



Conditional Use Permit Request

Application to the Board of Zoning Appeals
Clearcreek Township, Warren County

Case #: 18-BZA-001

Note: This application must be typewritten or computer generated and filed with the Clearcreek Township Zoning Inspector for presentation to the Board of Zoning Appeals. The following information must be filled out in its entirety and accompanied by a fee of \$600.00 to validate the application. The application must be received prior to the monthly scheduled cutoff date in order to be heard at the following monthly meeting. Application consents to a site visit from The Board of Zoning Appeals Members and Zoning Staff. The Application also consents to a temporary sign being erected on the property to identify a pending appeal to the Board of Zoning Appeals. This sign shall be erected at least ten (10) days prior to the public hearing and removed after the public hearing. Attach additional computer generated or typewritten sheets as needed. Applicant is notified of the current membership and the Rules and Regulations for the Board of Zoning Appeals, which outline the procedures by which the Board shall operate, are found on the website www.clearcreektownship.com or can be requested from staff.

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Name of Applicant:

James Kendrick and Tim Huffman

Mailing address of Applicant:

6725 Rio Vista Ct. Springboro, Ohio 45066

Identify the Legal Description of Property to be Considered or Attach Metes and Bounds Description:

4-3-4 1 Acre (parcel 0804300004) ; 4-3-4 24.78 Acres (parcel 0804300013)

Property fronts on the following road(s):

Pekin Rd.

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

Kendrick, James H.

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

6725 Rio Vista Ct. Springboro, Ohio 45036

The property is presently zoned:

R1 ; OSR 1

The current use of the property:

Vacant ; vacant and agricultural crops

Reason(s) for the application:

Building an event barn and gazebo on the property. *weddings and receptions *team building/meetings for businesses *strawberries, sunflowers and trees *site for locals family/H.S. Senior pictures *family/class reunions *big brothers/sisters, boy and girl scouts, veterans use at little/no charge *holiday events

Applications for a conditional use permit, other than for telecommunication towers shall be made on this form. A site plan prepared by a professional engineer, surveyor, or architect shall accompany the application.

1. The site plan shall show on one or more sheets:
 - A. A metes and bounds drawing of the area for the proposed conditional uses;
 - B. Topography of the area with intervals of not more than five (5) feet of elevation;
 - C. Existing water courses, all flood prone areas using the one hundred (100) year flood plain as a standard along with the proposed surface water drainage plans;
 - D. All existing and proposed roads and driveways in the proposed conditional use area and within 200 feet of the boundaries;
 - E. All required parking and loading area pursuant to Chapter 16 of the Clearcreek Township Zoning Resolution;
 - F. The shape, size and floor area of all existing structures;
 - G. Front, rear and side elevations of each proposed structure or for proposal consisting of multiple similar structures;
 - H. Existing vegetation and tree coverage along with the location, dimensions and other relevant data for all proposed landscaping, fencing, walls or similar structures;
 - I. Any additional information that may be deemed necessary for a complete review of the proposed conditional use.

2. It shall be the responsibility of the applicant to analyze the following standards and to propose conditions consistent with such standards as a part of the application and site plan:
 - A. The proposed use shall mitigate the impact of noise generated by the use:

We are proposing that all events end no later than 11pm (some other sites researched maintain events up to midnight). The event barn will be centrally located on the property and well insulated. If the event is a wedding the usual 15 to 25 minute civil ceremony will either be inside the barn or at the gazebo usually during the traditional hours of 3:30 to 7:30. The noise from this gazebo event should be reserved to within earshot of the guests gathered not the surrounding neighborhood.

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B. The proposed use shall mitigate the impact of light pollution generated by the use:

Lighting during non-use will be limited and low intensity. Lighting during use will be sufficient only to enable people to safely locate their vehicles and enable safe transportation on/off the property.

C. The proposed building materials shall be compatible to the existing structures on the property and blend into the context of the neighborhood:

Building materials will be hemlock, wood, faux stone, concrete and steel to give the appearance of an upscale barn.

D. The proposed uses shall be physically suitable for the parcel on which it is proposed:

The use will be to hold events for the public and local organizations. We expect to grow strawberries and sunflowers on the property. The rear acreage will be converted from crop fields to a natural field, tree and wildlife area.

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E. The proposed use shall be of a size and/or number of structures that may be completed in a reasonable time:

The event barn and gazebo are expected to be completed within 6 months of start which will hopefully be March with an August finish.

F. The proposed use shall locate structures in an area that limits the impact to adjoining properties:

The proposed location is in the middle of the property with respect to East and West. It will be well off the street behind the pond and the rear of the building will back up near the current crop field area.

G. The proposed use shall locate outdoor gathering places in an area that limits the impact to adjoining properties:

Outdoor gathering places will be around the barn and occasionally the pond/gazebo area. See the map depiction for an aerial view.

H. Buffer space, plantings and mounding shall be used on the periphery of the proposed use or property to maximize compatibility with adjoining properties:

Planting of pines and other trees are planned on the periphery and interior for beautification and noise buffering.

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- I. When a proposed use includes common or jointly owned space an owners association or similar organization shall be formed with the authority and responsibility to maintain and manage such common or jointly owned space in perpetuity:

There will be no common owned space that would necessitate an owners association. We would see an easement for the drive on parcel 0804300004.

- J. The proposed use shall be supported by adequate public infrastructure and/or services. The proposed use shall not adversely affect public infrastructure and/or public services to the surrounding area or conditions shall be established to mitigate adverse impacts on such written comments from the following departments as applicable: Clearcreek Township Fire District, Clearcreek Township Police Department, Ohio Environmental Protection Agency, Ohio Department of Transportation, Warren County Auditor, Warren County Building Department, Warren County Engineer's Office, Warren County Health Department, Warren County Soil and Water Conservation District, Warren County Water Department:

Our goal is to blend in seamlessly with nature, neighbors and county services. From the fire department we have their regulations in appendix D from Lt. Larry Carmen and wish to comply accordingly. From the police department we have correspondence from Sergeant Wallace Stacy of which a copy is provided. The Ohio EPA concerns fall under Warren County soil and water jurisdiction according to Molly Conley the Natural Resource Engineer on Silver St. We have an email from her about what would trigger a permit from them which would be disturbing greater than 1 acre which we should be under by about 10,000 square feet (see enclosed documentation). The Warren County Water Dept. has given us an email about water flow in the hydrants of the area which are fantastic according to Mr. Byrd. Warren County Health Dept. stated that they would likely go along with the site plan for the septic system which after the soil sample was done by Dan Michaels (who also does site plans) we have a worst case scenario for the system in an email. Health Dept. will not need to regulate food since no food preparation will be done on site.

- K. The proposed use shall provide for access by public emergency equipment such as: fire, ambulance and police vehicles:

Driveway/lane access as needed for public, fire, ambulance and police vehicles will be provided in accordance with the fire code width. Kurt Weber the WCEO engineer has emailed us and stated that a 40' culvert entrance from Pekin with a 20' wide drive to the barn would be appropriate with his office as well. We will have a designated fire truck parking/working area as well as a turnaround that meets with the fire department appendix D regulations. J. Cont. Ohio Dept. of Transportation stated on 1/5/18 that they only regulate state routes and Pekin Rd. would not fall under their jurisdiction. Ned at the Ohio EPA agreed with Molly Conley about not triggering their regulation since construction was under 1 acre. Therefore, EPA concerns would fall under local departments first. Warren Co. Auditor office stated N/A at this time and referred me to planning and Doug in planning referred me to Mr. Palmer (therefore N/A). We have to pass zoning before we can access Warren County Building Dept. with plans.

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L. The proposed use shall provide for adequate pedestrian circulation, vehicular traffic movement and off-street parking:

Pedestrian circulation will be contained to the property. Off street parking will be provided. Estimated need for parking spaces according to Warren Co. (max occupancy in event barn is 230 divided by 4) is 57.5 spaces. We would provide at least 62 parking spaces with dedicated fire truck parking (see attached sheets). We will be using the alternative to 120' hammerhead turn around described in appendix "D". Our included diagrams are based on personal research and show that with angled/90 degree parking we can cut the square feet of the lot by over 1000 sq. feet while increasing the number of spaces. After zoning approval we will look to a parking lot designer for the exact plan to maximize green space while keeping with high standards. According to research the average wedding has 140 people which again using the Warren County formula and dividing by 4 would only be 35 cars per event which would also help mitigate traffic, neighbor, health, police and fire concerns.

M. If the proposed conditional use will generate estimated off-site traffic in excess of the estimated off-site traffic generated by the most intensive by-right permitted use for the class of zone, off-site road improvements or fees for off-site road improvements shall be required to accommodate the excess traffic attributed to the proposed use of the property, based on a traffic engineering study. (Examples of off-site road improvements shall include but are not limited to: turn lanes, deceleration lanes, pavement widening, and traffic control devices.):

There are three similar venues all in a row on Benner Rd. in Miamisburg with combined occupancy of 650 people per night. There has been no turn lane or extra road improvements in that area. Benner Rd. is in a more densely populated area and county than our proposed site. We have learned much from these facilities and have held or attended events at 2 of the 3. We have an email from Kurt Weber Chief Deputy Engineer at Warren County Engineers Office stating that he doesn't perceive us needing road improvements but will hold off final decision making until the application process is complete.

3. Tax Mailing Address Information shall be filled out below:

It is the responsibility of the applicant to also supply the tax mailing addresses of all owners of property located contiguous to, directly across the street from and within five hundred (500) feet of any part of the subject property being considered for a Conditional Use Permit. This information is found at the Warren County Auditor's Office, Warren County Engineer's Map Room and at www.co.warren.oh.us/Auditor/property_search.

1. Parcel#: 08041550230 and 0804155022 Acres/Lot#: 9.3273 Acres / Lot 2 and 1.7792 Acres
Tax Name: Joseph Fernandez 111
Address, City, State, Zip: 700 W. Pekin Rd. Lebanon, Ohio 45036
2. Parcel#: 0804100008 Acres/Lot#: 5.0099 Acres
Tax Name: Douglas and Beli Wright
Address, City, State, Zip: 702 W. Pekin Rd. Lebanon, Ohio 45036

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3. Parcel#: 0804100009 Acres/Lot#: 8.5045 Acres
 Tax Name: David and Denise Siebert
 Address, City, State, Zip: 694 W. Pekin Rd. Lebanon, Ohio 45036
4. Parcel#: 0804100014 and 0804100013 Acres/Lot#: 44.999 Acres and 5.0001 Acres
 Tax Name: Steven Muterspaw
 Address, City, State, Zip: 570 Pekin Rd. Lebanon, Ohio 45036
5. Parcel#: 0804200013 Acres/Lot#: 2.4712 Acres / Lot 1
 Tax Name: Louis Fiorentini
 Address, City, State, Zip: 500 Pekin Rd. Lebanon, Ohio 45036
6. Parcel#: 0804200014 Acres/Lot#: 7.5735 Acres / Lot 2
 Tax Name: Rita Reynolds
 Address, City, State, Zip: 462 Pekin Rd. Lebanon, Ohio 45036
7. Parcel#: 0804200015 Acres/Lot#: 6.2091 Acres / Lot 3
 Tax Name: Victor and Lisa Elliot
 Address, City, State, Zip: 456 Pekin Rd. Lebanon, Ohio 45036
8. Parcel#: 0804200016 Acres/Lot#: 2.2957 Acres / Lot 4
 Tax Name: Daniel and Robin Watts
 Address, City, State, Zip: 430 Pekin Rd. Lebanon, Ohio 45036
9. Parcel#: 0804401004 Acres/Lot#: 1.56 Acres
 Tax Name: Terry and Carrie Beam
 Address, City, State, Zip: 503 W. Pekin Rd. Lebanon, Ohio 45036
10. Parcel#: 0804401005 Acres/Lot#: 1.56 Acres
 Tax Name: John and Sarah Sargent
 Address, City, State, Zip: 469 Pekin Rd. Lebanon, Ohio 45036
11. Parcel#: 0804401006 Acres/Lot#: 13.746 Acres
 Tax Name: Riley and Angela Teige
 Address, City, State, Zip: 423 Pekin Rd. Lebanon, Ohio 45036
12. Parcel#: 0804451005 Acres/Lot#: 22.483 Acres
 Tax Name: Scott and Lauren Graves
 Address, City, State, Zip: Pekin Rd. Lebanon, Ohio 45036
13. Parcel#: 0804451009 Acres/Lot#: 42.8156 Acres
 Tax Name: Donald and Marily Slorp
 Address, City, State, Zip: Route 48 Lebanon, Ohio 45036
14. Parcel#: 0804300011 Acres/Lot#: 58.171 Acres
 Tax Name: Anna Alexander
 Address, City, State, Zip: 4116 Springboro Rd. Lebanon, Ohio 45036
15. Parcel#: 0804300035 Acres/Lot#: 1.1281 Acres / Lot 22
 Tax Name: Ronald and Shell Morton
 Address, City, State, Zip: 677 Pekin Rd. Lebanon, Ohio 45036

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16. Parcel#: 0804300033 Acres/Lot#: 1.1281 Acres / Lot 20
 Tax Name: Curtis Campbell
 Address, City, State, Zip: 719 Pekin Rd. Lebanon, Ohio 45036
17. Parcel#: 0804300034 Acres/Lot#: 1.1281 Acres / Lot 21
 Tax Name: Cynthia and Jeff Alford
 Address, City, State, Zip: 679 W. Pekin Rd. Lebanon, Ohio 45036
18. Parcel#: 0804300032 Acres/Lot#: 1.2307 Acres / Lot 19
 Tax Name: Stephen Suess
 Address, City, State, Zip: 721 Pekin Rd. Lebanon, Ohio 45036
19. Parcel#: 0804300031 Acres/Lot#: 9.9595 Acres / Lot 18
 Tax Name: William and Patricia Howe
 Address, City, State, Zip: 743 W. Pekin Rd. Lebanon, Ohio 45036
20. Parcel#: 0804300030 Acres/Lot#: 9.3127 Acres / Lot 17
 Tax Name: Matthew Beck
 Address, City, State, Zip: 745 Pekin Rd. Lebanon, Ohio 45036

4. If the applicant is not the property owner, an agent letter from the property owner(s) outlining the length and terms of the agent status must be submitted with this application.

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

12-8-17

Applicant Signature

Date

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