



Record Report for Variance Request #BZA-26-0006

Record Overview

Record Number: BZA-26-0006
Record Type: Variance Request
Record Status: In Progress
Record Submitted At: Wednesday October 14, 2026
Record Address: 8423 Point O Woods Ct. Springboro, OH 45066
Record Owner: Jeff Palmer
Record Applicant: Kevin Hopf

Form Submission

Applicant is:: Property Owner

If Other, please explain: -

Applicant:

Kevin Hopf
8423 Point O Woods Ct
Springboro, OH 45066

Address of Project: 8423 Point O Woods Ct. Springboro, OH 45066

Legal Description of Property or Metes and Bounds Description:

Lot 118, Woodland Greens Subdivision (Section 2-2)
Warren County, Ohio

Current Use of the Property:

Single-family residential dwelling

Property fronts on the following roads:: Point O Woods Ct.

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

The legal title to said property recorded in the name(s) of:: KEVIN MICHAEL HOPF LAUREN ANNE HOPF

Tax mailing address of individual(s) with whom the legal title to said property is recorded:: 8423 Point O Woods Ct.
Springboro, OH 45066

Reason for Application:

The purpose of this application is to request a variance to reduce the required rear-yard setback from 40 feet to 27 feet (see Item 8a) in order to construct an addition to the existing primary residence, specifically a covered outdoor patio. Although the structure will be attached to the residence and therefore classified as an addition under the zoning requirements, 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.

1. The hardship must remove all profitable use from the land. It is not a sufficient hardship if the land would be

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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::

Our family purchased the property located at 8423 Point O Woods in October 2025 and have since invested significant time and resources into restoring and improving the home. As those renovations neared completion, we turned our attention to creating a functional outdoor living space that would allow us, our large extended family, and guests to enjoy the property throughout much of the year.

To address the property's lack of covered outdoor living space, we designed an open-air covered patio that would provide shade, protection from the elements, and a dedicated gathering area while remaining architecturally consistent with the existing residence. Attached as Exhibit A is a draft Elevation drawing depicting the proposed structure.

During the planning process, it was determined that the proposed patio would encroach into the required rear-yard setback. In July 2026, we submitted Variance Request BZA-26-002 seeking a reduction of 17 feet to the rear setback. The request was denied because the Board concluded that a detached covered structure could be constructed in compliance with the Township's accessory structure setback requirements.

Following that decision, we pursued the alternative identified by the Board. However, the Woodland Greens Homeowners Association ("WGHA") governing documents prohibit detached structures other than sheds not exceeding 200 square feet. We requested a variance from the WGHA to construct the proposed patio as a detached structure, but that request was denied on September 27, 2026. Attached as Exhibit B is a copy of the WGHA Improvement Application/Variance Request and supporting documents and WGHA denial documentation. As a result, the detached structure alternative that formed a basis for the prior denial is not available.

We also evaluated constructing the patio over the existing concrete patio. Following consultation with a professional architect, it was determined that roof pitch, structural integration, and egress requirements make that alternative impractical. Supporting written documentation is pending and will be provided by the architect shortly.

The practical difficulty arises from the placement of the residence on the lot when built and the resulting limitations created by the rear-yard setback requirements. These conditions were not created by us and significantly restrict the ability to construct an attached covered patio.

The proposed structure is an open-air, non-habitable residential amenity that will remain consistent with the character of the home and surrounding neighborhood. It is intended solely to provide a functional outdoor gathering space and will have minimal impact on neighboring properties.

Given the unique circumstances of the property, the lack of feasible alternatives, the elimination of the detached structure option identified during the prior variance proceeding, and the minimal impact on the surrounding community, our family respectfully request approval of the variance.

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

Based on information obtained from Township records, the builder, and the final approved site plans, this property possesses unique characteristics that distinguish it from the majority of lots within the neighborhood. The original site plans contemplated locating the residence approximately 50 or 60 feet from the front property line, which would have resulted in a rear-yard depth of approximately 96 or 106 feet.

Supporting documentation, including the original builder site plans and Township-approved zoning documents, is attached as Exhibits E. These documents demonstrate the original intended location of the residence and illustrate how site-specific topographical and environmental conditions ultimately resulted in the home being placed farther back on the lot than originally planned.

Due to the grade and slope of the lot, as well as efforts to preserve existing mature trees near the front of the property, the residence was ultimately constructed farther back on the lot than originally planned. As a result, the available rear-yard depth was significantly reduced.

The placement of the residence, which was driven by site-specific topographical and environmental conditions, created limitations on future improvements that would not have existed under the original site plan. These conditions are unique to this property and are not representative of a general condition affecting the neighborhood as a whole.

Further supporting the uniqueness of this property, Exhibit C illustrates the buildable area available on neighboring

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properties that were notified as part of Variance Request BZA-26-002. As shown, many surrounding homes have substantially greater rear-yard depth and buildable areas available for future improvements. The reduced rear-yard depth affecting our property is not a general condition throughout the neighborhood but rather the result of site-specific factors unique to this parcel.

Consequently, the combination of the property's topography, the location of the existing residence, the reduced rear-yard depth, and the applicable setback requirements create a practical difficulty that is specific to this parcel and not shared by the majority of surrounding properties.

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

The requested variance will not alter the essential character of the neighborhood. The proposed covered patio is an attached residential improvement that is consistent with the scale, appearance, and architectural character of the Woodland Greens community.

The proposed structure will be integrated into the aesthetics of current residence and constructed using materials and features that complement the home and surrounding properties. It will remain subordinate to the principal residence and will be visually consistent with other outdoor living amenities commonly found in residential neighborhoods.

The requested variance relates solely to the rear-yard setback requirement and does not involve a change in land use, density, building height, or the overall character of the surrounding area. The property will continue to be used as a single family residence, and the proposed improvement will not create any adverse impacts on neighboring properties.

Approval of the requested variance will allow a customary residential improvement while preserving the existing character of the neighborhood.

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 hardship arises from the unique circumstances affecting this specific property. Due to the property's topography, the placement of the residence on the lot, the resulting reduction in rear-yard depth, and the applicable setback requirements, we are unable to construct the proposed attached covered patio without variance relief.

Furthermore, the detached structure alternative identified during the review of Variance Request BZA-26-002 has since been determined to be unavailable due to WGHA restrictions. We also investigated alternative design options and determined they present significant practical limitations.

As a result, a hardship results from the unique physical characteristics of the property and the lack of a feasible alternative(s) for constructing a customary residential outdoor living space, desired by our family.

Based on the circumstances described above and in the responses to Items 1, 2, and 3, we believe a real and unnecessary hardship does exist.

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

The hardship does not result from any action taken by us. Rather, it results from the existing topographical characteristics of the property, the placement of the residence on the lot, and the applicable Clearcreek Township zoning requirements. These items existed prior to our purchase of the property and were not created by us. Specifically, the location of the residence was influenced by the lot's grade, slope, and the preservation of mature trees, all of which reduced the available rear-yard depth and limited future improvement options. The resulting difficulty arises from the pre-existing site conditions and the application of the current setback requirements, not from any action or decision by us.

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

No. The property was acquired as a conforming residential home and property with the expectation of maintaining and reasonably improving the property over time.

While we understood the property was subject to applicable zoning regulations, we were not aware of the unique site conditions and resulting limitations on future improvements created by the placement of the residence on the property and the reduced rear-yard depth. The unique circumstances of the property and residence resulting from the original design and construction in 1987-1988 were not known to us and could not reasonably have been anticipated at the time of purchase.

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

The requested variance, if granted, will not be contrary to the public interest. The proposed covered patio is a customary residential improvement that will not adversely affect public health, safety, or welfare. The structure will not create additional traffic, impact public utilities, alter drainage patterns, or otherwise burden public services.

The proposed improvement will remain compatible with the surrounding neighborhood and will not create adverse impacts related to light, air, privacy, noise, or the reasonable enjoyment of neighboring properties. The variance request relates solely to the rear-yard setback requirement and does not involve a change in land use, density, or the residential character of the area.

Based on discussions with representatives of the WGHA Board and Architectural Committee, the concept of an attached covered patio is permitted within the community provided the applicable architectural standards are satisfied. This further demonstrates that the proposed improvement is consistent with the character and expectations of the neighborhood.

In addition, letters of support from the adjacent rear property owner, Sycamore Creek Country Club, and neighboring property owners Shawn Tovey and Marie Perkins are attached as Exhibits E and F, respectively. Their support further demonstrates that the proposed improvement will not adversely impact neighboring properties or the surrounding community.

We believe approval of the requested variance would serve the reasonable use and enjoyment of the property without creating any adverse impact on the public interest.

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

8a) We respect and fully support the concept and need for property setback requirements in the zoning code. This was the main reason behind our thinking when we decided to reduce the dimensions and square footage of the proposed structure. Our goal was to find a way to minimize the impact of the variance. In this situation it lessens the impact on the setback to 13 feet while preserving a setback of 27 feet. Further, when considering the impact, our variance request would only impact only 24 feet of the 127-foot rear property line. It is our hope, the effort reducing the overall dimensions of the proposed structure, the reduced impact on the rear setback line, and all the unique characteristics/history of the property outlined herein will provide valid reasons and a defensible position for the BZA Members to grant this variance request.

8b) The requested variance represents a reasonable and limited adjustment to allow a modest residential improvement that is consistent with the character of the neighborhood and has minimal impact on surrounding properties.

- The proposed patio is open-air and non-habitable.
- The structure is limited in size and scope.
- The requested setback reduction affects only the location of the structure and does not alter the residential use of the property.
- The proposed attached structure creates less visual impact than a detached accessory structure.
- The proposed use is supported by the adjacent property owners, most directly affected by the request.

8c) Since the denial of Variance Request BZA-26-002, we have evaluated all alternatives identified during the review process. Through the WGHA Architectural Standards variance review process, we have confirmed that the WGHA will not permit the proposed improvement as a detached accessory structure under its governing documents.

8d) We have also explored the possibility of acquiring a small parcel of land adjoining the rear property line (approximately 20 feet by 127 feet) from Sycamore Creek Country Club (SCCC) to increase the overall depth of the property and achieve compliance with the setback requirements for additions. Following discussions with SCCC Leadership and Board members, we were advised that such a transaction was not likely because SCCC did not wish to establish a precedent for future land sales.

8e) During the review of Variance Request BZA-26-002, discussion occurred regarding the use of a recorded deed restriction to ensure that the proposed covered outdoor living area remains consistent with the plans submitted to the BZA. We are willing to voluntarily record a deed restriction, prepared by legal counsel and approved by the appropriate authorities, permanently limiting the structure to an open-air, non-habitable use and prohibiting its enclosure or conversion into conditioned living space. We believe this commitment provides an additional layer of protection for neighboring properties and the community by ensuring that the variance cannot be used to facilitate future expansion beyond the scope of the request currently before the Board.

8f) We have made substantial efforts to identify reasonable alternatives in lieu of the requested variance. However, the

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detached structure alternative is not permitted by the WGHA; the placement alternatives discussed during the prior BZA hearing were determined to be impractical due to architectural and code-related constraints; and the acquisition of additional land from SCCC is not a realistic option. As a result, the requested variance represents the most practical and least impactful solution.

Granting variance would not adversely affect neighboring properties, alter the character of the neighborhood, nor conflict with the intent of the zoning regulations. Rather, it would allow a customary residential improvement while respecting the interests of adjoining property owners, preserving the character of the surrounding area, and addressing the unique circumstances that exist on this property.

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.:

Kee M. Hyl

Signed in GovWell: Wednesday October 14, 2026, 11:12am

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