



Variance Request

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

RECEIVED

JAN 29 2013

CLEARCREEK TOWNSHIP
ZONING DEPT.

Case #: 18-BZA-002

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 \$500.00 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 board 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.

Name of Applicant:

Jason & Alana Young

Mailing address of Applicant:

6301 Township Line Rd., Waynesville, OH 45068 *Alana cell- 614-452-0887*

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

Attached

Property fronts on the following road(s):

Township Line Rd.

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

Jason Scott Young and Alana Edwards Young

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

6301 Township Line Rd., Waynesville, OH 45068

The property is presently zoned:

Residential

The current use of the property:

Residential

Reason(s) for the application:

We were notified of a 10 tree minimum requirement after moving into our newly built home. Our builder did not notify us beforehand. We planted 44 trees and were told after planting that the trees did not meet a minimum diameter requirement by the township zoning department. The initial paperwork we received from the township did not notify us of this minimum requirement. It was only after the trees were planted that we were notified that they were not large enough in diameter. The trees we planted are relatively fast growing and should meet the minimum requirement in less than two years. We would like an exception to the rule, as it would be a significant additional cost of time and labor to replace the trees.

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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.

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 property is currently unsuitable according to clearcreek township zoning regulations and we went above the minimum standard to fulfill the requirement. We just were unaware of the minimum diameter of the trees. If even a 2 year continuance could be given the trees could be remeasured then and they would surely meet the requirement.

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

We are on 5 acres and not near a neighborhood, our property looks on par with surrounding properties even before planting trees. The properties to the north of ours are similar in size and once our trees mature our property will have the same look as theirs. In fact, our property will have approximately four times the trees on it as theirs.

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

We do not live in a neighborhood. We are on 5 acres on the edge of the township and our property will look similar to the adjacent properties which have had more time for the trees to mature.

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 we would realize is that we would either be forced to plant an additional 10 trees at a significant cost bringing our total to 54 trees or remove and plant 10 slightly larger diameter trees at a similar cost but more labor. The difference in the end result is one that would barely be noticed.

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

We fulfilled the zoning requirements as we were told. There was no mention of minimum diameter when we were told of our 10 tree requirement. We were only notified of that minimum after the trees were planted. Attached to this form is the initial notice we recieved on the requirement and we truly believed we were following the rules set in place when we planted our trees.

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

I was unaware of the minimum diameter until after trees were planted, had I been aware we would of adjusted and planted fewer trees at a similar total cost. The builder included the initial notice of 10 trees with our paperwork but I do not recall ever being told specifically about the requirement.

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

I can not see how anyone in the public would mind a smaller diameter tree that will grow to meet the minimum requirement within a couple years. The intent of the requirement will still be met in excess of the minimum requirement, it just will take a little time for the trees to grow to the minimum required diameter.

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

This is our first home we have built and there were numerous things we have learned along the way which increased our costs during the build. This requirement is one we tried to fulfill and chose to plant extra at the same time which is something we had planned on doing in the future when finances became available. However we were trying to be as frugal about this as possible while trying to meet the township requirements and did not know of the minimum diameter necessary to fulfill that requirement. We believe, based on the types of trees that we planted, that we will meet that requirement within 2 years and would like this variance approved based on that happening. Should there be an issue at that time we will make it right and purchase larger diameter trees to fulfill whatever remaining trees are not of the minimum size.

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To aid the Board of Zoning Appeals processing of the request, please submit the following documentation with your application:

1. A plot plan of the subject property which includes the following:
 - A. North arrow and scale
 - B. Name of the applicant/owner
 - C. Information to locate the site: Street Name(s), Physical Address, Section, Town and Range Information, Parcel Number and Subdivision Lot Number
 - D. The exact boundaries and dimension of subject property
 - E. Identification of right-of-way dimensions
 - F. Identification of all recorded easements
 - G. Identification of area dedicated to the leach field as well as area dedicated to the replacement leach field
 - H. Identification of location of well, cistern or spring
 - I. The dimension(s) and location(s) of all existing structure(s), including setback(s) to all property lines
 - J. The dimension(s) and location(s) of all proposed structure(s), including setback(s) to all property lines

Of which:

One (1) set of plot plans shall be submitted on paper measuring 24" by 36" for display during the public hearing

One (1) set of plot plans shall be submitted on paper measuring 11" by 17" for the Board of Zoning Appeal Member packets

2. A set of architectural/construction drawings which include the following:
 - A. Scale
 - B. Name of the applicant/owner
 - C. Side elevations of existing structure, if request is an addition
 - D. Side elevations of proposed structure
 - E. Floor plan of proposed structure
 - F. Illustration of existing sign face
 - G. Illustration of proposed sign face
 - H. Any other relevant renderings

Of which:

One (1) set of architectural/construction drawings shall be submitted on paper measuring 24" by 36" for display during the public hearing

One (1) set of architectural/construction drawings shall be submitted on paper measuring 11" by 17" for the Board of Zoning Appeal Member packets

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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 Variance. 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#: 09244000170 Acres/Lot#: 39.3018
Tax Name: MEECE DELORES DELAINE
Address, City, State, Zip: 2980 E LOWER SPRINGBORO RD Waynesville, OH 45068
2. Parcel#: 0924400014 Acres/Lot#: 5.001
Tax Name: EDWARDS JERRY L & STELLA W
Address, City, State, Zip: 4198 SILVER OAK ST. Dayton, OH 45424
3. Parcel#: 0924400012 Acres/Lot#: 5.0001
Tax Name: ZEDEKER RICHARD L & KAREN A
Address, City, State, Zip: 6401 TOWNSHIP LINE Waynesville, OH 45068
4. Parcel#: 0918300014 Acres/Lot#: 10.002
Tax Name: MINTON STEVEN W & NORMA LEE
Address, City, State, Zip: 6290 TOWNSHIP LINE RD Waynesville, OH 45068
5. Parcel#: 0918300007 Acres/Lot#: 17.74
Tax Name: SEKULIC PAUL & CARMEN R
Address, City, State, Zip: 8130 WOODBRIDGE CT SPRINGBORO OH 45066
6. Parcel#: 0924400010 Acres/Lot#: 5.0001
Tax Name: BRICKNER RACHELLE R & HEPPELY JAMES
Address, City, State, Zip: 6415 TOWNSHIP LINE WAYNESVILLE OH 45068
7. Parcel#: 0918100007 Acres/Lot#: 116.65
Tax Name: JPR FARM LLC
Address, City, State, Zip: 10160 ORCHID RIDGE BONITA SPRINGS FL 34135
8. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
9. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
10. Parcel#: _____ Acres/Lot#: _____

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Tax Name: _____

Address, City, State, Zip: _____

11. Parcel#: _____ Acres/Lot#: _____

Tax Name: _____

Address, City, State, Zip: _____

12. Parcel#: _____ Acres/Lot#: _____

Tax Name: _____

Address, City, State, Zip: _____

13. Parcel#: _____ Acres/Lot#: _____

Tax Name: _____

Address, City, State, Zip: _____

14. Parcel#: _____ Acres/Lot#: _____

Tax Name: _____

Address, City, State, Zip: _____

15. Parcel#: _____ Acres/Lot#: _____

Tax Name: _____

Address, City, State, Zip: _____

16. Parcel#: _____ Acres/Lot#: _____

Tax Name: _____

Address, City, State, Zip: _____

17. Parcel#: _____ Acres/Lot#: _____

Tax Name: _____

Address, City, State, Zip: _____

18. Parcel#: _____ Acres/Lot#: _____

Tax Name: _____

Address, City, State, Zip: _____

19. Parcel#: _____ Acres/Lot#: _____

Tax Name: _____

Address, City, State, Zip: _____

20. Parcel#: _____ Acres/Lot#: _____

Tax Name: _____

Address, City, State, Zip: _____

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.

Applicant Signature S. Y. [Signature] Date 1/2/18

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ZONING DEPT.

METES AND BOUNDS DESCRIPTION

NEW PARCEL

SITUATE IN SECTION 24, TOWN 4, RANGE 4, CLEARCREEK TOWNSHIP, WARREN COUNTY, OHIO, BEING PART OF AN ORIGINAL 40.44 ACRE PARCEL CONVEYED TO DELORES DELAINE MEECE BY O.R. 1353, PAGE 683 OF THE DEED RECORDS OF WARREN COUNTY, OHIO, AND BEING A TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND MAG NAIL IN GOOD CONDITION AT THE SOUTHWEST CORNER OF SECTION 24 AND IN THE CENTERLINE INTERSECTION OF TOWNSHIP LINE ROAD (60 FOOT RIGHT-OF-WAY) AND E. LOWER SPRINGBORO ROAD (60 FOOT RIGHT-OF-WAY); THENCE NORTH 0 DEGREES 55 MINUTES 26 SECONDS EAST, ALONG THE CENTERLINE OF SAID TOWNSHIP LINE ROAD AND THE EAST LINE OF KENNETH BUTTERWORTH, AS RECORDED IN OFFICIAL RECORD 4555, PAGE 604, AND THE EAST LINE OF DELORES DELAINE MEECE, AS RECORDED IN OFFICIAL RECORD 1353, PAGE 683, AND THE WEST LINE OF DAURICE JORDAHL, AS RECORDED IN OFFICIAL RECORD 5679, PAGE 475, AND THE WEST LINE OF MARK AND KIMBERLY RAVE, AS RECORDED IN OFFICIAL RECORD 4858, PAGE 857, AND THE WEST LINE OF CURTIS AND DEBORAH MULLINS, AS RECORDED IN OFFICIAL RECORD 4458, PAGE 807, AND THE WEST LINE OF STEVEN AND NORMA MINTON, AS RECORDED IN OFFICIAL RECORD 4481, PAGE 460, AND THE WEST LINE OF PAUL AND CARMEN SEKULIC, AS RECORDED IN DOCUMENT NO. 2014-003031, 1703.85 FEET TO A SET MAG NAIL AND THE TRUE PLACE OF BEGINNING FOR THIS CONVEYANCE; THENCE SOUTH 89 DEGREES 32 MINUTES 44 SECONDS WEST, LEAVING THE CENTERLINE OF SAID TOWNSHIP LINE ROAD, PASSING A SET 5/8" IRON PIN AT 30.00 FEET, 871.50 FEET TO A SET 5/8" IRON PIN; THENCE NORTH 0 DEGREES 55 MINUTES 26 SECONDS EAST, 250.00 FEET TO A SET 5/8" IRON PIN IN THE SOUTH LINE OF RICHARD AND KAREN ZEDEKER, AS RECORDED IN DOCUMENT NO. 2015-008884; THENCE NORTH 89 DEGREES 32 MINUTES 44 SECONDS EAST, ALONG THE SOUTH LINE OF RICHARD AND KAREN ZEDEKER, AS RECORDED IN DOCUMENT NO. 2015-008884, PASSING A FOUND 5/8" IRON PIN IN GOOD CONDITION AT 841.50 FEET, 871.50 FEET TO A FOUND MAG NAIL IN GOOD

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ZONING DEPT

CONDITION IN THE CENTERLINE OF SAID TOWNSHIP LINE ROAD; THENCE SOUTH 0 DEGREES 55 MINUTES 26 SECONDS WEST, ALONG THE CENTERLINE OF SAID TOWNSHIP LINE ROAD AND THE WEST LINE OF PAUL AND CARMEN SEKULIC, AS RECORDED IN DOCUMENT NO. 2014-003031, 250.00 FEET TO THE PLACE OF BEGINNING.

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JAN 29 2015

CLEARCREEK TOWNSHIP
ZONING DEPT.

CONTAINING 5.001 ACRES.

THIS LEGAL DESCRIPTION WAS PREPARED UNDER MY DIRECT SUPERVISION FOR THE TRANSFER OF TITLE FOR A PORTION OF THE PROPERTY CURRENTLY OWNED BY DELORES DELAINE MEECE, AS RECORDED IN OFFICIAL RECORD 1353, PAGE 683, AND IS A TRUE AND ACCURATE LOCATION OF THE PROPERTY BASED ON A BOUNDARY SURVEY COMPLETED UNDER MY DIRECT SUPERVISION ON JUNE 21, 2015.

THE SURVEY PLAT OF WHICH IS FILED IN VOLUME PLAT NO. OF THE
WARREN COUNTY ENGINEERS RECORD OF LAND DIVISION.



Gregory A. King

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JAN 29 2016

CLEARCREEK TOWNSHIP
PLANNING DEPT.

PLAT OF SURVEY

(REPLAT OF PARCEL 0924400013)

CLOSURE
(PID#09244000130A)

BEARING	DISTANCE	NORTH	SOUTH	EAST	WEST
S 89°32'44" W	871.50'		6.912		871.473
N 0°55'26" E	250.00'	249.967		4.031	
N 89°32'44" E	871.50'		6.912	871.473	
S 0°55'26" W	250.00'		249.967		4.031
	2243.00'	256.879	256.879	875.504	875.504
		0.000	0.000		0.000

LINEAR ERROR OF CLOSURE = 0.000'
PRECISION = PERFECT
AREA = 5.000 ACRES

CLOSURE
(PID#09244000130B)

BEARING	DISTANCE	NORTH	SOUTH	EAST	WEST
S 89°32'44" W	871.50'		6.912		871.473
N 0°55'26" E	250.00'	249.967		4.031	
N 89°32'44" E	871.50'		6.912	871.473	
S 0°55'26" W	250.00'		249.967		4.031
	2243.00'	256.879	256.879	875.504	875.504
		0.000	0.000		0.000

LINEAR ERROR OF CLOSURE = 0.000'
PRECISION = PERFECT
AREA = 5.000 ACRES

VOLUME _____, PLAT NO. _____
WARREN COUNTY ENGINEER'S
RECORD OF LAND SURVEYS

PRELIMINARY ACCESS APPROVAL
____ GRANTED _____ NOT APPLICABLE

NEIL F. TUNISON, P.E., P.S.
WARREN COUNTY ENGINEER

NOTE OF OCCUPATION
NO OCCUPATION CURRENTLY
ALONG PROPERTY LINES SURVEYED

REFERENCES

- D.R. 1353, PG. 683
- D.R. S349, PG. 636
- D.R. 4858, PG. 857
- D.R. 4458, PG. 807
- D.R. 4481, PG. 460
- DOC.# 2014-00-3031
- DOC.# 2015-00-8884

LEGEND

- FOUND 5/8" IRON PIN (GOOD)
- FOUND 5/8" IRON PIPE (GOOD)
- FOUND MAG NAIL (GOOD)
- SET 5/8" IRON PIN (GOOD)
- SET MAG NAIL (GOOD)

NOTE

NO ENCROACHMENTS EXIST
ON PROPERTY SURVEYED

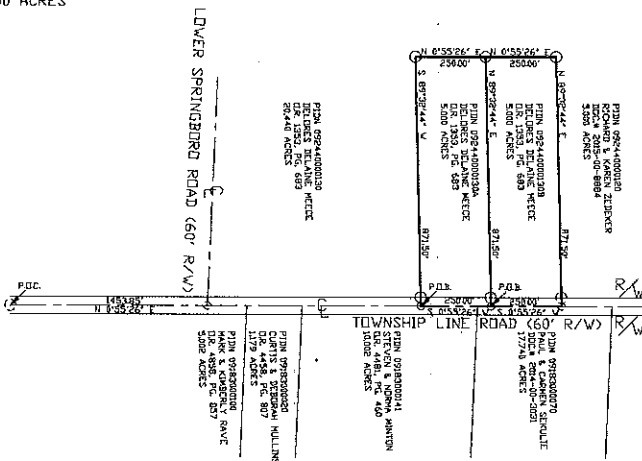
GRAPHIC SCALE



1"=200'



BASIS OF BEARING
D.R. 1353, PG. 683



BOUNDARY SURVEY FOR
DELORES DELAINE MEECE
2980 E. LOWER SPRINGBORO ROAD
WAYNESVILLE, OHIO
PID# 09-24-400-0130
D.R. 1353, PG. 683
10.000 ACRES
SECTION 24, TOWN 4, RANGE 4
WAYNE TOWNSHIP
WARREN COUNTY, OHIO
RECORDER'S OFFICE

DEED REFERENCE
D.R. 1353 PG. 683

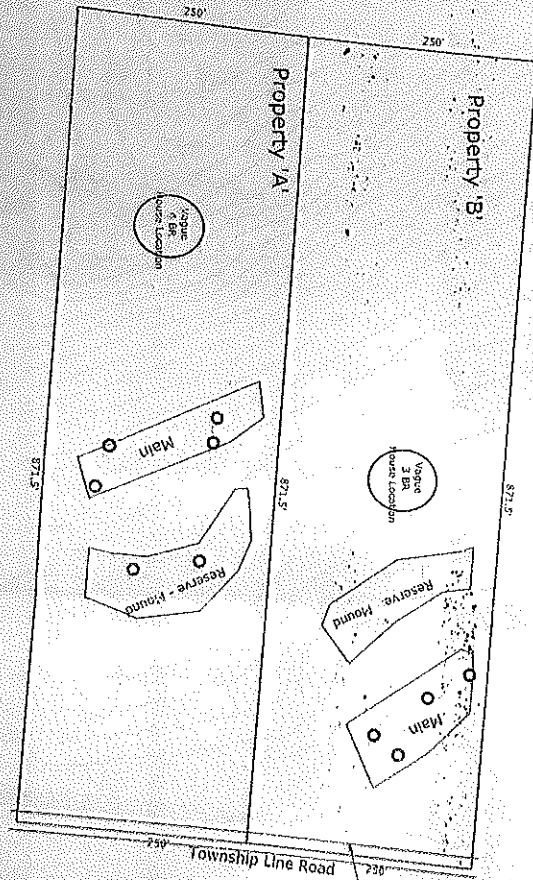
CONTROL NO. 2015-131
JUNE 21, 2015 SCALE: 1"=200'

GREGORY A. KOOPMAN
P.S. #8279
5153 PARKVALLEY COURT
CINCINNATI, OHIO 45239
513-706-8300
gregorykoopman@aol.com

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CLEARCREEK TOWNSHIP
ZONING DEPT.



2 County GIS Contours
Shown

Drain Culvert

Township Line Road

Young Property (proposed)
Township Line Road
Waynesville, OH 45068
5 Acres each

