



Straight Zone Change Request

Application to the Zoning Commission
Clearcreek Township, Warren County

Note: This application must be typewritten or computer generated and filed with the Clearcreek Township Zoning Inspector for presentation to the Zoning Commission. The following information must be filled out in its entirety and accompanied by a fee of \$650.00 to validate the application. The application must be received prior to the monthly scheduled cutoff date in order to be heard at the following monthly meeting. Application consents to a temporary sign being erected on the property to identify a pending zone change request. This sign shall be erected at least ten (10) days prior to the Zoning Commission's public hearing and removed after the Board of Trustees' public hearing. Attach additional computer generated or typewritten sheets as needed. Applicant is notified that the Rules and Regulations for the Zoning Commission, which outline the procedures by which the Zoning Commission shall operate, are found on the website www.clearcreektownship.com or can be requested from staff.

Name of Applicant:

BRETT SCOTT

Mailing address of Applicant:

6879 GERMANTOWN PK MIAMISBURG OH 45342

Identify the Legal Description of Property to be Considered or Attach Metes and Bounds

Description:

Property fronts on the following road(s):

The legal title to said property recorded in the name(s) of:

BUCKEYE INVESTMENT PROPERTIES OF SOUTH WESTERN OHIO

Tax mailing address of individual(s) with whom the legal title to said property is recorded:

1318 E. DOROTHY LN KETTERING OH 45419

The property is presently zoned:

NR-PUD

Requested zoning classification:

B1

The current use of the property:

RETELL

RECEIVED

FEB 26 2024

CLEARCREEK TOWNSHIP
ZONING DEPT.

WHEN I PURCHASE THE PROPERTY I
INTENDED TO USE THIS AS STORAGE AND
RETAIL ONE OF THE USES DIDN'T PASS SO
THE PLAND WAS DROPPED

THEN I HAD A POTENTIAL CLIENT THAT DIDN'T
FIT IN MY PUD AND THEY HAD TO REQUEST
A MODIFICATION AFTER THE COVID PANDEMIC
THAT CLIENT HAD TO POLL^{OUT} SO NOW I'M
WANTING TO GO BACK TO JUST A B1
BUSINESS

RECEIVED

FEB 28 2024

CLEARCREEK TOWNSHIP
ZONING DEPT.

Reason(s) for the application:

To aid the Zoning Commission processing of the request, please submit the following documentation with your application:

1. A plot plan of the subject property which includes the following:
 - A. North arrow and scale
 - B. Name of the applicant/owner
 - C. Information to locate the site: street name(s), physical address, section, town and range information, parcel number and subdivision lot number
 - D. The exact boundaries and dimension of subject property
 - E. Identification of right-of-way dimensions
 - F. Identification of all recorded easements
 - G. The dimension(s) and location(s) of all existing structure(s), including setback(s) to all property lines

Of which:

Three (3) sets of drawings shall be submitted on paper measuring 24" by 36" for Warren County Regional Planning Commission, staff review and for display during the public hearing

2. Tax Mailing Address Information shall be filled out below:

It is the responsibility of the applicant to also supply the tax mailing addresses of all owners of property located contiguous to, directly across the street from and within two hundred (200) feet of any part of the subject property being considered for a zone change request. This information is found at the Warren County Auditor's Office, Warren County Engineer's Map

RECEIVED

FEB 28 2024

CLEARCREEK TOWNSHIP
ZONING DEPT.

0525251021
TINFOIL HAT, LLC
1664 E SR 73
WAYNESVILLE, OH 45068

0525400021
OHIO DEPARTMENT OF TRANS.
505 S SR 741
LEBANON, OH 45036

0525400032
RIDDHI SIDDHI; ENTERPRISES,...
1525 E ROUTE 73
WAYNESVILLE, OH 45068

0525400027
OHIO DEPARTMENT OF TRANS.
505 S SR 741
LEBANON, OH 45036

0525251032
BARRETTMINER ENTERPRISES
1600 E SR 73
WAYNESVILLE, OH 45068

0525400028
SCOTT, BRETT
1318 E DOROTHY LN
KETTERING, OH 45419

0525251031
OHIO DEPARTMENT TRANSPOR...
505 S SR 741
LEBANON, OH 45036

0525400024
PETH, NICK A.
PO BOX 580
WAYNESVILLE, OH 45068

0525400017
STEELE, VAULTY KENNETH &
7101 TOWNSHIP LINE
WAYNESVILLE, OH 45068

0525400023
OHIO DEPARTMENT OF TRANS.
505 S SR 741
LEBANON, OH 45036

0525251038
RIDDHI SIDDHI
7550 N SR 48
WAYNESVILLE, OH 45068

0525400026
PETH, NICK A.
PO BOX 580
WAYNESVILLE, OH 45068

0525251041
NICHOLS, TIMOTHY S. &
5033 JAMES HILL RD
DAYTON, OH 45429

0525400025
OHIO DEPARTMENT OF TRANS.
505 S SR 741
LEBANON, OH 45036

0525251029
OHIO DEPARTMENT TRANSPOR...
505 S SR 741
LEBANON, OH 45036

0525400031
STATE OF OHIO
PO BOX 272
LEBANON, OH 45036

0525251033
OHIO DEPARTMENT TRANSPOR...
505 SOUTH SR 741
LEBANON, OH 45036

0525251043
BARRETTMINER ENTERPRISES...
1600 E SR 73
WAYNESVILLE, OH 45068

0525251037
OHIO DEPARTMENT TRANSPOR...
505 SOUTH SR 741
LEBANON, OH 45036

0525400030
OHIO CEMETERY HOLDINGS,
3331 STREET RD STE 200
BENSALEM, PA 19020

RECEIVED

FEB 28 2024

CLEARCREEK TOWNSHIP
ZONING DEPT.

Room and at https://www.wcauditor.org/Property_Search/. This information can also be provided in a Microsoft Excel electronic spreadsheet.

1. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
2. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
3. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
4. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
5. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
6. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
7. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
8. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
9. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
10. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
11. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
12. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____

RECEIVED

FEB 28 2024

CLEARCREEK TOWNSHIP
ZONING DEPT.

13. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip: _____
14. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip: _____
15. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip: _____
16. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip: _____
17. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip: _____
18. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip: _____
19. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip: _____
20. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip: _____

3. If the applicant is not the property owner, an agent letter from the property owner outlining the length and terms of the agent status must be submitted with this application.

The undersigned acknowledges reading the former application. The undersigned certifies that information herein along with all submitted documents are factual and correct.

Brett J. Lee

2/27/24

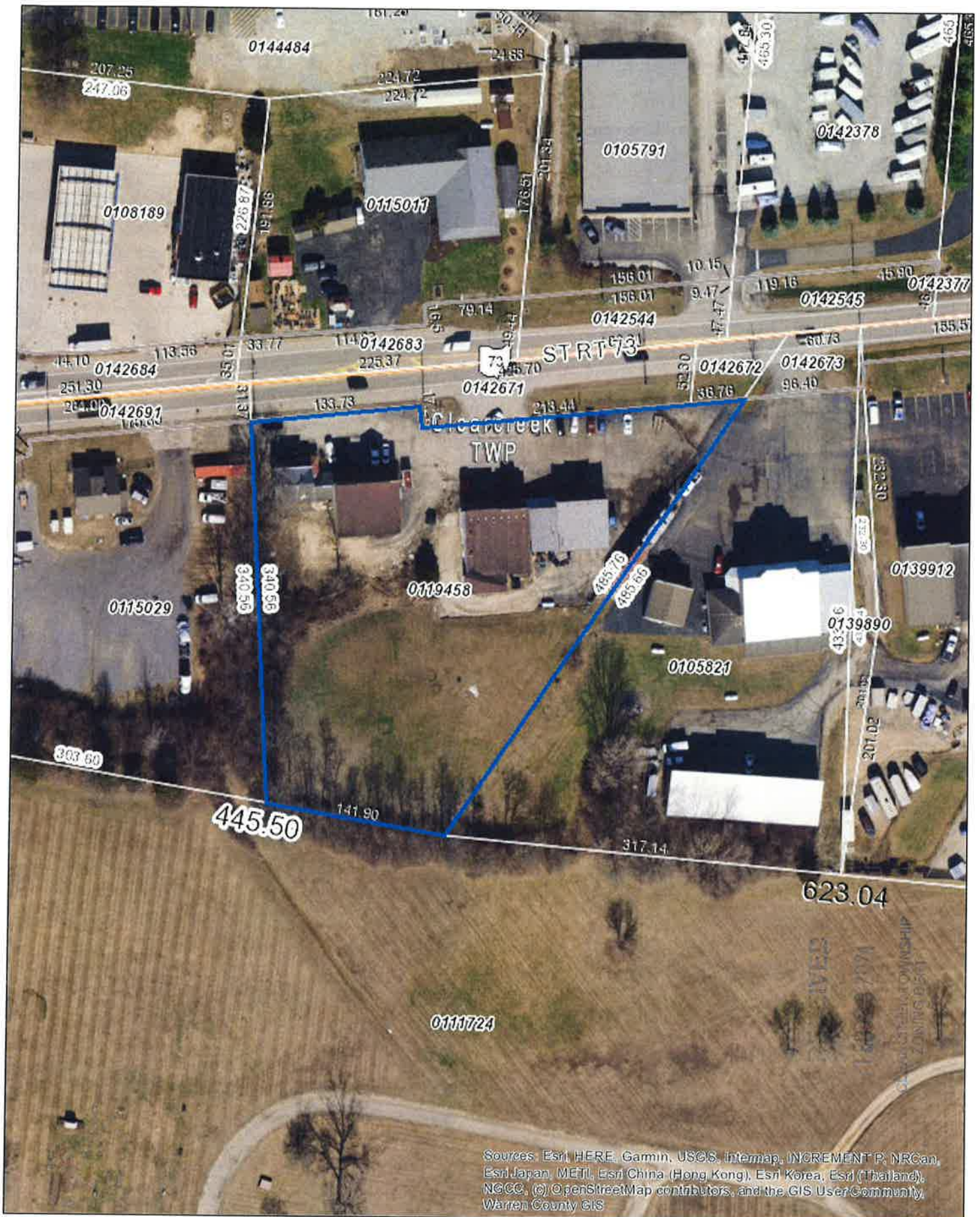
Applicant Signature

Date

RECEIVED

FEB 28 2024

CLEARCREEK TOWNSHIP
 ZONING DEPT.



Date: 2/28/2024

<p>Cadastral Lines</p> <ul style="list-style-type: none"> Capitol Line County Line Farm Lot Line Road ROW Subdivision Line Township Line <p>Line Type</p> <ul style="list-style-type: none"> Capitol Line County Line Farm Lot Line Road ROW Subdivision Line Township Line <p>Hardware</p> <ul style="list-style-type: none"> Parcel Line ROW Unknown Width Line Subdivision Lot Line Township and Range Line Tract Line VMS Line Vegetated Road Line 	<p>1555 E SR 73</p> <p>The provider makes no warranty or representation with respect to its information, its quality or suitability for a particular purpose. This information is provided AS IS, and the requester assumes the entire risk as to its quality and suitability. The provider will not be liable for direct, indirect, incidental, or consequential damages resulting from any defect in the information. The provider shall have no liability for any other information, programs or data used with or combined with the requested information, including the cost of recovering information, programs or data.</p>	<p>1 inch = 100 feet</p>
--	---	---------------------------------

GENERAL WARRANTY DEED

2/60

KNOW ALL MEN BY THESE PRESENTS, that NICK A. PETH, married, of Warren County, Ohio for valuable consideration paid, grants with general warranty covenants to:

BRETT SCOTT, unmarried

and whose tax mailing address is:

1318 East Dorothy Lane Kettering, OH 45419

the following REAL PROPERTY:

Situated and being in the Township of Clearcreek County of Warren, State of Ohio; being a part of Section 25, Town 3 East, Range 5 North of the Land between the Miami's; and further described as follows:

See attached "Exhibit A".

Subject to all restrictions, easements, conditions and covenants of record, and all legal highways.

Prior Instrument Reference: Deed Book 1321 Page 371 of the Deed Records of Warren County, Ohio.

Misty Peth, wife of Grantor, hereby releases all dower rights in aforesaid property.

Auditor Parcel No. 05-25-400-002

SIGNED:

NICK A. PETH

MISTY PETH

STATE OF OHIO

COUNTY OF WARREN:

BE IT REMEMBERED, that on this 8TH day of July, 2005 before me the subscriber, a Notary Public, in and for said county and state, personally came NICK A. PETH AND MISTY PETH, husband and wife, the Grantors of the foregoing deed and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.

Linda Andriacco

Linda Andriacco, Notary Public

In and for State of Ohio

My commission expires 9-13-2005

This instrument prepared by: NICK A. PETH



LINDA ANDRIACCO, Notary Public
In and for the State of Ohio
My Commission Expires Sept. 13, 2005

RECEIVED

FEB 28 2024

CLEARCREEK TOWNSHIP
ZONING DEPT.

EXHIBIT "A"

1.976 Ac R.
05-25-400-028 R

Situated in Clearcreek Township, Warren County, Ohio, and being a part of Section 25,
Town 3, Range 5, between the Miami Rivers and bounded and described as follows:

~~05-25-400-002~~ Kew

BEGINNING at a point in the center of Franklin and Waynesville Pike, now known as State Route #73, said beginning point bears N. 83 deg. 30 min. E. 264 feet from the intersection of the center lines of said State Route #73 and the Dayton and Lebanon Pike, now known as State Route #48, said beginning point also being witnessed by an iron rod bearing S. 4 deg. 25 min. E. 33 feet, running thence with the general center of State Route #73, N. 83 deg. 30 min. E. 425.7 feet to a point in said Pike and Northwest corner of a 5.03 Acre Tract formerly owned by Agnes Griffie, witness and iron rod bears S. 31 deg. 55 min W. 50 feet; thence with the West line of said Griffie's 5.03 Acre tract S. 31 deg. 55 min W. 485.76 feet to a red boulder and corner to a 23.57 Acre tract owned by George B. Zengel; thence with said Zengel's North line N. 80 deg 25 min W. 141.9 feet to an iron rod; thence by a new division line N. 4 deg 25 min W. 340.56 feet to the place of beginning, containing Two and Thirty-Nine Hundredths (2.39) acres, subject to all legal highways.

The above described tract being off of the East Side of a 4.23 acre tract as conveyed by Grace and Melvin Winnett to Ada M. Shinn by Deed dated Dec. 3, 1912 and recorded in Warren County, Ohio Deed Record Vol. 97, Page 269.

Subject to all restrictions, reservations, conditions and easements of record, if any.

Said property is also known as 1555 East State Route 73, Waynesville, Ohio 45068.

SAVE + EXCEPT THE FOLLOWING
TWO TRACTS

RECEIVED

FEB 28 2024

CLEARCREEK TOWNSHIP
ZONING DEPT

EXHIBIT A CONT.

WARRANTY DEED WITH RESERVATION OF ACCESS

WAR-48-22.97

Parcel 16WD

Nick A. Peth

I

Situate in the Southeast Quarter of Section 25, Town 3 East, Range 5 North, Clearcreek Township, Warren County, State of Ohio, and being part of a 2.39 acre parcel of land as conveyed to Nick A. Peth, by instrument as recorded in Official Record 1321, Page 371 and Official Record 153, Page 81 of the public records of said county, and being more particularly bounded and described, per a survey performed under the direction of the Ohio Department of Transportation in 2000 with bearings based on state plane coordinates, South Zone, as follows:

Beginning for reference at a centerline monument to be set at the intersection of the centerlines of construction of State Route 48 and State Route 73 as recorded in Plat Book 19, Page 100 of the plat records of said county, at Station 1212+81.60 of the centerline of construction of State Route 48 and at Station 507+93.60 of the centerline of construction of State Route 73;

Thence with the said centerline of construction of State Route 73 North 83° 44' 25" East a distance of 86.40 feet to a point at Station 508+80.00 of the centerline of construction of State Route 73;

Thence normal to the centerline of construction of State Route 73 South 06° 15' 35" East a distance of 31.21 feet to an iron pin to be set on the existing south right of way of State Route 73, 31.21 feet right of Station 508+80.00 of the centerline of construction of State Route 73;

Thence with the said existing south right of way North 84° 32' 38" East a distance of 175.80 feet to an iron pin to be set on the west line of said 2.39 acre parcel and on the east line of a 1.92 acre tract of land as conveyed to Charles E. Dickerson and Jane M. Dickerson as recorded in Official Record 2053, Page 482 of the official records of said county 32.81 feet right of Station 510+56.19 of the centerline of construction of State Route 73, said point being the True Point of Beginning;

Parcel 16WD

Thence with the west line of said 2.39 acre parcel and the east line of said 1.92 acre tract North 02° 46' 45" West a distance of 31.37 feet to a point at the northwest corner of said 2.39 acre parcel and the northeast corner of said 1.92 acre tract of land 1.47 feet right of Station 510+57.70 of the centerline of construction of State Route 73;

RECEIVED

FEB 28 2024

CLEARCREEK TOWNSHIP
ZONING DEPT.

WARREN COUNTY

546525

BOOK 3365

PAGE 103

PAGE 3 OF 6

BOOK 3923

PAGE 846

Thence with the north line of said 2.39 acre parcel North 84° 07' 32" East a distance of 355.41 feet to a point 1.40 feet left of Station 514+13.11 of the centerline of construction of State Route 73;

Thence South 05° 14' 24" West a distance of 52.30 feet to an iron pin to be set on the proposed south right of way line of State Route 73, 50.00 feet right of Station 514+03.44 of the centerline of construction of State Route 73;

Thence with the said proposed south right of way line for the following two courses:

- 1) South 84° 35' 38" West a distance of 213.44 feet to an iron pin to be set 50.00 feet right of Station 511+90.00 of the centerline of construction of State Route 73;
- 2) North 05° 24' 22" West a distance of 17.27 feet to an iron pin to be set at the said existing south right of way line 32.73 feet right of Station 511+90.00 of the centerline of construction of State Route 73;

Thence with the said existing south right of way line South 84° 32' 38" West a distance of 133.73 feet to the True Point of Beginning containing 0.350 acres, more or less, subject to all legal easements and restrictions of record.

The description for parcel number 16WD above was calculated and derived from a survey made under the supervision of the Ohio Department of Transportation and Howard J. Hardin, Registered Surveyor Number 7381.

Note: Iron pins, railroad spikes, and pknails referred to as "to be set" shall be set by the Ohio Department of Transportation upon the completion of construction. Iron pins set in the above description are ¾" by 30" reinforcing rod with an aluminum cap stamped "ODOT R/W - DISTRICT 8".

The above described area is contained within the Warren County Auditor's Permanent Parcel Number 5254000020. Within said bounds is 0.350 of an acre, more or less, inclusive of the present road which occupies 0.260 of an acre, more or less.

~~Old 05-25-40-002 2.39 ac.~~
~~New 05-25-40-021 0.350 ac.~~
~~Rem 05-25-40-022 2.040 ac.~~

APPROVED
WARREN COUNTY
MAP DEPT.
DATE 11/24/05
BY [Signature]

RECEIVED

FEB 28 2024

CLEARCREEK TOWNSHIP
ZONING DEPT.

~~BOOK 3365 PAGE 104~~

WARRANTY DEED WITH RESERVATION OF ACCESS

WAR-48-22.97
Parcel 16WD-3

Nick A. Peth

~~Old 05-25-400-022 2.040 ac.~~
~~New 05-25-400-027 0.064 ac.~~
~~Rem 05-25-400-028 1.976 ac.~~

Situate in the Southeast Quarter of Section 25, Town 3 East, Range 5 North, Clearcreek Township, Warren County, State of Ohio, and being part of a 2.39 acre parcel of land as conveyed to Nick A. Peth, by instrument as recorded in Official Record 1321, Page 371 and Official Record 153, Page 81 of the public records of said county, and being more particularly bounded and described, per a survey performed under the direction of the Ohio Department of Transportation in 2000 with bearings based on state plane coordinates, South Zone, as follows:

Beginning for reference at a centerline monument to be set at the intersection of the centerlines of construction of State Route 48 and State Route 73 as recorded in Plat Book 119, Page 100, of the plat records of said county, at Station 1212+81.60 of the centerline of construction of State Route 48 and at Station 507+93.60 of the centerline of construction of State Route 73;

Thence with the said centerline of construction of State Route 73 North 83° 44' 25" East a distance of 86.40 feet to a point at Station 508+80.00 of the centerline of construction of State Route 73;

Thence normal to the centerline of construction of State Route 73 South 06° 15' 35" East a distance of 31.21 feet to an iron pin to be set on the existing south right of way of State Route 73, 31.21 feet right of Station 508+80.00 of the centerline of construction of State Route 73;

Thence with the said existing south right of way for the following two courses:

- 1) North 84° 32' 38" East, passing an iron pin to be set at a distance 175.80 feet on the west line of said 2.39 acre parcel and on the east line of a 1.92 acre tract of land as conveyed to Charles E. Dickerson and Jane M. Dickerson as recorded in Official Record 2053, Page 482 of the official records of said county, a distance of 309.53 feet to an iron pin to be set on the proposed south right of way line of State Route 73;
- 2) Thence North 84° 06' 48" East a distance of 217.04 feet to an iron pin to be set 30.91 feet right of Station 514+07.03 of the centerline of construction of State Route 73, said point being the True Point of Beginning;

APPROVED
WARREN COUNTY
DATE 11/24/03
BY [Signature]

RECEIVED

FEB 28 2024

CLEARCREEK TOWNSHIP
ZONING DEPT.

BOOK 3365 PAGE 107

WARREN COUNTY

546525

BOOK 3923 PAGE 5 OF 6

BETH DECKARD - WARREN COUNTY RECORDER
Doc #: 446814 Type: DEED
Filed: 12/01/2003 15:14:40 \$ 36.00
OR Volume: 3365 Pages: 106 Return: N
Rec#: 32974 Pages: 3
UNIT: SOUTHWEST REGION

Parcel 16WD-3

Thence North 05° 14' 24" East a distance of 32.87 feet to a point on the north line of said 2.39 acre 1.40 feet left of Station 514+13.11 of the centerline of construction of State Route 73;

Thence with the north line of said 2.39 acre parcel North 84° 07' 32" East a distance of 62.53 feet to a point at the northeast corner of said 2.39 parcel and the northwest corner of a 1.842 acre tract of land as conveyed to Nick A. Peth as recorded in Official Record 1321, Page 367 of the official records of said county 1.87 feet left of Station 514+82.64 of the centerline of construction of State Route 73;

Thence with the east line of said 2.39 acre parcel and the west line of said 1.842 acre tract South 32° 28' 52" West a distance of 65.84 feet to an iron pin to be set on the proposed south right of way line of State Route 73, 50.00 feet right of Station 514+42.16 of the centerline of construction of State Route 73;

Thence with the said proposed south right of way line for the following two courses:

- 1) Along the arc of a curve to the right having a radius of 11,509.16 feet, a chord bearing South 84° 34' 35" West, 7.05 feet for an arc distance of 7.05 feet to an iron pin to be set 50.00 feet right of Station 514+35.15 of the centerline of construction of State Route 73;
- 2) South 84° 35' 38" West a distance of 31.71 feet to an iron pin to be set 50.00 feet right of Station 514+03.44 of the centerline of construction of State Route 73;

Thence North 05° 14' 24" East a distance of 19.43 feet to an iron pin to be set at the True Point of Beginning containing 0.064 acres, more or less, subject to all legal easements and restrictions of record.

The description for parcel number 16WD-3 above was calculated and derived from a survey made under the supervision of the Ohio Department of Transportation and Howard J. Hardin, Registered Surveyor Number 7381.

Note: Iron pins, railroad spikes, and pknails referred to as "to be set" shall be set by the Ohio Department of Transportation upon the completion of construction. Iron pins set in the above description are $\frac{3}{4}$ " by 30", reinforcing rod with an aluminum cap stamped "ODOT R/W - DISTRICT 8".

The above described area is contained within the Warren County Auditor's Permanent Parcel Number 5254000020. Within said bounds is 0.064 of an acre, more or less, inclusive of the present road which occupies 0.044 of an acre, more or less.

BETH DECKARD - WARREN COUNTY RECORDER
Doc #: 546525 Type: DEED
Filed: 7/13/2005 15:58:23 \$ 68.00
OR Volume: 3363 Page: 944 Return: N
Rec#: 14685 Pages: 6
NICK PETH BUILDERS

RECEIVED

FEB 28 2024

CLEARCREEK TOWNSHIP
ZONING DEPT

TRANSFERRED

104250

JUL 13 2005

SECTION 19.202 COMPLIED WITH
JACK NELSON, Auditor
WARREN COUNTY, OHIO

WARREN COUNTY

BOOK 3365 PAGE 108
546525

BOOK 3923 PAGE 849

PAGE 6 OF 6

TRANSFERRED
DEC 01 2003
SECTION 19.202 COMPLIED WITH
JACK NELSON, Auditor
WARREN COUNTY, OHIO