

7593 Bunnell Hill Road

Springboro OH 45066



Clearcreek Township

937-748-1267

Record Report for Administrative Appeal #BZA-26-0004

Record Overview

Record Number: BZA-26-0004

Record Type: Administrative Appeal

Record Status: In Progress

Record Submitted At: Friday September 18, 2026

Record Address: 4168 UTICA ROAD, LEBANON 45036

Record Owner: Jeff Palmer

Record Applicant: J.P. Burleigh

Form Submission

Applicant is:: Other

If Other, please explain: Attorney

Applicant:

J.P. Burleigh

Suder, LLC, 1502 Vine Street, Fourth Floor

Cincinnati, OH 45202

SAN JUAN LLC

4168 UTICA ROAD, LEBANON 45036

Legal Description of Property or Metes and Bounds Description:

Parcel 0922351013 10 acre parcel

Parcel 0922351012 .21 acre parcel, access and address

Current Use of the Property:

Temporary housing pending construction of single-family dwelling

Property fronts on the following roads:: 0922351013 Old Rt 122, 0922351012 Utica Rd

The property is presently zoned:: Open Space Rural Residence Zone "OSR-1", Residence Zone "R-1"

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

Tax mailing address of individual(s) with whom the legal title to said property is recorded:: 4168 Utica Rd

Reason(s) for the Application::

See attached Notice of Appeal

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.:

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ZONING DEPT.

JFB

Signed in GovWell: Friday September 18, 2026, 3:29pm

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IN THE BOARD OF ZONING APPEALS
CLEARCREEK TOWNSHIP, OHIO

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CLEARCREEK TOWNSHIP
ZONING DEPT.

SAN JUAN LLC,

Appellant,

v.

JEFF PALMER, DIRECTOR OF
PLANNING AND ZONING,

Appellee.

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:
:
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:
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:
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:
:

Case No. _____

NOTICE OF APPEAL (AUGUST 31,
2026 DENIAL OF EXTENSION FOR
TEMPORARY HOUSING)

Pursuant to Section 519.15 of the Ohio Revised Code and Section 21.01(H)(2) of the Clearcreek Township Zoning Code, San Juan LLC ("Appellant") hereby provides notice of an appeal to the Clearcreek Township Board of Zoning Appeals (the "BZA"). The decision at issue in this appeal (the "Decision") is the denial of the Director of Planning and Zoning (the "Director") of an extension of time for temporary housing at 4168 Utica Road, Warren County Auditor's Parcel Id. No. 0922351012 and 0922351013 (the "Property". The Decision occurred on August 31, 2026 and is described on the first page of the Notice of Code Violation attached as **Exhibit A**.

Appellant is the owner of record of the Property and is directly aggrieved by the Decision. Appellant's grounds for appeal are that the Decision is unconstitutional, illegal, arbitrary, capricious, unreasonable, and unsupported by the preponderance of substantial, reliable, and probative evidence. Among other issues, the net effect of the Decision is to deny housing for three minor persons (children of Appellant's members) who are disabled under state and federal law. As disabled persons, these children are entitled to reasonable accommodations from general policies in order to

enjoy equal access to housing. R.C. 4112.02(H)(18)(a); 42 U.S.C. § 3604(f)(3)(B); 42 U.S.C. § 12182(b)(2)(A)(ii). And because zoning is a general public policy that affects housing access, the Township has an affirmative obligation to make reasonable accommodations for these disabled children in the administration of its zoning regulations. *See, e.g., Anderson v. City of Blue Ash*, 798 F.3d 338, 360 (6th Cir. 2015); *Howard v. City of Beavercreek*, 276 F.3d 802, 806 (6th Cir. 2002); *Smith & Lee Assocs. v. City of Taylor*, 102 F.3d 781, 795 (6th Cir. 1996); and *Marbrunak, Inc. v. City of Stow*, 974 F.2d 43, 45 (6th Cir. 1992). The Director abused his discretion in unreasonably denying the requested extension in contravention of applicable law, and the BZA should therefore reverse his Decision.

Appellant reserves the right to present argument, offer witnesses, and offer evidence in support of this appeal at a public hearing, so as to create a record for appeal to the Warren County Court of Common Pleas under R.C. 2506.03. Regardless of the outcome of this proceeding, Appellant also reserves the right to pursue damages against the Township in a separate action, as is permitted under R.C. 519.26.

Date: September 17, 2026

Respectfully submitted,

/s/ J.P. Burleigh
J.P. Burleigh (0101560)
SUDER, LLC
1502 Vine Street, Fourth Floor
Cincinnati, OH 45202
(513) 694-7500
jp@ssuder.com
Counsel for Appellant San Juan LLC

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EXHIBIT A

Notice of Code Violation

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7593 Bunnell Hill Road
Springboro OH 45066



Clearcreek Township
937-748-1267

NOTICE OF CODE VIOLATION

The Clearcreek Township Department of Zoning received a complaint, outlined below, at the property listed below.

We have visited your property, SEE ATTACHMENTS FOR ADDITIONAL SITE VISIT INFORMATION.

CERTIFIED MAIL NUMBER:
9589071052703194069737

Code Enforcement: Case

Number: #CASE-26-0016
Valid From: 9-04-2026
Valid Until: 10-04-2026

Address: 4168 UTICA ROAD, LEBANON 45036
Parcel: 0922351012

Related Record Information

Address: 4168 UTICA ROAD, LEBANON 45036
Parcel Number: 0922351012, 0922351013
Account Number: 0106801, 0141543
Zoning Classification: Residence Zone "R-1", Open Space Rural Residence Zone "OSR-1"

Contacts

Type	Name	Company	Title	Email	Phone	Fax	Address
On Site Contact	Leonardo & Alissa Castaneda	-	-	SANJUAN2USA@gmail.com	-	-	-
Property Owner	Leonardo Castaneda	-	-	-	-	-	4168 UTICA ROAD LEBANON OH 45036
Tax Mailing	Leonardo Castaneda	San Juan LLC	-	-	-	-	4168 UTICA ROAD LEBANON OH 45036

Case Information

Violation Type(s):
Expired Zoning Permit, Other

Code Officer Notes:

The original zoning permit was issued on September 3, 2024 for a single-family dwelling. The owner (Mr. Leonardo Castaneda) asked to live in the RV while they were building the house. Temporary housing is permitted under Section 5.14 of the Clearcreek Township Zoning Resolution. There is a requirement that the RV be connected to utilities. There is an expectation that a dwelling is under construction during that time. On August 13, 2025 the owner (Mr. Castaneda) requested the zoning permit and the temporary housing be extended until September 3, 2026. Mr. Jeff Palmer extended the permit. On August 19, 2026 Mr. Jandon Ankrom and Mr. Palmer made a site visit to affirm the status of construction. We documented that trenches have been dug for a foundation, but no foundation has been established. We spoke with the owners (Leonardo and Alissa Castaneda) and explained that their zoning permit was set to expire on September 3, 2026. Mr. Palmer explained that he could issue a new zoning permit for the dwelling but would not be able to issue a new zoning permit for the temporary housing. On August 31, 2026, the owners (Leonardo and Alissa Castaneda) came to Mr. Palmer's office and requested an extension to live in the RV. Mr. Palmer outlined that after discussing the issue with the Law Director, he was only able to issue a new permit for the dwelling and not issue a permit for the temporary housing. Mr. & Mrs. Castaneda stated that their architect will be submitting for all permits. Mr. Palmer outlined the need to vacate the RV and disconnect the RV from utilities no later than the expiration of the permit (September 3, 2026). Mr. Palmer will make a site visit to document activity on September 4, 2026, if the RV remains connected to utilities and/or is occupied, a 30 day notice of zoning violation would be issued. If the owners continue to live in the RV, Mr. Palmer will seek relief from the Common Pleas Court. Mr. Palmer informed them that he will also be seeking reimbursement for all legal fees.

Due Date for Compliance: October 4, 2026

Code in Violation

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Chapter 5 – General Provisions - SEC. 5.03 - Residential Trailer Parking

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.

Chapter 5 – General Provisions - 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 - 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).
- 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.

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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 3 – Definitions - 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.

It is the determination of the Clearcreek Township Zoning Department that the above described property is in violation of the referenced Section(s) of the Clearcreek Township Zoning Resolution. You are hereby directed to bring the referenced property into compliance within thirty (30) days from the date of this notice or legal prosecution will be instituted. Time extension granted beyond the thirty days will be based upon the improvement of the property situation.

Compliance can be accomplished by:

1. Remove the trailer off site to comply with SEC. 5.52.

Or

2. Disconnect all utilities from trailer and relocate trailer to location away from utility hookups to comply with SEC 5.14 and SEC. 5.52. Cease occupancy of human habitation to comply with SEC. 5.03.

Please contact me at your earliest convenience to discuss this matter. I can be reached at the details below:

Staff Phone:
(937) 748-1267, Option 1, Option 1

Staff Email:
jpalmer@clearcreektownship.com

Jeff Palmer, Director of Planning and Zoning

9/04/26

Date

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