



## Board of Zoning Appeals

November 12, 2020

7:00 PM

- I. Call to Order
- II. Variance Request:
  - *425 Crossbow Drive, Maineville, OH 45039* (Bear Run Crossing Subdivision) is requesting to build a patio enclosure addition 10 feet into the 30 foot rear setback (the new rear setback requested is 20.57').
- III. Approval of Minutes
  - *August 13, 2020*
  - *October 8, 2020*
- IV. Adjourn

*\*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: November 12, 2020

Time of Meeting: 7:00 PM

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

Request: Variance Request: 425 Crossbow Drive, Maineville, OH 45039 (Bear Run Crossing Subdivision) is requesting to build a patio enclosure addition 10 feet into the 30 foot rear setback (the new rear setback requested is 20.57').

Property Locations: 425 Crossbow Drive, Maineville, OH 45039

Property Owner: Ms. Sandra Leslie

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

## August 13, 2020

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

Members present:                   Mark Wernery  
  Rhonda Southwick  
  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.

Mr. Alex Kraemer, Economic Development and Zoning Director, presented the staff report. The first property in question is 9847 Daybreak Lane, Loveland, Ohio 45140 and the property owner is Mr. Michael Wolfer. The applicant is Wolfpack Properties, LLC- Michael Wolfer, MGR. A legal notice ran in the Pulse Journal for two weeks prior to this hearing.

The property is zoned R-1 Single Family Rural Residence District. The request is for a Variance to create two lots, one 11.643 acres to use approximately 425 feet of road frontage on Murduck-Goshen Road and the other 21.223 acres utilizing the existing 60 feet of road frontage on Daybreak Lane. The 60 feet is the variance request from the required 250 feet of road frontage. The surrounding zoning is mostly R-1 Single Family Rural Residence District, however there is an M-1 Light Industrial District to the south. Per our Hamilton Township Zoning Code, Table 6-1 identifies our road frontage width requirements; for single family residences of 5 acres or more, the requirement is 250 feet of frontage. Mr. Michael Wolfer's statement: "Our son and his family wish to build their personal residence on the (proposed) 11.6 acre tract. Because we want to maintain the nature of the surrounding area including large lots, challenging topography and drainage bisecting the property, we ask you to affirm the split variance. There is currently new construction on adjoining 16 acre lake property and across the street on 5 acres is a \$900,000 new construction project for sale in MLS. We would like to add to the activity in the area. That leaves us with the 21.2 acre tract. It is our hope that (this tract) remains a single-user property which would require us to utilize the 60 feet of road frontage and existing driveway at the dead end of Daybreak Lane. We hope that you will agree that the low impact of this variance will go a long way in maintaining Hamilton Twp's vision for the large lot area."

The applicant has submitted an Access/Driveway Culvert Permit Application to the Warren County Engineer's Office requesting to reuse an abandoned access driveway on Murdock-Goshen Road to access the proposed 11.6 acre tract.

Mr. Eberenz asked if a response has been received from Warren County about the abandoned access driveway?

Mr. Eberenz invited the applicant to speak.

Mr. Wolfer introduced himself and stated that operates Wolfpack Properties which is primarily farm land. They have purchased properties like this from time to time. This property has been sitting neglected for approximately 25 years or since the subdivision was built. There is a drainage ditch that bisects the property so he thinks that is why it has just been sitting there. The Daybreak entrance is an agricultural entrance to access the barn/airplane hangar at the back of the property. The Engineer's office granted that access but wanted the property to give up the address on Murdock-Goshen. Now that they would like to split this lot, they do not have the frontage and that is where the variance comes to light. They would like to maintain the integrity of the property; maintain the current drainage, trees and look.

Ms. Southwick asked if there are any future plans for the piece in the back?

Mr. Wolfer stated that they have no plans other than cleaning it up and improving it which they have done. They have removed some old buildings from the property and improved some of the drainage.

Mr. Eberenz asked if there would be two different addresses?

Mr. Wolfer responded that if the variance is granted, they would have two addresses and hopefully the Engineer's office would allow them to have the old address back as well.

Mr. Eberenz invited the audience to speak.

Many neighboring property owners expressed their concerns over the possibility of this property becoming a subdivision in the future. They are worried about the added traffic through their current quiet neighborhood.

Mr. Wolfer asked the Engineer's office for an agricultural entrance on Murdock-Goshen, they said they would not allow it. They stated that it could either be a primary entrance or that they would move the entrance to Daybreak and they would have to vacate the Murdock-Goshen address. The use of the 22 acres is planned to be kept as a single residential property.

Mr. Blomer explained that this hearing is taking place tonight because Mr. Wolfer needs a variance from the required 250 feet of frontage to 60 feet of frontage to access the 12 acre piece of the lot in the back that his son wishes to build their home on.

Mr. Blomer made a motion to approve a variance request for Micahel J. Wolfer/applicant Wolfpack, LLC for 9847 Daybreak Ln. Loveland, Ohio 45140 to create 2 lots; the first being 11.64 acres using 425 feet of road frontage on Murdock-Goshen Road, and the other 21.223 acres utilizing the existing 60 feet of frontage on Daybreak Lane. There was a second from Mr. Ziemba.

Roll call as follows: Michael Blomer No  
Harold Eberenz No

|                  |     |
|------------------|-----|
| Rhonda Southwick | Yes |
| Mark Wernery     | No  |
| Ryan Ziemba      | No  |

Motion does not pass.

Mr. Eberenz explained that the next hearing is for 10255 Grog Run Road. 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.

Mr. Alex Kraemer, Economic Development and Zoning Director, presented the staff report. The property in question is 10255 Grog Run Road, Loveland, Ohio 45140. The owner is Mr. Jeffrey Geraci. The applicant is Grog Run Rentals, LLC. The legal ad was published more than 10 days prior to this meeting in *The Pulse Journal*. The Variance request is to build a new single family dwelling behind the existing pole barn. The surrounding properties are all R-1 Single Family Rural Residential. Our zoning code states that detached accessory buildings, or pole barns, are only permitted in the rear yard; not in front or side yards.

Mr. Blomer asked if all of the existing buildings on the property are pole barns or if there is an existing residence?

Mr. Geraci stated that the building on the far right of the property is an old 1800's farm house.

Mr. Eberenz invited the applicant to speak.

Mr. Jeff Geraci stated that he owns the property on Grog Run. He understands that pole buildings are not supposed to be located in front of homes however the farm house was built in the 1800's and he believes that the pole buildings were built in the 1930's. The property does have 5.5 acres altogether. They want to split the lot so that the existing house will stay with a small barn and a new residence will be constructed behind the larger barn.

Mr. Eberenz asked the applicant for clarification if he was asking to subdivide the lot and if there was enough frontage for that?

Mr. Kraemer responded that he was not aware, however Mr. Geraci believes there is approximately 475 feet of frontage.

Mr. Ziemba questioned the age of the large barn towards the front of the property and what the use of it is?

Mr. Geraci believes that the barn has been there since the 1930's. He bought the property in 1989 and that barn had been long established then. It's currently used for storage; farm equipment, fire wood, etc.

Ms. Southwick asked what will happen with the two existing driveways?

Mr. Geraci's thought is to have the driveway to the right go to the existing house like it currently does and the driveway to the left of the barn would be the driveway for the new residence. No new culverts would be needed.

Mr. Ziemba asked what Grog Run Rentals is?

Mr. Geraci stated that they have rental properties.

Mr. Ziemba asked if these barns will be used to help run their business?

Mr. replied that they will not.

Mr. Blomer stated that splitting the property will require a new address. The variance if approved, follows the 10255 Grog Run?

Mr. Kraemer stated that the variance and address would stay with the existing home. Ideally the split would happen before the variance request.

Mr. Geraci explained that if he does not get the variance to build the home behind the barn, there is no need to split the lot.

Chris Ziegelmeyer suggested calling the county to reserve an address between the existing property and the neighboring property, and then he could split. Then the variance could be assigned to the reserved address.

Mr. Eberenz asked if the Board could condition the variance for the split lot/new address?

Mr. Dale Evans lives directly across the street. He was concerned about the property but his questions had been answered by stating that they would be leaving the property as is besides building a new home.

Mr. Eberenz closed the public portion of the meeting.

Mr. Wernery stated that he believes this meets the definition of a hardship. The pole barns were already there.

Mr. Blomer mentioned that this variance would not change the look or feel of the property. Everything is sort of "hidden" behind the barns already.

Mr. Wernery asked how far back the house would be to which Mr. Geraci responded that it would be approximately 300-350 feet off the road.

Mr. Blomer made a motion with a second from Mr. Eberenz to approve the variance request for applicant Jeff Geraci, Grog Run Rentals, LLC at 10255 Grog Run Road, Loveland, Ohio 45140. The request is for a variance to build a principle residence behind the existing barns on the site. The following condition does apply:

- Said variance would follow any potential address change to the new primary residence contingent upon the split of the property.

Roll call as follows:

|                  |     |
|------------------|-----|
| Harold Eberenz   | Yes |
| Rhonda Southwick | Yes |
| Mark Wernery     | Yes |
| Ryan Ziembra     | Yes |
| Michael Blomer   | Yes |

Motion carries.

The final hearing for tonight's meeting is for Maineville Crossing Retail, LLC. Mr. Eberenz explained the procedures and guidelines the Board would use to reach a decision during the course of the hearing.

Mr. Kraemer explained that this is for a variance request for Maineville Crossing Retail, LLC at 21 East State Route 22 & 3, Maineville, Ohio 45039. The applicant is Mr. Chris Ziegelmeyer with Neyer Property. The legal notice was published in the Warren County *Pulse Journal* more than 10 days prior to this meeting. The variance request is to allow recorded access easements and driveways to satisfy the requirement for 50 feet of road frontage along public right-of-way for the proposed cut-up of a 1.4 acre parcel of vacant land from an existing 2.9 acre parcel containing an existing building and parking lots for future development. The surrounding zoning and land use is a mix of B-1 Neighborhood Business, B-2 General Business and R-1 Single Family Residence. Mr. Kraemer stated that when we look at road frontage, 50 feet is required. The request seeks to use the recorded access easement which does not currently meet our zoning code. Although this proposed parcel would not have any frontage along a public right-of-way (except for 25 feet off Beeler Drive), the parcel would/does have multiple driveways and access points with legal and recorded easements to access both State Route 48 and State Route 22 & 3. The applicant is asking for this to satisfy the requirement for ingress and egress to the site. The goal is to develop the vacant land parcel separately as a retail building or other similar development (such as a stand-alone restaurant). There is an access driveway off Nunner Road which would most likely be the main access, the other is north of CVS off of 48, similarly it can be accessed just before Goldstar as well as another access near the Little Miami Board of Education building.

Mr. Eberenz stated that three of the accesses would be hard at best.

Mr. Kraemer assumed that Neyer was pursuing a possible restaurant however that could be different due to COVID. It was his understanding that the buyer was not interested in the entire parcel though therefore the reason for this request is to make the parcel more attractive for a single user.

Mr. Blomer mentioned that if they did not split the parcel, there would be enough frontage, but since they want to split it, there is not enough frontage there. It currently looks unfinished. In theory, they could build something there without the variance.

Mr. Chris Ziegelmeyer with Neyer Properties stated that Neyer is a value ad seeking developer that seeks out properties and parcel land that may not be 100%. They try to turn it around and bring it up to what the entity deserves. This property was purchased several years ago due to the potential. As of last year, they received an unsolicited offer on the current strip center building. They wanted to hold this long term and engage with the leasee's. When this opportunity came up, they wanted to keep ownership in this property itself and develop it. This site does have complications with the frontage so that is why he is here asking for the variance to side step the technical requirements for the frontage. They do not believe that they would have any issue's getting something in there. If there is no variance granted, he does not believe that this site will be developed.

Mr. Ziemba asked if they are planning to retain the strip mall or sell the whole parcel?

Mr. Ziegelmeyer explained that they would be selling the strip center and keeping the unfinished parcel. The unsolicited offer made to Neyer for the strip center is from investors and not developers. So if they obtained the entire current property, the lot that they are discussing tonight would very likely remain undeveloped. Neyer is a development company so they are intending to develop this current unfinished piece of the property.

Mr. Blomer asked if there are potentially interested parties looking to develop on this site if the variance is granted?

Mr. Ziegelmeyer explained that he is not on the acquisition side but he does not believe that Neyer would be asking for the variance if they were not confident that it could soon be developed.

Mr. Blomer asked Mr. Kraemer what other things could fall into this zoning district if a doctor's office or restaurant did not develop here?

Mr. Kraemer stated that a bank, automotive store, office, laundry mat, etc. could open in this location.

Mr. Eberenz closed the public portion of the hearing to begin deliberations.

Mr. Blomer stated that having an empty lot is a negative for the community in his opinion.

Mr. Eberenz is concerned that this is land locked in the middle of other developments and there are already four difficult ways to access it.

Mr. Blomer agreed but reminded that this can currently be developed without a variance if Neyer retains the entire parcel.

Mr. Blomer made a motion to approve the variance request for owner Maineville Crossing Retail, LLC at 21 East State Route 22 & 3, Maineville, Ohio 45039. The request is for a variance to allow recorded access easements and driveways to satisfy the requirement for 50 feet of road frontage along public right-of-way for the proposed cut-up of a 1.4 acre parcel of vacant land



from an existing 2.9 acre parcel containing an existing building and parking lots for future development. There was a second from Mr. Eberenz.

|                       |                  |     |
|-----------------------|------------------|-----|
| Roll call as follows: | Rhonda Southwick | Yes |
|                       | Mark Wernery     | Yes |
|                       | Ryan Ziemba      | Yes |
|                       | Michael Blomer   | Yes |
|                       | Harold Eberenz   | No  |

Motion carries.

Mr. Ziemba made a motion to approve the minutes from the June 11, 2020 Board of Zoning Appeals Meeting. There was a second from Mr. Blomer.

All in favor. Aye.

With no further business to discuss, Mr. Blomer made a motion to adjourn the meeting. Adjourned.

DRAFT

# Board of Zoning Appeals

## October 8, 2020

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

Members present: Mark Wernery  
Rhonda Southwick  
Harold Eberenz  
Michael Blomer  
Brandon Roark

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.

Mr. Alex Kraemer, Economic Development and Zoning Director, presented the staff report. We are here for a variance request for two properties; 7831 Tabard Ct. and 7847 Tabard Ct. The property located at 7831 Tabard Court is technically the variance property. The owner is Mr. Richard Hoekstra, the applicant is Steven and Shannon Carrico of 7847 Tabard Court. 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 shift the property line 10 feet, reducing the size of 7831 Tabard Court enough to be below the minimum requirement of half of an acre in the Canterbury subdivision. The resulting 7831 Tabard Ct. would be reduced to .46 acres by Mr. Kraemer's calculations. There is a new home being proposed on the site. Hamilton Township Zoning Code Table 6-1: Site Development Standards for Residential Zoning Districts states that the minimum lot size is to be 21, 780 sq. ft. which is equivalent to 0.5 acre(s).

The applicant provided a statement asking for a variance to the zoning code. They have four young children and would like to place a fence for a safe place to play. Their home sits on a corner lot and due to the position of their home, the backyard is very narrow. Mr. Hoekstra, the owner of the adjacent property is willing to sell the Carrico's 10 feet. However, that will cause his lot to fall just under 0.5 acre. They believe that moving the property line will be appealing to the neighborhood. The previous owner of their home also owned the adjacent lot and planted a row of trees parallel to the home. The current property lines run through those trees therefore if the property line was shifted, a fence could encompass all of those trees instead of splitting them up. Shown through photos presented to the Board, the property owner states that moving the property lines will allow them to look more natural and go with the flow of the homes.

Mr. Blomer asked if there is current construction on the site?

Mr. Kraemer responded that they are currently digging for the new home, yes.

Mr. Blomer asked if changing this lot will be compliant with the setbacks?

Mr. Kraemer stated that since these are half acre lots, there is more than enough room.

Board members questioned the half acre minimum and with the current zoning district.

Mr. Kraemer stated that this is our default minimum set in the Zoning Code for the R-1 Rural Residential Zoning District.

Mr. Eberenz invited the applicant to speak.

Mr. Richard Hoekstra is the owner of the property and his neighbors are the applicants. He understands the .5 acre minimum but this lot is 116 feet wide and it is much wider than needed. The Carrico's expressed wanting to put a fence up for the safety of their children due to traffic concerns. Neither party wanted to take down the trees so by giving them the extra 10 feet, they can fence in their yard and it will match up to the rear property perfectly.

Mr. Blomer asked if the current home being constructed is Mr. Hoekstra's?

Mr. Hoekstra stated that he works with Dallas Homes and it is a market home that they will sell in the spring.

Ms. Southwick questioned the fence line.

Mr. Hoekstra stated that the Carrico's fence would match up perfectly to the existing fence of their other neighbor perfectly. If the 10 feet is not granted, then it would be 10 feet in from where the current pole is set. He is happy to help his neighbors.

Mr. Wernery asked for the process to sell this 10 feet.

Mr. Hoekstra explained that they had an Engineer survey the property. That becomes a record plat and if the BZA approves this tonight, he then has to take it to Warren County and have it recorded up there. A deed is then made with a legal description through an Attorney and from there Mr. Hoekstra will deed the Carrico's the property.

Mr. Eberenz asked if this 10 feet is added to their existing parcel or if it will be its own parcel?

Mr. Hoekstra thinks that it may be a very small separate parcel but hopefully Warren County will incorporate this into their existing parcel.

Discussion took place about fencing. Hamilton Township does not require any permits for fencing.

Mr. Wernery asked if this will all be complete before the home on Mr. Hoekstra's lot will be finished and placed on the market?

Mr. Hoekstra responded that this would all be done before they pass title to any new owners.

Shannon Carrico spoke as the applicant and stated that the fence would come off the back of the house and be parallel to the street. No fence would be placed in the front yard.

Mr. Blomer asked if the trees would be left undisturbed. Ms. Carrico explained that they bought the lot for the trees.

Mr. Eberenz closed the public portion of the hearing to begin deliberations.

Mr. Blomer's concern was the fence on a corner lot but there are provisions laid out for those matters.

Mr. Blomer made a motion to approve the variance request for 7831 and 7847 Tabard Court, Maineville, Ohio 45039 for Mr. Richard Hoekstra. The request is for 7847 Tabard Ct. to expand their lot size by 10 feet in turn reducing the lot size of 7831 Tabard Ct. below the .5 acre minimum for the Canterbury subdivision. There was a second from Mr. Eberenz.

|                       |                  |     |
|-----------------------|------------------|-----|
| Roll call as follows: | Mark Wernery     | Yes |
|                       | Rhonda Southwick | Yes |
|                       | Harold Eberenz   | Yes |
|                       | Michael Blomer   | Yes |
|                       | Brandon Roark    | Yes |

Motion carries.

Mr. Kraemer explained that there were no minutes to approve at tonight's meeting however the Board can expect meeting minutes for approval as well as the final By-Laws.

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

All in favor. Adjourned.



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

**VARIANCE REQUEST**

**APPLICANT**

Name Donald Wall / Sandra Leslie

Address 425 Crossbow Dr.

Phone Number 513-340-4604 Email SANDYDEL3@gmail.com  
937.218.0488 - cell

**OWNER**

Name SAME AS ABOVE

Address SAME

Phone Number SAME Email SAME

**SUBJECT PROPERTY**

Street Address 425 Crossbow Dr.

Parcel ID Number 173 533 20070

Zoning District 45039

**VARIANCE REQUESTED**

Code Section 8

Reason for variance OTHER HOMES IN SUBDIVISION HAVE ROOMS  
ON REAR OF HOUSE WITH -SAME SET BACKS

Sandra Leslie  
Applicant Signature

\_\_\_\_\_  
Date

**For Township Use Only**

Application file date Monday, October 26, 2020

Fee \$300.00 Check Number 1362 Receipt Number 916131

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) Sandra Leslie 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.

Sandra Leslie  
Signature

Sandra Leslie  
Printed Name

425 Crossbow Dr.  
Street Address

Maineville, OH 45039  
City, State, Zip Code

513-340-4604  
Phone

Subscribed and sworn to before me this 20th day of October 2020



Karoline Murphy, Notary Public  
In and For The State of Ohio  
My Commission Expires  
March 27, 2024  
Commission # - 2019-RE-776834

Karoline Murphy  
Notary Public

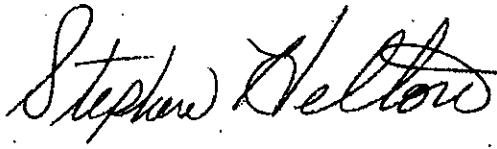
To the Hamilton Township Board of Zoning Appeals, 7780 S. SR 48, Hamilton Township, OH 45039:

I/We the undersigned, adjacent lot owners to Sandy Leslie/Don Wall, husband & wife, at 425 Crossbow Dr., Maineville, Oh 45039, have been apprised of their desire to build a patio enclosure on the back of their house.

I/we have no objection to this. There are several in our neighborhood who have already done this and we find it to be no problem.

Respectfully,

Name: STEPHEN HELTON



Address: 437 CROSSBOW DR.

Phone number: (513) 485-0156

Date: 10/23/2020



425 Crossbow

Legend

425 Crossbow Dr



40.52'

425 Crossbow Dr

304

Room Here



80 ft

Room M Here

Google Earth

2020 Google

# Permit

Lindsey Gehring <lgehring@hamilton-township.org>

Mon 8/31/2020 12:02 PM

To: Cincinnati <Cincinnati@greatdayimprovements.com>;

📎 1 attachments (799 KB)

Great Day Improvements.pdf;

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom it May Concern,

Attached is the zoning application for a patio enclosure at 425 Crossbow Dr. Maineville, OH 45039. Unfortunately it does not meet the setback requirements per our zoning code. If you have any questions, please feel free to reach out to our Economic Development and Zoning Director, Alex Kraemer at [akraemer@hamilton-township.org](mailto:akraemer@hamilton-township.org).

Lindsey Gehring  
Hamilton Township Administrative Assistant  
7780 South State Route 48

Hamilton Township, Ohio 45039  
Phone: (513) 683-8520  
Fax: (513) 683-4325

File Format: PDF (Medium)  
Resolution: 200dpi x 200dpi

Attached file is scanned image in PDF format.

Use Acrobat(R)Reader(R) or Adobe(R)Reader(R) of Adobe Systems Incorporated to view the document.

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APPLICATION FOR A RESIDENTIAL ZONING CERTIFICATE

FOR OFFICE USE ONLY
APPLICATION # 20-0288
DATE 8/27/2020

DENIED

SUBJECT PROPERTY

Street Address 425 Crossbow Dr.
Parcel ID Number 17853320070
Subdivision Lot # Zoning District

APPLICANT

PROPERTY OWNER

Name GREAT DAY IMPROVEMENTS EDWARD WALK Sandra Leslie
Address 6031 Schirmer Park Dr. 425 Crossbow Dr.
WEST CHESTER, OH 45069 Maineville Oh. 45039
Phone Number 513-870-0701
Email Cincinnati
[redacted]@greatdayimprovements.com

TYPE OF CONSTRUCTION

- 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
Patio Enclosure with new concrete floors 221 SQUARE FT.
It's a single slope roof with ceiling hgt. to be 7'0

[Signature]
Applicant Signature

8/05/20
Date

[Signature]
Hamilton Township Zoning Authority

Date 8/28/2020 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

FOR OFFICE USE ONLY

Bear Run

Road Frontage \_\_\_\_\_  
 Width at building line \_\_\_\_\_  
 Front setback N/A  
 Side setbacks  $\sqrt{34.6' + 30.68'}$  (5'20")  
 Rear setbacks X 20.57' (30")

Zoning Fee 60.00  
 Receipt Number 415108

Cash \_\_\_\_\_  
 Check 40604

Date sent to Building Department \_\_\_\_\_  
 Date sent to Applicant 8/31/2020

Inspection Dates  
 Setback \_\_\_\_\_  
 Final \_\_\_\_\_

Additional Comments  
the minimum Rear setback is 30 feet. This addition will bring the house to 20 feet 6 inches (5.7). A Variance to the Board of Zoning Appeals will be needed

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

**Variance Request**

**425 Crossbow Drive, Maineville, OH 45039**

**November 12, 2020 at 7:00PM**

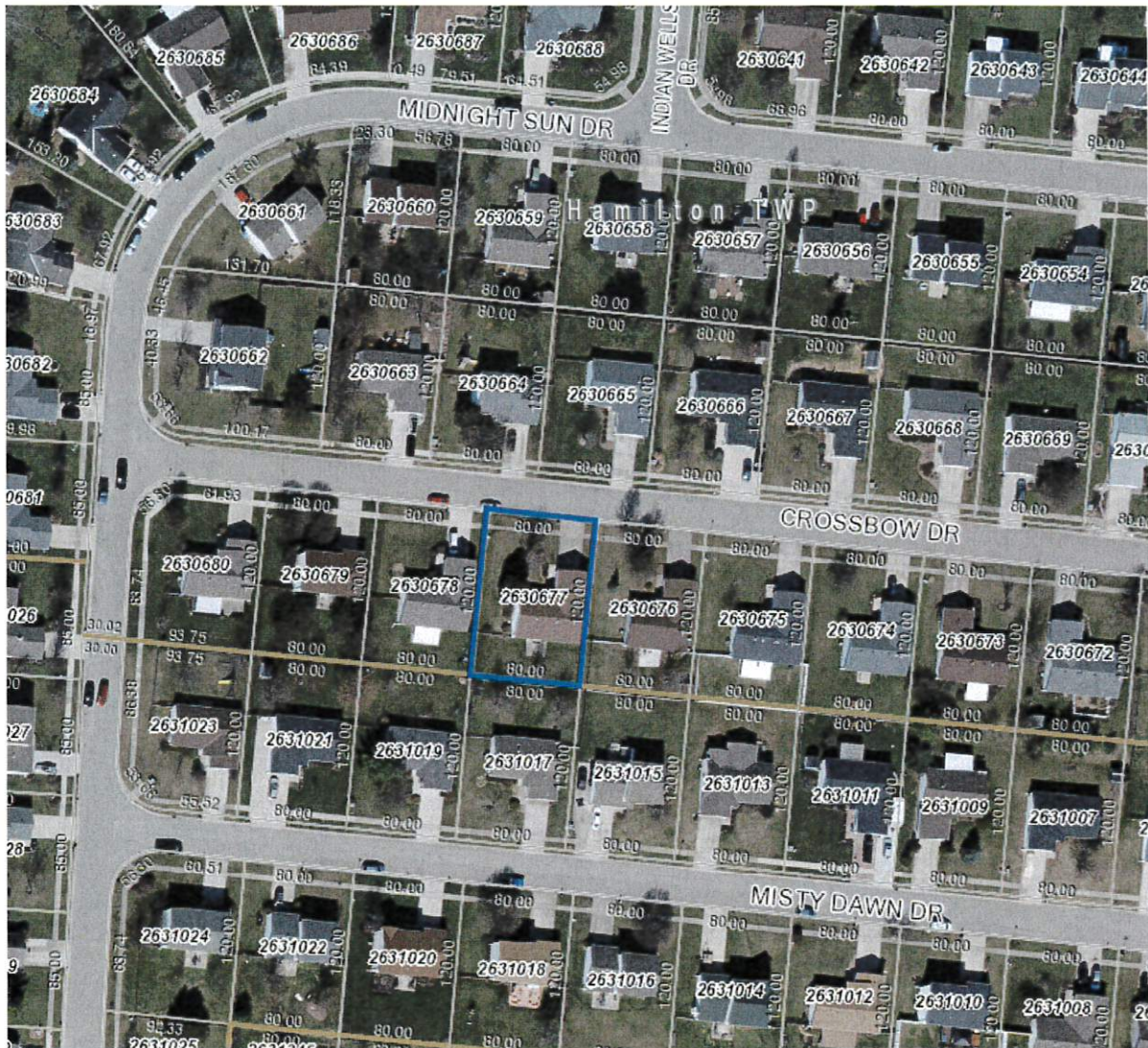
**Owner:** Donald Wall & Sandra Leslie, 425 Crossbow Drive  
**Applicant:** Ms. Sandra Leslie  
**Location:** 425 Crossbow Drive, Maineville, OH 45039  
**Zone:** R-1 Single Family Rural Residence District  
**Request:** Requesting to build a patio enclosure addition 10 feet into the 30 foot rear setback (the new rear setback requested is 20.57').

**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 November 1st, 2020 issue of *The Pulse* in Warren County. Notices were mailed to all property owners within 200 feet.

Aerial View:



**Zoning Map:**



**Request:** The applicant is requesting to build a patio enclosure addition 10 feet into the 30 foot rear setback (the new rear setback requested is 20.57').

**Pertinent Regulations:**

The subject property is zoned R-1, Single Family Rural Residential within the Bear Run Crossing Subdivision. The setbacks for Bear Run Crossing are highlighted in the Hamilton Township Subdivision Regulations document below:

| 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           |
| <b>Bear Run</b>       | <b>R-1 w/ S</b> | <b>PUD</b> | <b>35</b>     | <b>5/20</b>  | <b>30</b>    |
| Belwood               | R-1 no S        |            | 80            | 5/20         | 35           |

Additionally, the Bear Run Crossing file included this document, outlining the important regulations for this Subdivision:

Subdivision Name: Bear Run Crossing  
 Developer: Gary Keeshan, Vancouver Homes  
 Phone: 777-7900  
 Current Stage: Section II Final Plat Recorded: Yes  
 Zoning Designation: R-1  
 Acres:  
 Density: 2.4  
 Number of Homes: 156  
 Open Space: 6.3 acres

**Setback Requirements**

Acreage: 9600 Building Size:  
 Frontage: 25  
 Building Line: 50  
 Front Yard: 35  
 Side Yard: 14 total 5/min  
 Road Yard: 30  
 Other:

**Sign Information**

Temp. Construction Sign: exp.  
 Trailer: exp.  
 Model Home: approval  
 Neighborhood I.D. I. location exp.  
 II location



**Backyard photo of 425 Crossbow Drive, Mainville, 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 November 12, 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 begin construction.

Subdivision Name: Bear Run Crossing

Developer: Gary Keeshan, Vancouver Homes  
Phone: 777-7900

Current Stage: Section II

Final Plat Recorded: Yes

Zoning Designation: R-1

Acres:

Density: 2.4

Number of Homes: 156

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Building Size:

Frontage: 25

Building Line: 50

Front Yard: 35

Side Yard: 14 total 5/min

Rear Yard: 30

Other:

#### Sign Information

Temp. Construction Sign: exp.

Trailer: exp.

Model Home: approval

Neighborhood I.D. I. location exp.  
II. location exp.

Sub Dev. Sign I. location exp.  
II. location exp.  
III. location exp.  
IV. location exp.

#### Other

Lighting District: Yes

Snow Removal Agreement:

HomeOwners Assoc: Yes