

7593 Bunnell Hill Road

Springboro OH 45066



Clearcreek Township

937-748-1267

Record Report for Variance Request #BZA-25-0001

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Record Overview

Record Number: BZA-25-0001

Record Type: Variance Request

Record Status: In Progress

Record Submitted At: Wednesday October 8, 2025

Record Address: 3657 MARY ANN DRIVE, LEBANON 45036

Record Owner: Jeff Palmer

Record Applicant: Kristina Beard

Form Submission

Applicant is:: Property Owner

If Other, please explain: -

Applicant:

Kristina Collini Holland (Beard)

3657 Mary Ann Dr

Lebanon, OH 45036

scottkristina2024@gmail.com, (937) 361-6088

Address of Project: 3657 Mary Ann Drive

Legal Description of Property or Metes and Bounds Description: Parcel ID: 0933178018 Legal Description: MCGILL MEADOWS 2 LOT: 51 0 ACRES

Current Use of the Property: Residential

Property fronts on the following roads:: Mary Ann Dr

The property is presently zoned:: Residence Zone "R-1"

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

Tax mailing address of individual(s) with whom the legal title to said property is recorded:: 3657 Mary Ann Dr

Reason for Application:

The variance request of 14" to accommodate the pool's current location. The property owner, a first-time homeowner and single parent, purchased the pool and installation from a local pool and patio retailer who subcontracts installations. She was not aware of permit requirements and expected the contractor to pull any legally required documents. It was brought to the homeowner's attention of a possible setback but was not aware that this was code. The homeowner out of courtesy spoke to the neighbor to the south that there may be some type of encroachment and the property owner at 3639 Mary Ann Dr. Lebanon, Ohio stated that he had no problem with any encroachment..

1. The hardship must remove all profitable use from the land. It is not a sufficient hardship if the land would be more valuable with the variance, or less valuable without the variance. Instead, there must be evidence that the property is unsuitable to any of the permitted uses as zoned::

The subject property (3657 Mary Ann Dr. Lebanon, Ohio) is constrained by an existing septic system containment tank occupying the right side of the property and existing leach bed to the rear of the property. These conditions uniquely restrict available space to place the pool without violating setback requirements. Compliance with the current zoning ordinance would deprive the owner of reasonable use of the property for residential recreation purposes, constituting an unnecessary hardship. The proposed variance seeks the minimum setback adjustment required to allow siting of the pool while preserving all natural features and without any impact on adjacent properties. The pool is currently set back 18 feet 10 inches from the southern property line, falling 14 inches short of the required 20-foot setback.

2. The hardship must result from circumstances affecting a particular and unique piece of land, and not from a general condition throughout the neighborhood:

The proposed pool encroachment of 14 inches into the southern setback arises from unique physical constraints specific to this property: Septic tank location to the north prevents placement in that direction. Leach beds to the west further restrict usable space. Low-hanging electrical lines to the north pose safety risks and limit vertical clearance. These conditions do not reflect a general hardship shared by neighboring properties but rather stem from site-specific infrastructure and utility placements. The hardship can be viewed as self-created because of installation of pool by installer, however the homeowner did not know choose placement that may encroach on property line. The septic system and electrical lines were pre-existing and mandated by health and utility codes. Septic systems and utilities are not unique to this property but the placement of them vary in comparison to others with pools on the surrounding properties, forcing the current and existing placement. Utilities on many of the properties come in from the front of the property and not from the side as in this case. The septic system in many cases are located to the left or right of the property allowing ample room for pool placement.

3. A variance must not alter the essential character of the neighborhood::

The requested 14-inch setback variance for the proposed above-ground pool will not alter the essential character of the neighborhood. The pool is located entirely within the backyard, screened by existing residence and landscaping, and is not visible from the street. Similar pools exist on 15 other properties in the neighborhood, and the proposed location maintains the overall rhythm and spacing of backyard amenities in the area. The modest nature of the variance—just over one foot—does not materially impact setbacks or privacy. Furthermore, the pool will be used solely for residential purposes, consistent with the single-family character of the neighborhood. Granting this variance would allow reasonable use of the property without compromising public safety, aesthetics, or the intent of the zoning ordinance

4. It is not enough to show that the effects of a variance would be harmless. Real, unnecessary hardship must still be established by the applicant::

Grounds for Variance: 1) Site-Specific Hardship: The hardship arises from infrastructure mandated by health and utility codes—not from any action by the property owner. These constraints are unique to this parcel and not shared by neighboring properties. 2) Minimum Necessary Adjustment: The requested 14-inch variance represents the least deviation required to allow reasonable residential use of the backyard for recreation. 3) Preservation of Neighborhood Character: The pool is fully screened by the residence and landscaping. It is not visible from the street. 15 other properties in the neighborhood feature similar backyard pools. The proposed location maintains consistent spacing and rhythm of amenities. The encroachment is minor and does not compromise public safety, it preserves natural features and avoids impact on adjacent properties, it supports the residential character and recreational use of the property.

5. Any hardship must result from the

The hardship can be viewed as self-created because of insulation of pool by installer and knowing that placement may encroach on property line. However the septic system and

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requirements of the zoning resolution and not from the applicant's own actions::

electrical lines were pre-existing and mandated by health and utility codes. Septic systems and utilities are not unique to this property but the placement of them vary in comparison to others with pools on the surrounding properties, forcing the existing placement.

6. Whether the property owner purchased or acquired the property with the knowledge of the zoning restriction::

First-time homeowner: This status implies limited experience with zoning codes and permitting processes. Reliance on contractor: The homeowner assumed the pool contractor would handle all necessary permits, which suggests she was unaware of the specific legal requirements herself. No awareness of code: Although she was informed of a "possible setback," she did not understand that this was a codified zoning regulation. Neighbor consultation: Her proactive communication with the adjacent neighbor showed good faith, but also reinforces that she was navigating the situation informally rather than through official channels

7. A variance must not be contrary to the public interest, even if a hardship can be established::

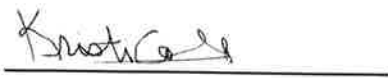
Public Interest Considerations The proposed variance is not to be contrary to public interest, for following reasons: Minimal encroachment: The 14-inch deviation is modest and does not materially affect neighboring properties or the overall zoning intent. No adverse impact: The pool is screened, not visible from the street, and does not affect drainage, safety, or aesthetics. Neighbor support: At time of installation adjacent property owner expressed no objection, which supports the argument that the variance does not harm community interests. Consistency with neighborhood character: With 15 similar pools in the area, the proposed installation aligns with established residential use patterns.

8. Other factors that the applicant considers important to the judgment of the case::

To further minimize any perceived impact of the proposed 14-inch setback variance, the homeowner would be willing to install a privacy fence along the southern property line, adjacent to the pool location. This measure is intended to: Enhance visual screening between properties, ensuring the pool remains discreet and unobtrusive. Preserve neighbor privacy and comfort, reinforcing the residential character of the area. Support public interest and zoning intent by adding a physical buffer that complements existing landscaping and maintains neighborhood aesthetics. Demonstrate good faith and responsiveness to potential concerns, even though the adjacent neighbor had expressed no objection to the encroachment. The fence will be constructed in accordance with local code requirements and will not interfere with any natural features, drainage patterns, or utility access

The applicant acknowledges reading the application. The applicant certifies that information herein along with all submitted documents are factual and correct.: Yes

The undersigned certifies that information herein along with all submitted exhibits are factual and correct.:



Signed in GovWell: Wednesday October 8, 2025, 6:20pm

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One (1) set of architectural/construction drawings shall be submitted on paper measuring 11" by 17" for the Board of Zoning Appeal Member packets

3. 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 five hundred (500) feet of any part of the subject property being considered for a Variance. This information is found at the Warren County Auditor's Office, Warren County Engineer's Map Room and at https://www.wcauditor.org/Property_Search/.

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1. Parcel#: 0933178019 Acres/Lot#: 0/50
Tax Name: Emmon, Robert A.
Address, City, State, Zip: 3639 Mary Ann dr.
2. Parcel#: 0933178017 Acres/Lot#: 0/52
Tax Name: Guzman, Joemi Barron, BENICIO
Address, City, State, Zip: 3675 Mary Ann dr
3. Parcel#: 0933179006 Acres/Lot#: 0/67
Tax Name: GILLUM, Deborah S. + Shawn E
Address, City, State, Zip: 3648 Mary Ann dr
4. Parcel#: 0933179005 Acres/Lot#:
Tax Name: Teresa Durbrow, William Michael
Address, City, State, Zip: 3672 Mary Ann dr
5. Parcel#: 933178006 Acres/Lot#: 0/33
Tax Name: Derek Rudy
Address, City, State, Zip: 3630 Crestview Ave
6. Parcel#: 0933178005 Acres/Lot#: 0/37
Tax Name: Scotts Pamela A.
Address, City, State, Zip: 3651 Crestview Ave
7. Parcel#: 0933178007 Acres/Lot#: 0/39
Tax Name: Perez-Velazquez Mario + Cynthia
Address, City, State, Zip: 3612 Crestview Ave
8. Parcel#: 0933178016 Acres/Lot#: 0/53
Tax Name: Pamala L. + George L. Martin
Address, City, State, Zip: 3693 Mary Ann dr
9. Parcel#: 093317820 Acres/Lot#: 0/49
Tax Name: Dean + Mary DEERHAK
Address, City, State, Zip: 3619 Mary Ann dr

102.41

101.98

101.56

100.00

100.00

100.00

217.80

217.80

Clearcreek
TWP

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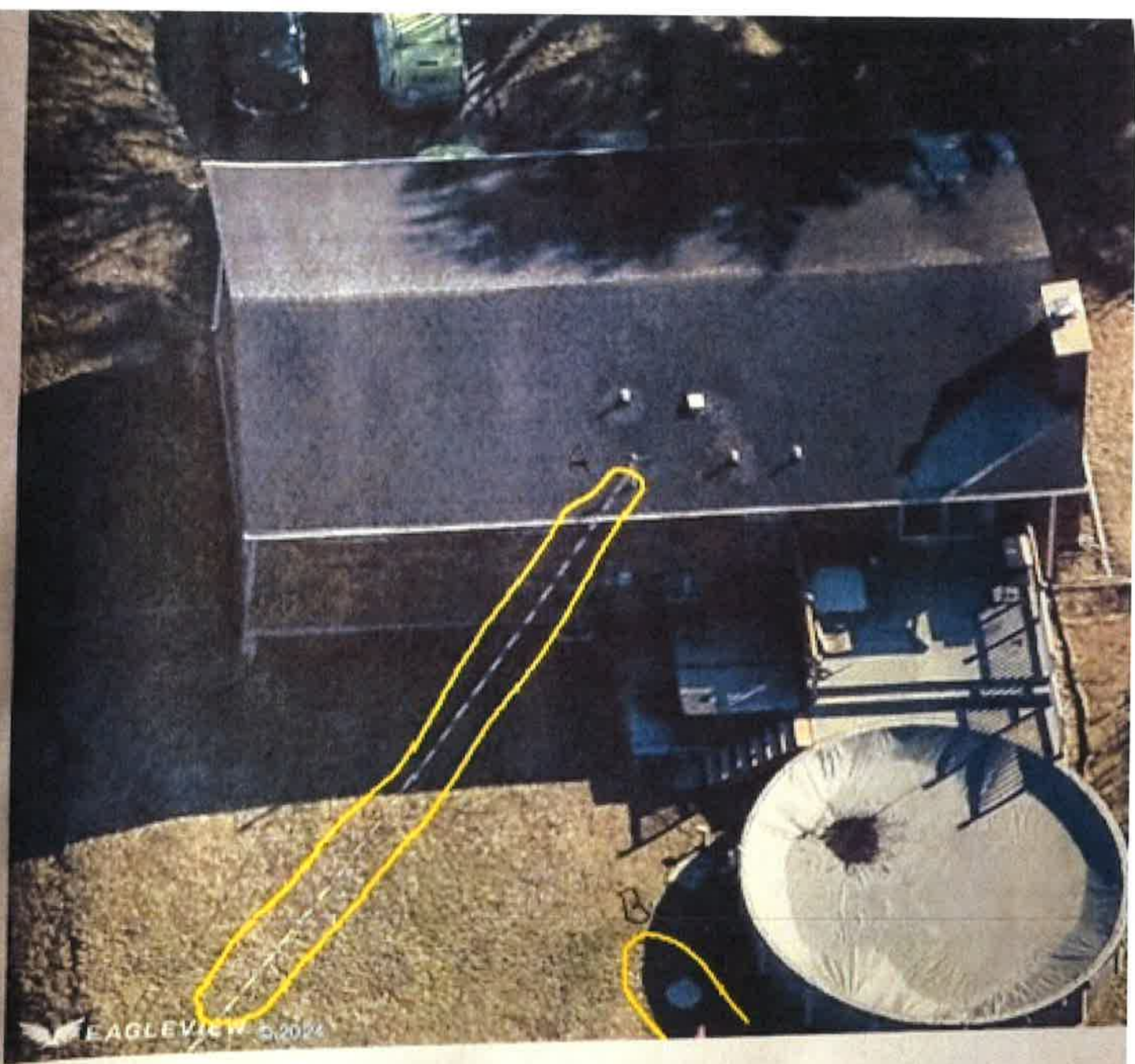
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100.00

100.00

MARY ANN DR



- A. Electric Lines: would be less than 25' to water edge
- B. Septic tanks: 4' to center of tank
- C. Current Setback: Set back of 18' 10" from water edge

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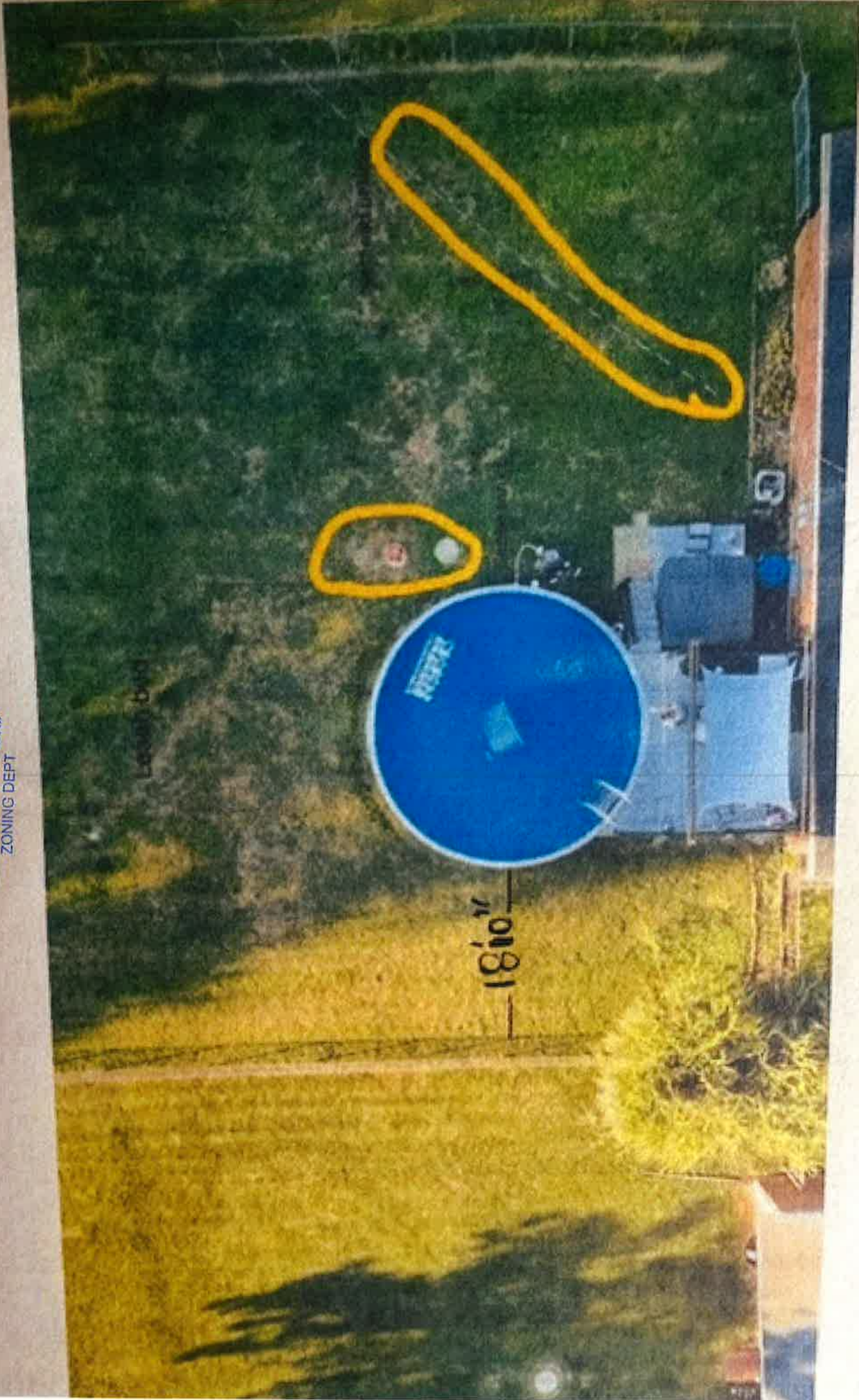
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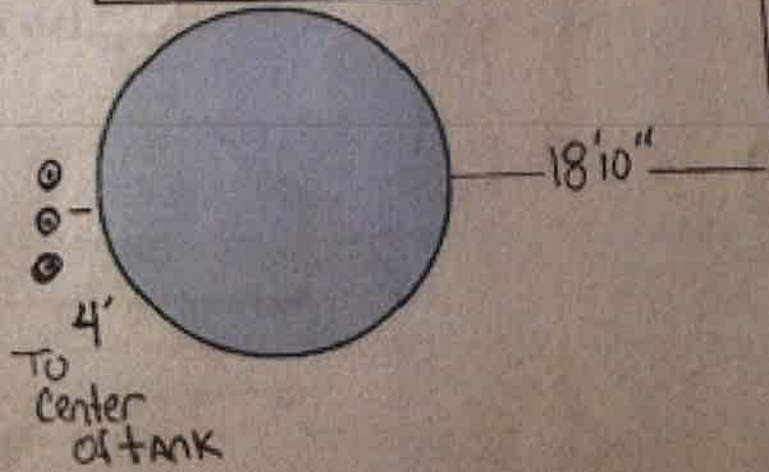
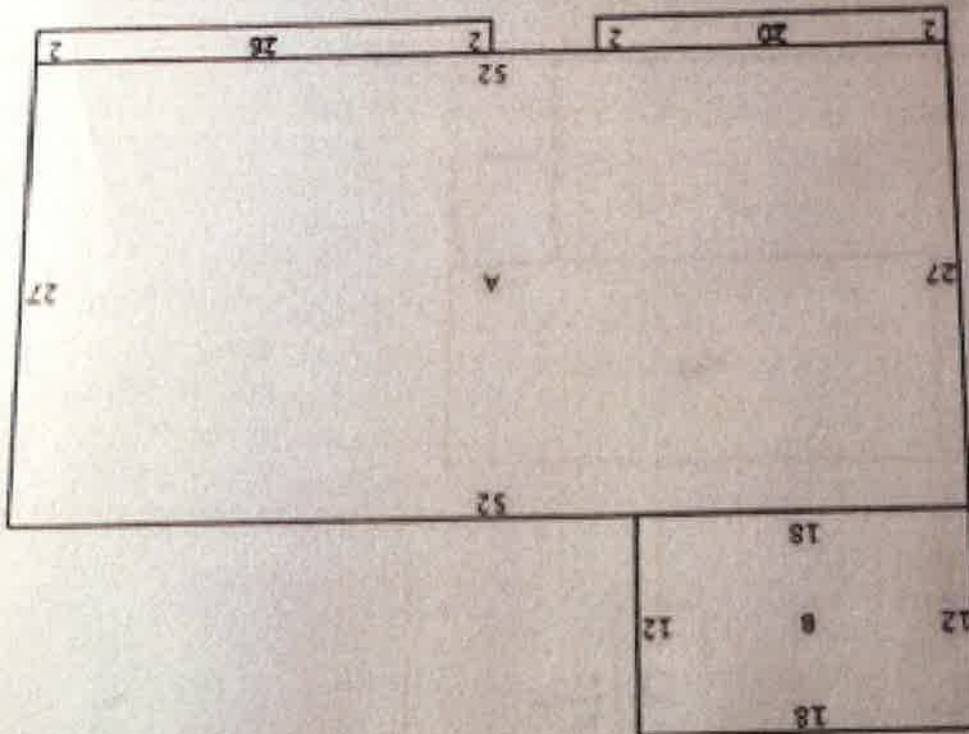
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1" = 12'

Scale



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Lead lines are the oil field

Robert J. [Signature]

This Storage Tank System was installed in accordance with all applicable rules & regulations for minimum specifications required by Chapter 33-01 of the City Administrative Code

Pool Placement

22' x 18'
oil
crate for
fuel

3657

Driveway

