

Case Numbers: 26-BZA-004 & 26-BZA-005

Request: Administrative Appeal

Applicant: Attorney J.P. Burleigh, Suder LLC agent for San Juan LLC.

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

Report Date: October 13, 2026

Hearing Date: November 10, 2026

Current Zoning of Properties: Residence Zone “R-1” & Open Space Rural Residence Zone “OSR-1”

Description of Properties:

San Juan LLC owns two (2) adjoining parcels. The parcels are located in Section 22, Town 4 and Range 4 in Clearcreek Township. These parcels have not been combined into a single parcel. The applicant and the Warren County Engineer’s Office have treated the parcels collectively as “4168 Utica Road”. The property identified as 4168 Utica Road, parcel 09-22-351-012, account 0106801, is .21 acres in size. This parcel is zoned Residence Zone “R-1” and is the location of the access drive and the declared address for both properties. The property identified as 2094 Old Route 122, parcel 09-22-351-013, account 0141543 is 10 acres in size. This parcel is zoned Open Space Rural Residence Zone “OSR-1”. This parcel is the location where the single family dwelling zoning permit 11,870 and temporary housing zoning permit 11,871 were issued on September 3, 2024. On August 13, 2025 both permits received a maximum extension until September 3, 2026. During the September 4, 2026 site visit, staff found the single family dwelling hadn’t been established, temporary housing (Trailer/RV/Camper) remained connected to utilities and remained occupied. A thirty (30) day Notice of Zoning Violation was issued. (See Exhibits: Location Map, 1A-C, 2A-B, 3A-B, 4A-I)

Nature of the Request:

See attached Notice of Appeal (August 31, 2026 Denial of Extension for Temporary Housing). (See Exhibits: 5A-H)

See attached Notice of Appeal (September 4, 2026 Notice of Code Violation) (See Exhibits: 6A-H)

Background on the Nature of the Request

Staff Comments:

The original single family dwelling zoning permit 11,870 was issued on September 3, 2024 with an expiration date of September 3, 2025. Mr. Leonardo Castaneda (San Juan LLC) and I spoke about how temporary housing during construction would be regulated. I then issued the original temporary housing during construction zoning permit. Zoning permit 11,871 was issued on September 3, 2024 with an expiration date of September 3, 2025. Temporary housing is permitted under Section 5.14 of the Clearcreek Township Zoning Resolution. There is a requirement that the Trailer/RV/Camper be connected to utilities (electric, water, leach field). There is an expectation that a dwelling will be under construction during that time. This permit was issued in the previous zoning software (IWorQs). (See Exhibits: 2A-B, 3A-B)

The owner (Leonardo Castaneda, San Juan LLC) on August 13, 2025 requested a one (1) year extension of the permits. Mr. Castaneda outlined that he had run into an issue with the Warren County Building Department approving the plans he had purchased from the internet (needed to meet Ohio Building Code). Mr. Castaneda represented that he would begin construction as soon as that issue was addressed. Mr. Castaneda also explained that he had been in contact with Springboro Community Schools and needed to show proof that he was working to build a house as part of school enrollment. This request was during the week of the zoning software transfer, I went back to the original permit 11,870, added in the details “Extension Request 8-13-25 for one year” and

updated the expiration date to September 3, 2026. I went back to the original permit 11,871, added in the details “On 8-13-25, request to extend permit for Single Family Dwelling. This Permit will be extended for an additional six months with ability to extend a second six months” and updated the expiration date to September 3, 2026. (See Exhibits: 2A-B, 3A-B)

March 3, 2026 was the end of the first six month extension. The rationale for this is Clearcreek Township Zoning Resolution Section 5.14 (H): The mobile home may be occupied for a period of six (6) months and an additional six (6) month period if the Clearcreek Township Zoning Inspector is satisfied that work is progressing, and additional time is required for completion of the residence. At the discretion of the zoning inspector, this time could be extended. With the zoning software update, the March 3, 2026 recheck date was overlooked and not scheduled. At the expiration of the zoning permit 11,870 on September 3, 2026, it was brought to my attention that the owner had been given an additional six (6) months, even though no construction had been completed. (See Exhibits: 3A-B)

On August 18, 2026 Code Enforcement Officer Mr. Jandon Ankrom made a site visit to affirm the status of construction. On August 19, 2026 Code Enforcement Officer Mr. Jandon Ankrom and I made a follow up site visit. We documented that trenches have been dug for a foundation, but no foundation had been established. We spoke with the owners (Leonardo and Alissa Castaneda) and explained that their zoning permits were set to expire on September 3, 2026. I explained that I could issue a new zoning permit for the dwelling but would not be able to issue a new zoning permit for the temporary housing. (See Exhibits: 7A-C, 8A-D)

On August 31, 2026, the owners (Leonardo and Alissa Castaneda) came to my office and requested an extension to live in the Trailer/RV/Camper. I outlined that after discussing the issue with the Law Director, I was only able to issue a new permit for the single family dwelling and not issue a permit for the temporary housing. Mr. & Mrs. Castaneda stated that their architect will be submitting for all permits. I outlined the need to vacate the Trailer/RV/Camper and disconnect the Trailer/RV/Camper from utilities no later than the expiration of the permit (September 3, 2026). I informed them I will make a site visit to document activity on September 4, 2026, if the Trailer/RV/Camper remains connected to utilities and/or is occupied, a thirty (30) day notice of zoning violation would be issued. I outlined that if they continue to live in the Trailer/RV/Camper, I will seek relief from the Common Pleas Court. I also informed them that I would also seek reimbursement for all legal fees. (See Exhibits 4A-E)

As of September 3, 2026 all zoning permits expired. During the September 4, 2026 site visit, I found the single family dwelling hadn't been established, temporary housing (Trailer/RV/Camper) remained connected to utilities and remained occupied. I issued a Notice of Zoning Violation because the owner was violating Sections 5.03, 5.14 and 5.52 of the Clearcreek Township Zoning Resolution. (See Exhibits: 4A-I)

The term “Trailer” is defined in Section 3.72 of the Clearcreek Township Zoning Resolution. Trailer: The word trailer shall include trailer coach, house trailer, mobile home, automobile trailer, camper or any self-propelled vehicle constructed, reconstructed or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation.... The only time a trailer could be used for human habitation is when it is used in compliance with Section 5.14 of the Clearcreek Township Zoning Resolution. See regulations and staff comments below:

SEC. 5.14 Temporary Housing During Construction

In the event of the new construction of a single family dwelling or if an existing single family dwelling is destroyed by a natural disaster, fire or other technological disaster a mobile home may be located on a lot to provide temporary housing during construction or reconstruction provided:

Staff comments: The use of “may” above is permissive language. If criteria of Section 5.14 are met and at the discretion of the Zoning Inspector, a Trailer/RV/Camper “may” be temporarily used as housing during the construction or re-construction of the single family dwelling. Section 5.14 has been used infrequently in the Township.

- A.** A statement of conditions, which in the opinion of the Zoning Inspector constitutes a natural disaster, fire or other technological disaster, thus requiring the use of a mobile home, must be filed with the mobile home permit application.

Staff comments: This section deals with re-construction of a dwelling, not new construction. I didn’t create a statement of conditions since it wasn’t applicable to the property owner’s 2024 or 2025 request.

- B.** A building permit shall have been issued for construction of a single family dwelling on the same lot or tract of ground, and that actual construction has commenced before the mobile home is placed on the property.

Staff comments: The process in Warren County is to obtain zoning approval and a permit prior to the Building Department issuing a building permit. A zoning permit expires one (1) year from the date of issuance. On September 3, 2024 I issued zoning permits for the single family dwelling and the temporary housing during construction permit. On December 23, 2024 the Warren County Building Department placed the single family dwelling plan review on hold pending the supply of additional information. (See Exhibits: 2A-B, 3A-B, 9A-E)

On August 13, 2025, at the owner’s request, I extended the permit for the single family dwelling. On August 13, 2025, I also extended the permit for temporary housing during construction: “This Permit will be extended for an additional six months with ability to extend a second six months” and updated the expiration date to March 3, 2026.” (See Exhibits: 2A-B, 3A-B)

On August 19, 2026, I verified no construction had been initiated for the single family dwelling. After the site visit, I checked the Warren County Building Department permit portal and found that a building permit had still not been issued for this property. Warren County Building Permit 20243517 the information hadn’t been updated since December 23, 2024. (See Exhibits: 8A-D, 9C)

On August 31, 2026 the owners represented that they were finalizing the single family dwelling drawings in order to make a submittal to the Warren County Building Department. I asked if they were ready to apply for a new single family dwelling permit. I was informed that their architect/builder would be applying for all required permits.

As of September 4, 2026 no single family dwelling had been constructed or initiated on the property.

In 2024 and 2025 I errored in not requiring the owner to demonstrate that actual construction had commenced before I issued a temporary housing during construction permit.

- C. The mobile home shall be placed in a location approved by the Zoning Inspector which normally will be behind the dwelling unit building site. On a corner lot a screen shall be erected to hide the mobile home from the side street or streets.

Staff comments: Due to the need to be connected to utilities, the Trailer/RV/Camper was placed in proximity to the proposed single family dwelling. The Trailer/RV/Camper location exceeded the minimum twenty-five (25) foot side yard setback.

- D. Before the mobile home is occupied, it shall be connected to the sewage disposal system required for the single family dwelling under construction.

Staff comments: On September 28, 2026, I called the Warren County Health Department and requested the date of approval and installation of the leach field. The Health Department was not able to find a record of a system installed between 2024 and the date of my call. I asked if a septic and leach field plan had been approved in 2026, at the date of my call a septic system had not been approved for the property and the Trailer/RV/Camper was not connected to an approved on-site system.

On September 28, 2026, I also called the Warren County Water Department and was informed that the water tap for the property was paid for in August 2024. The first bill for water usage was in July 2025.

- E. The electrical service to the mobile home shall meet the requirements of the Revised Building Code of Warren County, Ohio.

Staff comments: A permit for a temporary pole was issued on August 1, 2024. A permit for a temporary pole was issued on November 24, 2025. An electrical panel is located north of the Trailer/RV/Camper. (See Exhibit: 9E)

- F. The mobile home shall be securely anchored by deadmen or screw type anchors.

Staff comments: Staff did not verify how or if the Trailer/RV/Camper is anchored to the ground. Staff did document that a framed cover was placed along the bottom of the Trailer/RV/Camper to block wind. (See Exhibit: 8C)

- G. A safe and substantial set of entrance steps of steel, wood or concrete shall be installed.

Staff comments: Staff documented that the Trailer/RV/Camper steps were being utilized to access the Trailer/RV/Camper. (See Exhibit: 8C)

- H. The mobile home may be occupied for a period of six (6) months and an additional six (6) month period if the Clearcreek Township Zoning Inspector is satisfied that work is progressing and additional time is required for completion of the residence. At the discretion of the zoning inspector, this time could be extended.

Staff comments: A zoning permit is valid for one (1) year from the date of issuance. During that year, the Code Enforcement Officer makes site visits to determine if construction has been initiated and if minimum parameters have been met to affirm the total size and setbacks. Sometimes due to issues beyond the control of the owner, the structure is never built. Prior to the expiration of the permit, I have allowed a one (1) time extension to help address unforeseen issues, provided the structure did not change in size and use. This extension occurs at no additional charge to the owner. If an owner is unable to build within the second year of the extension, it has been my experience that the scope of the project has changed and if the structure is still desired, a new plot plan and drawings are required.

During my August 2026 discussions with the owners, I outlined that I could not renew the single family dwelling permit, or the temporary housing during construction. A one (1) time extension was the maximum renewal. I informed the owners they would need to apply for a new single family dwelling permit. I informed the owners they would need to stop living in the Trailer/RV/Camper by the September 3, 2026 (this is maximum expiration date possible based upon 2025 single family renewal and temporary housing renewal).

My rationale for this decision was based upon:

- *The owners failed to initiate construction of the single family dwelling over the course of two (2) years of permits.*
 - *The owners failed to supply additional information required by the Warren County Building Department regarding the single family dwelling so that they could be issued a Building Permit.*
 - *During my discussions, the owners represented that they were working with an architect and builder to resolve issues with the Warren County Building Department. The owners were confident they would be living in the house by Christmas, but were unable to provide a timeline when a submittal would be made to the Warren County Building Department or to the Zoning Department for a new single family dwelling permit. The owners informed me that the architect/builder was responsible for submitting and getting the permits.*
- I. The mobile home must be vacated and removed within thirty (30) days after the residence is approved for occupancy or at the end of one (1) year, whichever occurs first. At the discretion of the Zoning Inspector this time could be extended.

Staff comments: On September 3, 2026 zoning permits 11,870 and 11,871 expired. During the August 19, 2026 & the September 4, 2026 site visit, staff found the single

family dwelling hadn't been established, temporary housing (Trailer/RV/Camper) remained connected to utilities and remained occupied. The owner failed to comply with the conditions of zoning permit 11,871. A thirty (30) day notice of zoning violation was issued. (See Exhibits: 4A-I, 7A-C, 8A-D)

- J.** A deposit of \$250 shall be made with the Clearcreek Township Trustees. This deposit will be returned provided the mobile home is removed within the period specified in Item H above. The deposit may be used by the Clearcreek Township Trustees to defray the costs of removing the mobile home from the premises.

Staff comments: On September 3, 2024 a \$250 deposit was collected from the owner as a condition of the issuance of the permit. As of September 4, 2026 the single family dwelling was not established and the Trailer/RV/Camper remained on the property, I discussed process with the Law Director and the Township Administrator. I decided to issue the Notice of Zoning Violation for the use of the property, to give the owner an opportunity to seek a lasting solution to abate the issue. If the owner chose to not comply with the order, I would seek relief in Common Pleas Court and an injunction. Removing the Trailer/RV/Camper without a mechanism to: permanently remove the Trailer/RV/Camper, prohibit it from returning to the property or prohibit it from being occupied would not solve the pending zoning violation. (See Exhibits: 3A, 4A-I, 8A-D)

Additional activity since the September 4, 2026 issuance of notice of zoning violation:

- *On September 4, 2026 Warren County Building Department issued the previous pending permit 2024-3517 for a single family dwelling. (See Exhibit: 10D)*
- *September 16, 2026 Mr. J.P. Burleigh, Suder LLC contacted Clearcreek Township Law Director Mr. Bryan Pacheco, Dinsmore regarding the received Notice of Zoning Violation.*
 - *During the exchange Mr. Pacheco was informed the Warren County Building Department issued a Building Permit for a single family dwelling on September 4, 2026. (See Exhibits: 10A, C, D)*
 - *After Mr. Pacheco brought this update to my attention:*
 - *I spoke with the Warren County Building Department and was informed that the 2024 single family dwelling permit request was not transferred to an expired status.*
 - *When the 2026 single family dwelling permit request was filed, the 2024 pending application number and documents were combined. (See Exhibits: 9D, 10C-D)*
 - *The 2024 zoning permit approval was in the file, but the expiration date was not reviewed.*
 - *The WC Building Department apologized for the error and offered to send out notice that the permit would be placed on hold until a zoning permit was obtained for 2026. (See Exhibits: 10A, E)*
 - *This hold would stop inspections by the WC Building Department on the construction process, but still allow the builder to work up to the next inspection.*
 - *I informed the Law Director that the property doesn't have an active approved zoning permit for the construction of a single family dwelling. Zoning permit 11,870*

has expired, no construction was initiated prior to it expiring. Any construction without a permit would be a violation of Section 18.01 of the Clearcreek Township Zoning Resolution.

- *September 17, 2026 Gerald Noe, Noe Architects applied for a zoning permit for a single family dwelling (ZP-26-0262). (See Exhibits: 11A-B)*
- *September 18, 2026 Zoning permit request (ZP-26-0262) was reviewed and payment was requested. (See Exhibit: 11C)*
- *September 18, 2026 Administrative Appeal BZA-26-004 and Administrative Appeal BZA-26-005 were submitted, reviewed, paid for and scheduled for November 10, 2026. (See Exhibits: 5A-H, 6A-H)*
- *September 20, 2026 Payment was received (ZP-26-0262). (See Exhibit: 11C)*
- *September 21, 2026 Zoning permit ZP-26-0262 was issued and the first inspection was scheduled for the week of October 27, 2026. (See Exhibit: 11D)*
- *October 12, 2026 the Warren County Building Department's hold remained active. It is unclear why the applicant has not forwarded the zoning permit to the Warren County Building Department. (See Exhibit: 10A)*

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

CHAPTER 3 DEFINITIONS

- 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. 3.69 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. 3.72 Trailer:** The word trailer shall include trailer coach, house trailer, mobile home, automobile trailer, camper or any self-propelled vehicle constructed, reconstructed or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, storage or conveyance of machinery, tools or equipment whether resting on wheels, jacks or other foundation and used or so constructed that it is or may be mounted on wheels or any similar transporting devices and used as a conveyance on highways and streets, but not including those vehicles

that are attached to an automobile or truck for the sole purpose of transporting goods or farm animals. Trailers shall not be considered buildings, dwellings or structures for the purpose of the Zoning Code.

SEC. 5.02 No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all of the regulations established by this Code for the zone in which the building or land is located.

SEC. 5.03 The placement of a house trailer, travel trailer or watercraft trailer, in any residential zone, shall be limited to a quantity of two (2), if stored outside of a structure. The trailer shall be parked in the side yard or rear yard of the dwelling unit. A gravel, concrete or asphalt area shall be established for such storage. No occupancy for human habitation shall be maintained or business conducted therein while such trailer is so parked or stored.

SEC. 5.14 Temporary Housing During Construction

In the event of the new construction of a single family dwelling or if an existing single family dwelling is destroyed by a natural disaster, fire or other technological disaster a mobile home may be located on a lot to provide temporary housing during construction or reconstruction provided:

- A. A statement of conditions, which in the opinion of the Zoning Inspector constitutes a natural disaster, fire or other technological disaster, thus requiring the use of a mobile home, must be filed with the mobile home permit application.
- B. A building permit shall have been issued for construction of a single family dwelling on the same lot or tract of ground, and that actual construction has commenced before the mobile home is placed on the property.
- C. The mobile home shall be placed in a location approved by the Zoning Inspector which normally will be behind the dwelling unit building site. On a corner lot a screen shall be erected to hide the mobile home from the side street or streets.
- D. Before the mobile home is occupied, it shall be connected to the sewage disposal system required for the single family dwelling under construction.
- E. The electrical service to the mobile home shall meet the requirements of the Revised Building Code of Warren County, Ohio.
- F. The mobile home shall be securely anchored by deadmen or screw type anchors.
- G. A safe and substantial set of entrance steps of steel, wood or concrete shall be installed.
- H. The mobile home may be occupied for a period of six (6) months and an additional six (6) month period if the Clearcreek Township Zoning Inspector is satisfied that work is progressing and additional time is required for completion of the residence. At the discretion of the zoning inspector, this time could be extended.
- I. The mobile home must be vacated and removed within thirty (30) days after the residence is approved for occupancy or at the end of one (1) year, whichever occurs first. At the discretion of the Zoning Inspector this time

could be extended.

- J. A deposit of \$250 shall be made with the Clearcreek Township Trustees. This deposit will be returned provided the mobile home is removed within the period specified in Item H above. The deposit may be used by the Clearcreek Township Trustees to defray the costs of removing the mobile home from the premises.

CHAPTER 5.5 OPEN SPACE RURAL RESIDENCE ZONE "OSR-1" REGULATIONS

SEC. 5.52 PERMITTED USES: A building or lot shall be used only for the following purposes:

- A. Single family dwellings.
- B. Home occupation as described in Section 5.752 (B).
- C. Community fire house as described in section 5.752 (C).
- D. The sale of household goods, furnishings, clothing, toys, tools and books that have been used by members of the family occupying the premises may be advertised and sold on the premises, provided such sale is not held oftener than every six (6) months, for a period of three (3) days each sale; the items sold were not acquired for the sale.
- E. Publicly owned or operated properties including parks, playgrounds and community centers.
- F. Public forests and nature reserves including the usual buildings therefore.
- G. Private forests and nature reserves, including the usual buildings therefore where parking spaces are limited to ten (10) vehicles.
- H. Model homes as described in Section 5.752 (H).
- I. A temporary or permanent building for protection from the weather elements, shall be required for animals other than for two (2) dogs, which reside on parcels less than five (5) acres. This building shall be established as an accessory, and located in the rear yard and at least eighty-five (85) feet from every property line.
- J. Roadside Farm Market, offering for sale agricultural products of which at least fifty percent (50%) of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. Ample off-street or off-road parking space shall be provided to take care of all vehicles visiting the roadside farm market. Parking spaces are limited to ten (10) vehicles. See Chapter 16 and 28.
- 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.
- L. Signage in accordance with Chapter 28.

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

B. Home occupation, subject to the following conditions in addition to any other applicable standards of use of the applicable zoning district not otherwise permitted herein:

1. Telework or telecommute-based activity shall not be considered as the operation of a home occupation subject to these standards.
2. Home occupations shall be clearly incidental and subordinate to the principal residential use of the property.
3. The use is compatible with other uses, maintains and preserves the character of the neighborhood and does not create a nuisance or detract from the residential function and tranquility.
4. The home occupation shall be conducted within the dwelling.
5. No commercial display of materials, merchandise, or goods shall be allowed to be stored outside of the primary residence.
6. The external appearance and/or use of the structure(s) or lot in which the home occupation is conducted shall not be altered to indicate the presence of the home occupation.
7. No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupation, shall be created.
8. The use does not produce offensive noise, vibration, smoke, dust, odors, lighting, electrical interference, radioactive emission, environmental pollution, or other nuisances.
9. Mechanical and electrical equipment used shall be only that normally used or found in a single-family dwelling; and, when performance rated shall be limited to normally domestic ratings rather than commercial or industrial.
10. Not more than one person, who is not a resident of the premises, may participate in the home occupation as an employee or volunteer.
11. The home occupation shall not serve as a location where multiple employees routinely meet or park prior to going to work off-site. Vehicle and equipment parking shall comply with Section 5.15 of the Clearcreek Township Zoning Resolution.
12. Products from internet based home occupations may be stored temporarily as inventory on the premises, during the normal course of said activity, inside the primary residence.
13. Delivery of materials necessary for a home occupation shall be limited to automobiles, light duty trucks (e.g. typical Fedex or UPS home delivery vans and trucks) or vans. Deliveries by heavy trucks shall be limited to two times per week.
14. Traffic generated by a home occupation shall not exceed the average daily volume normally expected for a residence in a residentially zoned neighborhood, which for the purpose of this section, equals up to ten (10) round trips per day.
15. Certain uses by their very nature, have a pronounced tendency to increase in intensity beyond the limits permitted for home occupations, thereby impairing the reasonable use and value of surrounding residential

properties. Therefore, the following are prohibited uses or activities as home occupations:

- a. Adult entertainment or sexually oriented business.
 - b. Ambulance service.
 - c. Day care (excludes plan “a” as defined in the Ohio Revised Code).
 - d. Health salon, gym or aerobic exercise studio.
 - e. Machine shop.
 - f. Medical and dental clinics and hospitals.
 - g. Motor vehicle towing, storage, and/or salvage business.
 - h. Nursing homes.
 - i. On-site, store front retail as a primary use.
 - j. Parking on, or dispatching from the site, any vehicle used in conjunction with the home occupation not complying with Section 5.15 of the Clearcreek Township Zoning Resolution.
 - k. Printing shop.
 - l. Restaurants or any other eating and/or drinking establishment.
 - m. Short-Term Rental, bed & breakfast, motel, hotel, inn.
 - n. Trucking, hauling, moving, tow truck service, hearse service, limousine, and cab service.
 - o. Undertaking and funeral parlor.
 - p. Uses that require explosives or highly combustible or toxic materials.
 - q. Uses that require fire safety inspections, precautions or permits or other regulatory inspections or permits involving public health and safety.
 - r. Vehicle: sale, service, repair, body work, painting, detailing, upholstery and/or washing.
 - s. Veterinarian with boarding and/or surgical services, or
 - t. Uses similar to the above listed use which would, at the discretion of the zoning inspector, result in nuisance factors as defined by this section. In those instances when the zoning inspector denies an application, or if the zoning inspector is uncertain of the appropriateness of a proposed home occupation, the matter may be appealed to the Board of Zoning Appeals (BZA) for interpretation.
- C. Community fire house, provided.
- 1. Front yard, side yard and rear yard requirements for zone are met.
 - 2. Main building shall be at least minimum residential size.
 - 3. Enough area is set aside for future parking spaces, for a minimum of forty (40) cars, with a parking space provided at any given time for each member of the fire company. If an assembly hall is included in the building, additional parking spaces shall be provided in accordance with **Chapter 16, Zoning Code**.
- D. The sale of household goods, furnishings, clothing, toys, tools and books that have been used by members of the family occupying the premises may be advertised and sold on the premises, provided such sale is not held oftener than every six (6) months, for a period of three (3) days each sale; the items sold were not acquired for the sale.
- E. Publicly owned or operated properties including parks, playgrounds and community centers.

- F.** Public forests and nature reserves including the usual buildings therefore.
- G.** Private forests and nature reserves, including the usual buildings therefore where parking spaces are limited to ten (10) vehicles.
- H.** Model homes: 1. Shall exist within a subdivision. 2. Shall be located along the primary ingress and egress to the subdivision. 3. Shall be declared to the Clearcreek Township Zoning Department prior to the use being established. 4. Shall be eliminated after ninety (90) percent of the parcels within that subdivision are under construction.
- I.** A temporary or permanent building for protection from the weather elements shall be required for animals other than for two (2) dogs, which reside on parcels less than five (5) acres. This building shall be established as an accessory, and located in the rear yard and at least eighty-five (85) feet from every property line.
- J.** Roadside Farm Market, offering for sale agricultural products of which at least fifty percent (50%) of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. Ample off-street or off-road parking space shall be provided to take care of all vehicles visiting the roadside farm market. Parking spaces are limited to ten (10) vehicles. See Chapter 16 and 28.
- 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.
- L.** Signage in accordance with Chapter 28.

CHAPTER 18 FEES AND PERMITS

- SEC. 18.01** Except as provided in Chapter 5, no buildings or other structures shall hereafter be located, constructed, enlarged or structurally altered or shall any work be started upon same until a zoning permit has been issued by the Clearcreek Township Zoning Inspector, which permit shall state that the proposed building and use comply with all the provisions of this Code. Zoning permits shall expire one (1) year after date of issue, if work has not been started.

CHAPTER 19 VIOLATIONS AND PENALTIES

- SEC. 19.01** Violation of any regulation, provision, amendment or supplement to the zoning resolution, or failing to obey any lawful order of the Clearcreek Township Zoning Commission inspection department issued pursuant thereto of any provision of the resolution or any amendment or supplement thereto by any owner or lessee or other person, firm, or corporation shall constitute a minor misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500.00) for each offense. Each and every day after delivery of notification of such violation during which any illegal erection, construction, reconstruction, enlargement or change of any structure, or illegal use of any location continues shall be deemed a separate offense.

SEC. 19.02 In case any building that is located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is used in violation of any regulation, provision, amendment or supplement to the zoning resolution, the Board of Township Trustees and/or the Zoning Inspector, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceedings, to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. In addition to any other remedy ordered by the court in any action brought pursuant to this section, the defendant therein shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense. Each and every day after delivery of notification of such violation during which any illegal erection, construction, reconstruction, enlargement or change of any structure, or illegal use of any location continues shall be deemed a separate offense.

CHAPTER 21 BOARD OF ZONING APPEALS

SEC. 21.01 The Board of Zoning Appeals shall have the following powers:

A. ADMINISTRATION:

To hear and decide appeals where it is alleged that there is error in any order, requirement decision or determination made by an administrative official, including the Zoning Inspector, in the enforcement of **Sections 519.01 to 519.25**, inclusive, Ohio Revised Code, or any resolution adopted pursuant thereto.

CHAPTER 27 ENFORCEMENT

SEC. 27.01 It shall be the duty of the Clearcreek Township Zoning Inspector to enforce the Zoning Code.

The role of the Board of Zoning Appeals is to hear and decide Case 26-BZA-004 the appeal of August 31, 2026 Denial of Extension for Temporary Housing and Case 26-BZA-005 the appeal of September 4, 2026 Notice of Code Violation. The Board will determine if the Zoning Inspector erred in any order, requirement decision or determination, in the enforcement of Sections 519.01 to 519.25, inclusive, Ohio Revised Code, or the Clearcreek Township Zoning Resolution.

CASE 26-BZA-004 Administrative Appeal

Staff recommends the Board of Zoning Appeals DENY the Applicant's Appeal of Case 26-BZA-004. Staff's rationale is outlined below:

This request deals with my August 31, 2026 determination to not extend a zoning permit for temporary housing.

- Zoning permits are valid for a year from the date of issuance. I have extended zoning permits for one (1) additional year (maximum renewal) based upon a case by case review of the request. The zoning permits for the single family dwelling (11,870) and the temporary housing during construction (11,871) were initially issued on September 3, 2024. At the request of the owner on August 13, 2025, zoning permit 11,870 was extended to September 3, 2026. Zoning permit 11,871 was extended to March 3, 2026 with the ability for the permit to be extended an additional six (6) months (September 3, 2026).
- Section 5.02: Prohibits land be used which does not comply with all the regulations established by this Code for the zone in which the building or land is located.
- Section 5.14 of the Clearcreek Township Zoning Resolution is a permissive regulation. The use of the word "may" and the criteria required by the applicant to perform create a situation in which not every request for temporary housing during construction can or will be approved. After two (2) years, a single family dwelling hadn't been constructed on the site. The owner hadn't made a submittal to the Warren County Building Department to address the deficiencies identified on December 23, 2024.
- A temporary housing during construction permit requires the applicant to meet the requirements of 5.14 of the Clearcreek Township Zoning Resolution. The applicant failed to meet items: B (obtain a building permit and construction has commenced), D (establish an on-site sewage disposal system for the dwelling and connect to it), H (Trailer/RV/Camper occupied for six months and extended an additional six months if the Zoning Inspector is satisfied that work is progressing and additional time is required for completion).

CASE 26-BZA-005 Administrative Appeal

Staff recommends the Board of Zoning Appeals DENY the Applicant's Appeal of Case 26-BZA-005. Staff's rationale is outlined below:

The request deals with my issuance of a Notice of Zoning Violation for living in a Trailer/RV/Camper in violation of Sections 5.03, 5.14 and 5.52 of the Clearcreek Township Zoning Resolution.

- The previously issued zoning permits for the single family dwelling (11,870) and the temporary housing during construction (11,871) have expired.
- Section 5.02: Prohibits land be used which does not comply with all the regulations established by this Code for the zone in which the building or land is located.
- Section 5.03: Prohibits the occupancy for human habitation of a trailer while it is stored on a property.
- Section 5.14: Requires a valid zoning permit, Trailer/RV/Camper must be vacated and removed within thirty (30) days after the residence is approved for occupancy or at the end of one (1) year, whichever occurs first.
- Section 5.52: The list of permitted uses doesn't include a Trailer/RV/Camper used for habitation.
- Sections 19.01 and 19.02 outline the Violations and Penalties in County Court and Common Pleas Court.
- Section 27.01 of the Clearcreek Township Zonings Resolution outlines it is the duty of the Zoning Inspector to enforce the Zoning Code.