

Case Number: 26-BZA-002

Request: Variance

Applicant: Kevin Hopf

Staff Report: Completed by Jeff Palmer, Director of Planning & Zoning

Report Date: July 27, 2026

Hearing Date: August 11, 2026

Current Zoning of Properties: Residence Zone “R-1”

Description of Properties:

The property is identified as 8423 Point O’Woods Ct, Lot 118 Woodland Greens 2-2, parcel number 04-08-176-007, account 0627183 and .56 acres in size. The parcel is located in Section 8, Town 2 and Range 5 in Clearcreek Township. The property is zoned Residence Zone “R-1”. The request is to reduce required rear yard setback from 40' to 20' for a proposed addition. The variance request is from Section 5.754(D) of the Clearcreek Township Zoning Resolution. (See Exhibits: Location Map, Exhibits: 1A-G, 2A-B)

Nature of the Request:

The applicant states: “The purpose of this application is to request a variance to reduce the required rear yard setback from 40 feet to 20 feet in order to construct an addition to the existing primary residence, specifically a covered outdoor patio. Although the structure will be attached and therefore classified as an addition under the zoning resolution, the proposed improvement is open-air in nature and functions similarly to an accessory-type outdoor living feature, such as a pergola or gazebo. The request represents a reasonable and limited deviation from the setback requirement to accommodate a modest residential improvement with minimal impact.” (See Exhibits: 2, 3A-B)

Background on the Nature of the Request

Staff Comments:

The applicant wants to construct a covered patio/porch in the rear yard of his property and connect the roof line to the single family dwelling (principal structure). Since this roof connection increases the size of the structure it is connected to, zoning classifies this structure as an addition.

Per the submitted plot plan, the existing dwelling was constructed with a 48’ rear yard setback. For the Residence Zone “R-1”, the minimum rear yard setback for a principal structure is 40’. This leaves only 8’ for the length of the covered patio. The applicant is proposing a structure with a 28’ length and a 24’ width. Per the submitted plot plan the proposed addition extends the dwelling 20’ into the required rear yard setback. The placement of the dwelling changed from what was submitted at the time of the issuance of the zoning permit. Staff found the rear yard setback for the dwelling to be 51’. This would reduce the encroachment to 17’. (See Exhibits: 2, 3A-B, 4A-B)

Zoning considers the proposed covered patio/porch to be an addition because it is connected to the existing dwelling via the roof. This connection increases the size of the dwelling footprint (square footage could be living or non-living space). When a structure is not connected to an existing structure, it is classified as an accessory structure. Accessory structures are constructed on the parcel after the dwelling has been established (gazebos, pergolas, detached decks, detached garages, pole barns). Additions can be made to both principal and accessory structures to increase the size of the existing structure.

During zoning review, the proposed construction of the structure is reviewed to see if it connects to an existing structure. If the construction increases the footprint of an existing structure then it is required to meet the applicable setbacks of the existing structure. If the construction is an independent structure, the use is reviewed to determine compliance with the zoning classification,

the structure is then classified as a principal (not defined in the zoning resolution, this term applied as the primary use or purpose for the structure), or an accessory and the applicable setbacks are applied.

From November 6, 1973 to July 8, 2005 the zoning resolution required the same setbacks for principal and accessory structures. The Board of Zoning Appeals heard multiple cases in which the owner requested a reduced rear yard setback in order to establish an accessory structure. On June 9, 2005 the Clearcreek Township Board of Trustees approved Trustee Resolution 2890 (effective date July 9, 2005) in this resolution new zoning classifications were created (based upon the Master Land Use Plan) and the rear yard setback for all accessory structures were reduced to the applicable side yard setback for the zoning classification. For the Residence Zone “R-1” the rear yard setback for a principal structure is 40’, the rear yard for an accessory was changed to 10’. (See Exhibits: 5A-D)

The following Sections of the Clearcreek Township Zoning Resolution are involved with this request.

CHAPTER 3 DEFINITIONS

- SEC. 3.02 Accessory Building, Use or Structure:** A building, use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal building use or structure.
- SEC. 3.021: Addition:** Any construction that increases the size of the structure in terms of site coverage, height, length, width or gross floor area.
- SEC. 3.16 Building, Permanent:** Any structure designed or intended for support, enclosure, shelter or protection of persons, animals, chattels, or property.
- SEC. 3.161 Building, Temporary:** A building designed or intended for the support, enclosure, shelter or protection of animals, chattels or property that measures less than two hundred (200) square feet in size and does not meet the definition of structure, (see Section 3.69).
- SEC. 3.25 Dwelling:** A building or portion thereof designed, constructed or intended for human habitation, but not including a tent, cabin, trailer or trailer coach or camper on truck.
- SEC. 3.29 Dwelling, Single Family:** A building designed to provide a dwelling unit exclusively for use and occupancy by one (1) family.
- SEC. 3.44 Lot:** A parcel of land having its frontage upon a public street or road.
- SEC. 3.442 Lot, Building:** A lot or parcel of land, occupied or intended to be occupied by a principal structure that has been lawfully created and meets all criteria required by the underlying zoning classification.
- SEC. 3.47 Lot, Depth:** The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

- SEC. 3.48** **Lot, Frontage:** The frontage of a lot is the length of the boundary of a lot that is coincident and in common with that of the road right-of-way of a public street, road or highway that it abuts.
- SEC. 3.51** **Lot, Width:** The mean horizontal distance between the side lot lines measured within the lot boundaries, or the minimum distance between the side lot lines within the buildable area.
- SEC. 3.69** **Structure:** Anything constructed or erected, the use of which requires fixed location on the ground or attached to something having a fixed location on the ground, including permanent buildings, signs, pergolas, swimming pools and telecommunication towers.
- SEC. 3.73** **Yard:** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except eaves, balconies and unenclosed steps leading to a first floor or basement. In measuring a yard the minimum horizontal distance between the lot line and the nearest portion of the building shall be calculated, starting at the lot line and ending at the nearest portion of the building foundation.
- SEC. 3.74** **Yard, Front:** The open space extending across the front of a lot between the lot frontage and the closest vertical support for the building, other than the projection of the usual eaves and overhangs not to exceed three (3) feet, steps, wheelchair ramp. For a lot that has frontage on more than one street, the required front yard shall be provided on all streets.
- SEC. 3.75** **Yard, Rear:** The open space extending across the rear of a lot between the side lot lines and the being the minimum horizontal distance between the rear lot line and the building other than the projection of the usual eaves and overhangs not to exceed three (3) feet, steps, unenclosed balconies or unenclosed porches. The lot line is most distant from, and is, or is most nearly parallel to, the lot frontage. If a rear lot line is less than fifteen (15) feet long, or if the lot line comes to a point at the rear, the rear lot line shall be a line at least fifteen (15) feet long lying wholly within the lot, parallel to the lot frontage. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be the opposite end of the lot from the front yard. On lots fronting on three (3) streets, the remaining dimension shall be termed the rear yard, but shall be at least the minimum established for any side yard in the respective zone.
- SEC. 3.76** **Yard, Side:** The open space between the building and the side line of the lot and extending from the front yard to the rear yard. Unenclosed steps, wheelchair ramps and balconies may extend into the side yard no more than one-half (1/2) of the required side yard width. Side yard lot lines connect lot frontage to rear yard lot lines.

CHAPTER 5.75 RESIDENCE ZONE "R-1" REGULATIONS

- SEC. 5.752** **PERMITTED USES:** A building or lot shall be used only for the following purposes:
A. Single family dwellings

- K. Accessory buildings defined as either temporary or permanent and uses customarily incidental to any permitted uses, provided the primary use or structure has been established or constructed on the same lot.

SEC. 5.754 PRINCIPAL STRUCTURE, REQUIRED YARDS FOR LOTS EXCEPT PANHANDLE LOTS:

- A. There shall be front yard having a depth of not less than fifty (50) feet, provided, however, no front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet of the building under consideration. If an average can not be mathematically determined based upon the above process, then the zoning inspector shall expand the area under review. The expanded area shall include the front yard setbacks of the building(s) across the street and within one hundred (100) feet of the building under consideration.
- B. For a lot that has frontage on more than one street, the required front yard shall be provided on all streets.
- C. Side yard: There shall be a side yard of ten (10) feet minimum on each side, except for lots with more than one (1) front yard, in which case the minimum side yard shall be ten (10) feet on the side, if any, not fronting on a street.
- D. Rear yard: There shall be a rear yard having a depth of not less than forty (40) feet, except for lots with three (3) front yards, in which case the minimum rear yard shall be ten (10) feet.

SEC. 5.7545 ACCESSORY STRUCTURE, REQUIRED YARDS FOR LOTS EXCEPT PANHANDLE LOTS:

- A. Front yard shall conform to 5.754 (A) and 5.754 (B).
- B. Side yard shall conform to 5.754 (C).
- C. Rear yard shall be a minimum of ten (10) feet.

The standard for approval of a variance is “Unnecessary Hardship”. In determining whether or not unnecessary hardship exists, the Board of Zoning Appeals will consider the following factors. Please indicate below how this variance meets each standard.

Review of Application:

Evaluation of the Variance:

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 applicant states: “The property remains suitable for residential use as currently zoned; however, the placement of the existing home and the depth of the rear yard significantly limit the ability to construct a modest, functional improvement in compliance with the 40-foot setback. The proposed covered patio is an open-air, non-habitable structure that is typical of residential properties. Strict application of the setback requirement effectively prevents a reasonable improvement that would otherwise have minimal impact. This hardship is not solely a result of site conditions, but also from the manner in which the zoning requirements are applied to this type of

structure. The requested variance allows for a practical and appropriate improvement located in close proximity to the existing structure.” (See Exhibits: 2, 3A-B, 6A-B)

The following issues need to be considered:

- See background above.
- The square footage calculations for the existing single-family dwelling:
 - It is calculated to have a 4,681 sq. ft. living area (all habitable areas, all floors). (See Exhibits: 1A-B)
 - It is calculated to have a total footprint size of 3,280 sq. ft. (includes all living area on the first floor, the non-living areas on the first floor and all additions/projections (garage, porch, balcony deck). (See Exhibits: 1A-B)
 - The proposed structure is 24’ in width by 28’ in length. This calculates to 672 sq. ft. The covered patio/porch would increase the footprint of the single-family dwelling to 3,952 sq. ft. (See Exhibits: 1A-B, 2A)
- The setbacks for the existing single-family dwelling:
 - Per the Warren County Auditor’s Website Aerial (See Exhibit: 7):
 - Front: 102’
 - North Side: 12’
 - South Side: 26’
 - Rear 48’
 - Per staff’s site visit:
 - Front: 103’
 - South Side to edge of driveway: 25’
 - Rear: 51’ to what appears to be white property marker posts. The southern dimension of 215’ was affirmed from the edge of road right-of-way to the southern white post. (See Exhibits: 2B, 7, 8D)
- See proposed structure at the proposed location for the variance request. (See Exhibit: 2A)
- No alternative configurations for the proposed structure have been provided. It appears the 24’ width is based upon the current width of the house projection. It is unclear how the 28’ length was determined. (See Exhibit: 2A)
- If the structure were not attached to the dwelling, retained the proposed size and orientation, it could be established elsewhere in the rear yard and could meet all the required setbacks for an accessory structure. (See Exhibit: 2B)
- Zoning doesn’t require a minimum distance to be maintained between structures.
- See staff photos (See Exhibits: 8A-J)

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 applicant states: “The hardship results from the specific placement of the existing residence on the lot and the resulting limited buildable area within the rear yard when applying the 40-foot setback requirement. While the structure is technically classified as an addition due to its attachment, its design and function are more consistent with accessory-type outdoor features typically permitted at reduced setbacks. The classification of the structure as an addition, rather than an accessory-type feature, contributes to the unique limitation experienced on this property and is not representative of a general condition throughout the neighborhood. Additionally, the rear portion of the property has limited natural drainage and a flat grade, which creates challenges for

construction in that area. These site-specific conditions further restrict the ability to build in compliance with the current setback without introducing potential long-term drainage or structural concerns.”

The following issues need to be considered:

- See # 1 and background above.
- The applicant references construction challenges (grade, drainage, structural concerns), but doesn't provide any supporting documentation to be evaluated.
- The Warren County Aerial that depicts the 500' notice area is labeled Exhibit 7.
 - A total of seventeen (17) parcels are in the notice area.
 - All parcels are zoned Residence Zone “R-1”.
 - One (1) parcel is outside of the Woodland Greens Subdivision, it is the Sycamore Creek Country Club. (See Exhibits: 7, 10A-F)
 - Sixteen (16) of the parcels are in the Woodland Greens Subdivision. (See Exhibits: 1H, 7, 11A-26B)
 - Lot size, calculated from the Warren County Auditor's Aerial:
 - Average size is .78 acres. (See Exhibits: 11A-26B)
 - The smallest size is .54 acres. (See Exhibit: 22A)
 - The largest size is 2.01 acres. (See Exhibit: 26A)
 - Front yard setback:
 - Average setback is 76.75'. (See Exhibit: 7)
 - The smallest setback is 50'. (See Exhibits: 7, 21A, 22A, 23A)
 - The largest setback is 164'. (See Exhibits: 7, 17A)
 - Rear yard setback, measured from the Warren County Auditor's Aerial:
 - Average setback is 91'. (See Exhibit: 7)
 - The smallest setback is 15' to the house. Per the submitted plot plan the setback should be 40' to this boundary. Based upon the aerial a deck has been added that is within 1' of the property line. (See Exhibits: 7, 19A-D)
 - The largest setback is 125'. (See Exhibits: 7, 23A)
 - House living area, calculated from the Warren County Auditor's Summary:
 - Average size is 4,167.25 sq. ft. (See Exhibits: 11A-26B)
 - The smallest size is 3,105 sq. ft. (See Exhibit: 25A)
 - The largest size is 5,412 sq. ft. (See Exhibit: 22A)
 - House size total footprint, calculated from the Warren County Auditor's Building Details:
 - Average size is 3,032.44 sq. ft. (See Exhibits: 11A-26B)
 - The smallest size is 2,266 sq. ft. (See Exhibit: 14B)
 - The largest size is 4,121 sq. ft. (See Exhibit: 18B)
 - Rear deck, calculated from the Warren County Auditor's Building Details:
 - Thirteen (13) of the sixteen (16) dwellings have rear decks. (See Exhibits: 12A-b, 14A-16B, 18A-26B)

- Average size is 476.54 sq. ft. (See Exhibits: 12A-b, 14A-16B, 18A-26B)
- The smallest size is 84 sq. ft. (See Exhibit: 25B)
- The largest size is 840 sq. ft. (See Exhibit: 23B)
- Zero (0) Variance Requests have been applied for in the notice area.
- The applicant's existing house has a balcony deck that exceeds the required rear yard setback. (See Exhibits: 1A-B, 2A, 8C)
- Thirteen (13) other homes have rear decks that exceed the required rear yard setbacks. (See Exhibits: 12A-B, 14A-16B, 18A-26B)
- The topography for the proposed location is 894'. This same contour exists for the areas west of the proposed location to the property line and north of the proposed location to the property line. South of the proposed location, the contour changes to 892'. (See Exhibits: 8A-J, 9)

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

The applicant states: "The requested variance will not alter the essential character of the neighborhood. The proposed covered patio is consistent with the residential nature, scale, and appearance of surrounding properties. Outdoor living features such as patios, porches, pergolas, and similar structures are common in residential developments and contribute to the character of the neighborhood. The proposed structure will be compatible with nearby homes and will not adversely impact adjacent properties."

The following issues need to be considered:

- See # 2 above.
- Roofed porches, roofed patios and pergolas connected to the dwelling are considered an addition to the dwelling.
- Patios (concrete, stone, pavers) without a roof are not required to meet zoning setbacks.
- Pergolas not connected to the dwelling are considered an accessory structure.
- See submitted conceptual drawings. (See Exhibits: 3A-B)
- See staff photos. (See Exhibits: 8A-J)

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:*

The applicant states: "The hardship is not based on preference but on a practical limitation created by the application of the zoning requirement to the existing home location. The hardship arises in large part from the application of the zoning resolution, which classifies the proposed covered patio as an addition solely due to its attachment to the home. While similar outdoor structures are permitted at reduced setbacks when detached, attaching the structure—where it is more functional and consistent with typical residential design—subjects it to significantly greater setback requirements. This distinction creates a practical hardship, as the impact of the proposed structure is more comparable to an accessory feature than a true expansion of the principal building."

The following issues need to be considered:

- The setbacks for principal structures are the most restrictive in all zoning classifications.
 - The 40' rear yard setback has been the standard for the Residence Zone "R-1" since 1973. (See Exhibits: 27A-D, SEC 5.754(D) above)
 - The principal structure is the most intensively used structure on a parcel. The setbacks push this structure the furthest away from the property line and/or road right-of-way.
 - The rationale for setbacks is rooted in the zoning police power to: separate incompatible uses, separate structures to control the spread of diseases and separate structures to decrease the spread of fire.
- This proposed structure due to the connection to the existing principal structure is classified and regulated as an addition. Any expansion (living space or non-living space) of the principal structure is required to meet the same setbacks (50' front yard, 10' per side and 40' rear yard setback).
- Since no access from the house to the covered patio/porch is proposed, it is unclear why it needs to be connected to the house at the proposed location.
 - Other than blocking the rear view of the property, it is unclear why the structure can't be constructed as an accessory structure. (See Exhibits: 2A-B, 8A-J)
 - If the structure were constructed as an accessory, then a minimum of a 10' rear yard setback would need to be maintained. (See Exhibits: 2A-B)
- The variance deals with the reduction of the rear yard setback. The applicant will meet and/or exceed the remaining setbacks. (See Exhibit: 2A)
 - The applicant is requesting 20' instead of the required 40'.
 - The request is a 20' encroachment.
 - The request meets 50% of the requirement, (20/40).
 - If staff's site visit measurements are used:
 - The request is a 17' encroachment.
 - The request meets 57.5% of the requirement, (23/40).
- See proposed drawings/elevations. (See Exhibits: 2A, 3A-B)
- See staff photos. (See Exhibits: 8A-J)

5. Any hardship must result from the requirements of the zoning resolution and not from the applicant's own actions:

The applicant states: "The hardship results from the existing placement of the home, the configuration of the lot, and the applicable zoning regulations. These conditions predate this request and were not created by the applicant. The request arises from the application of current zoning requirements to an existing residential layout rather than from any action taken by the applicant." (See Exhibits: 2A-B, 7)

The following issues need to be considered:

- See #1, 2, 3 & 4 above.

- The placement of the existing single-family dwelling exceeded the required setbacks for the zoning classification. It is unclear why the builder selected the existing location. (See Exhibits: 2A, 4A-B, 7)
- The dwelling was not constructed to the minimum rear yard setback of 40'. Based upon the submitted plot plan an 8' addition could be constructed and still meet the required rear yard setback. Based upon staff's measurements, an 11' addition could be constructed and still meet the required rear yard setback. (See Exhibits: 2A, 7)
- See background above.

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

The applicant states: "The property was acquired as a conforming residential lot with the expectation of maintaining and reasonably improving the home over time. This request represents a modest and typical residential improvement rather than an attempt to circumvent zoning requirements."

The following issues need to be considered:

- Per the Warren County Auditor's Website, the owner purchased the property on October 28, 2025. (See Exhibit: 1C)
- The house was built in 1988. (See Exhibits: 1B, 4A-B)
- See #1 & 3 above.
- See background above.

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

The applicant states: "The requested variance will not be contrary to the public interest. The proposed covered patio is a low-impact residential improvement that will not affect public safety, traffic, drainage, or neighboring properties. The open-air design and limited scale of the structure ensure that it will not create adverse impacts related to light, air, or privacy."

The following issues need to be considered:

- See staff photos. (See Exhibits: 8A-J)
- See #1, 2, 3, 4, 5 & 6 above.
- The adjoining parcel to the west would be impacted the most by the proposed location.
 - This is the Sycamore Creek Country Club. This property has provided a letter of support for the variance request. (See Exhibit: 28)
 - Along the western adjacent parcel there are existing trees that help to define the edge of the golf course from this parcel. (See Exhibit: 8J)
 - Along the southern adjacent parcel, the property line is lined with trees and shrubs. (See Exhibit: 8I)
- Consider whether the spirit and intent as identified in the Clearcreek Township Zoning Resolution Chapter 1 are upheld during this request for a variance:
 - **SEC. 1.01** To provide for the citizens of Clearcreek Township adequate light, pure air and safety from fire and other dangers, to conserve the value of land and buildings, to

lessen or avoid congestion of traffic in the public streets and to promote the public health, safety, morals, comforts, conveniences and general welfare, all in accordance with the provision of Section 519 of the Ohio Revised Code.

- **SEC. 1.02** To protect the character and the stability of the residential, business and industrial areas within Clearcreek Township and to promote the orderly and beneficial development of such areas.
- **SEC. 1.03** To establish restrictions in order to attain these objectives by adopting a zoning code which will revise the districts into which the township is divided, the restrictions upon the uses to which land and buildings may be devoted, the restrictions upon the location and height of buildings, the restrictions upon the intensity of the use of land and buildings, the requirements for yards, the requirements for off-street parking facilities, the provisions for administration and enforcement of the Code, the penalties for violation of the Code, and the procedures, powers and duties of the Board of Appeals.

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

The applicant states: “The requested variance represents a reasonable and limited adjustment to allow a modest residential improvement.

- The proposed patio is open-air and non-habitable
- The structure is limited in size and scope
- The encroachment into the setback is modest relative to the overall lot
- The functional impact is similar to accessory structures permitted at reduced setbacks

While the structure is technically classified as an addition due to its attachment to the home, its real-world impact is comparable to accessory outdoor features that are commonly permitted closer to property lines. The primary distinction is the attachment to the home, which results in a more restrictive setback requirement despite similar functional characteristics.

Importantly, the single adjacent property owner to the rear (Sycamore Creek Country Club), who would be most directly affected by the requested variance, has reviewed the proposed improvement and expressed no objection to the reduction in setback. I have discussed the proposed improvement directly with the golf course’s general manager and SCCC Board, who again has expressed no objection to the requested variance or the reduced setback. See attached email confirmation.

Given the open and recreational nature of the adjacent property, along with the absence of any opposition from the neighboring landowner, the practical impact of the variance is minimal. Granting this variance would be consistent with the intent and spirit of the zoning code, which is to promote orderly development, protect neighboring properties, and preserve community character. In this case, those objectives are fully maintained, as there is no adverse impact to adjoining uses, no change to neighborhood character, and no material deviation from the functional outcomes the code is designed to regulate.

The request therefore represents a practical and balanced solution that maintains the character of the surrounding area while allowing for a reasonable and appropriate use of the property.” (See Exhibits:)

The following issues need to be considered:

- See #1-7 above.
- **SEC 21.01 (B) (4) Conditions For Variances:**
The Board of Zoning Appeals may impose such specific conditions and limitations concerning character, location, buffer & screening and other matters relating to the purposes, objectives and standards of this resolution. Conditions and limitations shall be imposed upon the premises benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions and limitations shall be expressly set forth in the decision granting the variance. Violation of any such conditions or limitation shall be a violation of this resolution.

CASE 26-BZA-002 VARIANCE HEARING

Staff recommends DENIAL of Case 26-BZA-002. Staff's rationale is outlined below:

The standard for approval of a variance is “Unnecessary Hardship”.

- 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:**
A single-family dwelling currently exists on the parcel.
- 2. The hardship must result from circumstances affecting a particular and unique piece of land, and not from a general condition throughout the neighborhood:**
In the 500’ notice area, there are sixteen (16) parcels located in the Woodland Greens Subdivision. The subject parcel is less than the average lot size. The subject parcel has a front yard setback greater in distance than the average front yard setback. The rear yard setback is less than the average rear yard setback. The living area and the footprint for the dwelling are greater than the average size for the notice area.
- 3. A variance must not alter the essential character of the neighborhood:**
The proposed structure could be established on the parcel as an accessory structure and comply with all required setbacks.
- 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:**
The setbacks for principal structures are the most restrictive in all zoning classifications. The 40’ rear yard setback has been the standard for the Residence Zone “R-1” since 1973. This proposed structure due to the connection to the existing principal structure is classified and regulated as an addition. Any expansion (living space or non-living space) of the principal structure is required to meet the same setbacks (50’ front yard, 10’ per side and 40’ rear yard setback). The request is to be either a 50% or 42.5% encroachment into the required rear yard setback.

- 5. Any hardship must result from the requirements of the zoning resolution and not from the applicant's own actions:**

The placement of the existing single-family dwelling exceeded the required setbacks for the zoning classification. It is unclear why the builder selected the existing location. The dwelling was not constructed to the minimum rear yard setback of 40'. Based upon the submitted plot plan an 8' addition could be constructed and still meet the required rear yard setback. Based upon staff's measurements, an 11' addition could be constructed and still meet the required rear yard setback.

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

Per the Warren County Auditor's Website, the owner purchased the property on October 28, 2025.

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

See Number 4 above.

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

No additional comments.