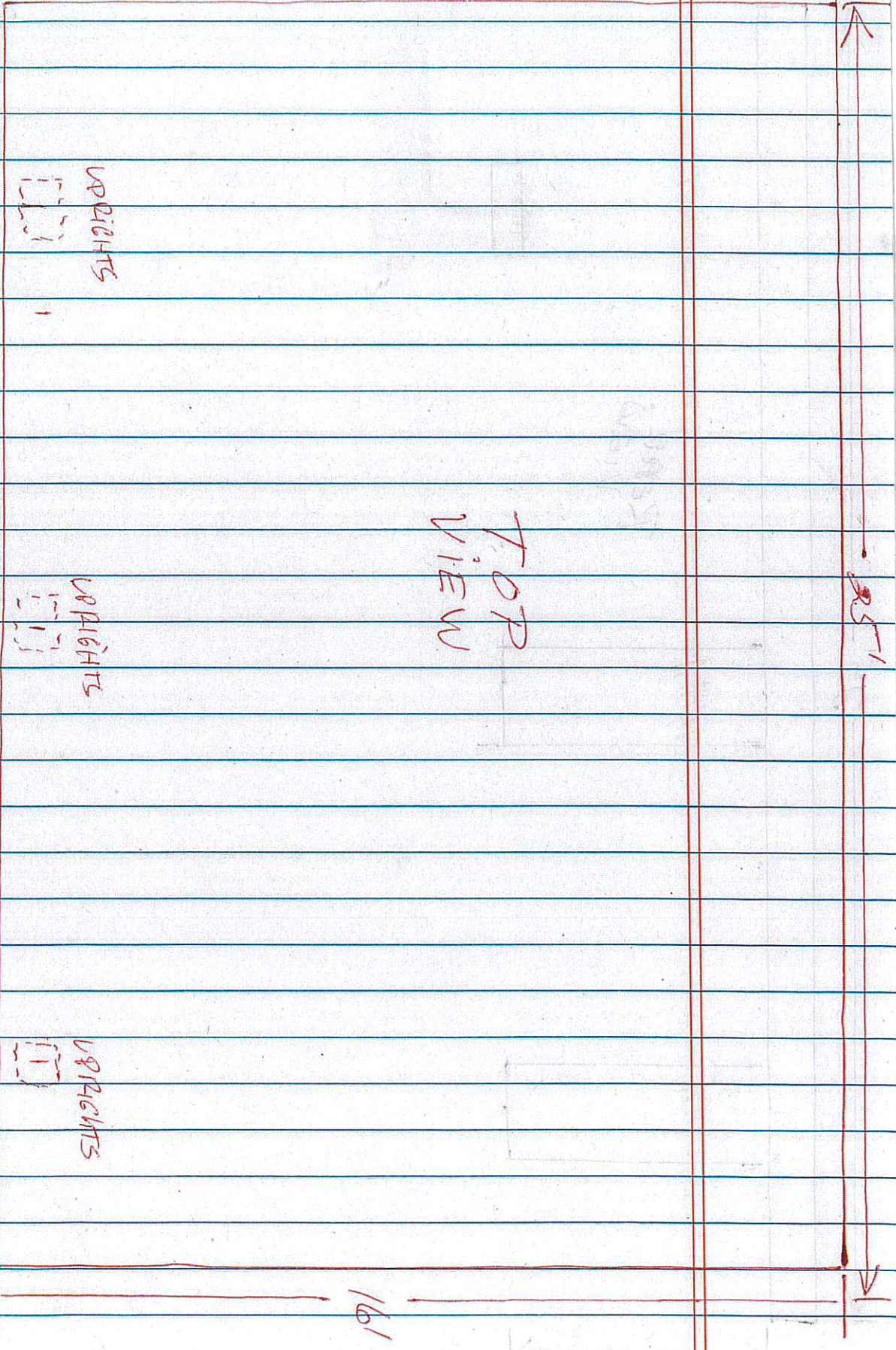
Maineville Ohio 45039  
City, State, Zip Code

937 218 1785  
Phone

Subscribed and sworn to before me this 13<sup>th</sup> day of April 2021

Patricia Ann Shaver  
Notary Public PATRICIA ANN SHAVER  
Expires April 8, 2024

1/1 = 2.75"



TOP VIEW

UPRIGHTS

UPRIGHTS

UPRIGHTS

2.75"

1.61

OVER



## 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.

*I NEED A 14' ROOF TO COVER MY 16' PATIO*

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; *NO*
- (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; *INCREASE IN PROPERTY VALUE*
- (3) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures; *YES*
- (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; *NO - NOT AT ALL*
- (5) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup; *NO*
- (6) Whether special conditions or circumstances exist as a result of actions of the owner; *NO*
- (7) Whether the property owner's predicament can feasibly be obviated through some method other than a variance; *NO*
- (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and *YES*
- (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. *NOT THAT I KNOW OF*

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.

Fwd: Estimate from Giant Factory Direct, LLC

From: John Bauer (johnnbauer1947@gmail.com)  
To: shlbybanana@yahoo.com  
Date: Friday, April 2, 2021, 08:52 AM EDT

----- Forwarded message -----  
From: **Giant Factory Direct LLC** <GiantFactoryDirectLLC@mhhelp.co>  
Date: Wed, Feb 24, 2021, 3:34 PM  
Subject: Estimate from Giant Factory Direct, LLC  
To: <johnnbauer1947@gmail.com>

## Giant Factory Direct, LLC sent you an estimate.

To:  
**John Bauer**  
765 Morning Dew Ln  
Maineville, OH 45039-7128

From:  
**Giant Factory Direct, LLC**  
415 Breadan Lane, Unit 14 / 15  
Monroe, Ohio 45050

Estimate number: 102354  
Issued on: Tue May 26, 2020



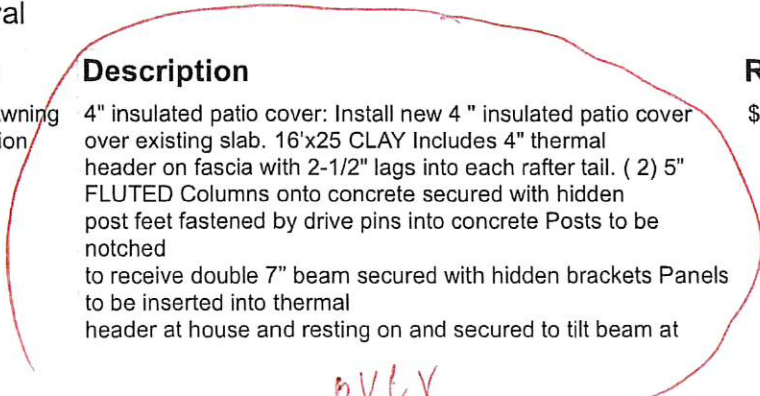
Description of work:

Total Estimate:

HOA Approval

**\$8,200.00**

Qty	Name	Description	Rate	Amount	Tax
1	4 Inch Awning Installation	4" insulated patio cover: Install new 4 " insulated patio cover over existing slab. 16'x25 CLAY Includes 4" thermal header on fascia with 2-1/2" lags into each rafter tail. ( 2 ) 5" FLUTED Columns onto concrete secured with hidden post feet fastened by drive pins into concrete Posts to be notched to receive double 7" beam secured with hidden brackets Panels to be inserted into thermal header at house and resting on and secured to tilt beam at	\$8,200.00	\$8,200.00	NON



oVLY

4/2/2021

Yahoo Mail - Re: Job #920 has a new status

Re: Job #920 has a new status

From: John Bauer (johnbauer1947@gmail.com)

To: shibybanana@yahoo.com

Date: Friday, April 2, 2021, 08:54 AM EDT

On Wed, Mar 24, 2021, 2:21 PM Giant Factory Direct LLC <GiantFactoryDirectLLC@mhlp.co> wrote:

## Job #920 Updated To Open

Dear John Bauer,

The status of Job #920 has been changed to Open.

[View this online](#)

[TicketId:37428827 L#19100973 RefId:YOAB]

## Fwd: Fw: Permit application for Patio Cover at 765 Morning Dew Lane

From: John Bauer (johnhbauer1947@gmail.com)

To: shlbybanana@yahoo.com

Date: Friday, April 2, 2021, 08:48 AM EDT

----- Forwarded message -----

From: **Chris Cornett** <giantfactorydirect@yahoo.com>

Date: Fri, Mar 26, 2021, 2:45 PM

Subject: Fw: Permit application for Patio Cover at 765 Morning Dew Lane

To: johnhbauer1947@gmail.com <johnhbauer1947@gmail.com>

John, the set back is 30' so this will be denied at Hamilton Township based on present layout. Please read her explanation and it wouldn't hurt for you to drive down there to clarify. Sorry

Sent from Yahoo Mail on Android

----- Forwarded Message -----

**From:** "Chris Cornett" <giantfactorydirect@yahoo.com>

**To:** "akraemer@hamilton-township.org" <akraemer@hamilton-township.org>

**Sent:** Fri, Mar 26, 2021 at 2:39 PM

**Subject:** RE: Permit application for Patio Cover at 765 Morning Dew Lane  
Okay, I'll let the homeowners know and see how they want to proceed.

Sent from Yahoo Mail on Android

On Fri, Mar 26, 2021 at 2:17 PM, Alex Kraemer  
<akraemer@hamilton-township.org> wrote:

Thanks for clarifying Chris. Based on the cover being attached, it is considered an extension of the house and therefore must meet the Minimum Rear Setbacks, which is 30 feet in this section of Village on the Green. From what was submitted, the cover will be 2 feet into the minimum 30 foot Rear Setback. If you can revise the plan by 2 feet you can avoid applying to the Board of Zoning Appeals for a Variance (and a \$300 fee and potential for denial).

Respectfully,

Alex

Alexander Kraemer

*Director of Economic Development & Zoning*

**Hamilton Township & Village of Maineville**

(513) 683-8520 Work

(513) 630-4347 Cell

Fwd: Attached drawing and pic

From: John Bauer (johnhbauer1947@gmail.com)

To: shlbybanana@yahoo.com

Date: Friday, April 2, 2021, 08:50 AM EDT

The following is plan fo

----- Forwarded message -----

From: **John Bauer** <johnhbauer1947@gmail.com>

Date: Mon, Mar 15, 2021, 1:59 PM

Subject: Fwd: Attached drawing and pic

To: <blt2@fuse.net>

----- Forwarded message -----

From: **Chris Cornett** <giantfactorydirect@yahoo.com>

Date: Sun, Mar 14, 2021, 7:04 PM

Subject: Attached drawing and pic

To: johnhbauer1947@gmail.com <johnhbauer1947@gmail.com>

Please keep drawing confidential with H.O.A only

Sent from Yahoo Mail on Android



image000000~2.jpg  
1.3MB



3679-ShadyMeadows-Permit-08052020.pdf  
214.9kB

EXACTLY WHAT I  
WANT BUT SIZE  
IS DIFFERENT

