



Variance Request

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

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OCT 10 2018

CLEARCREEK TOWNSHIP
ZONING DEPT.

Case #: 18-BZA-004

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:

DAVID TYLER & MEGAN HUGHES

Mailing address of Applicant:

9545 WHISPERING STREAM CT., CENTERVILLE, OH 45458

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

VIL.WN.CRK/BLVD.WNC6 LOT:499

Property fronts on the following road(s):

WHISPERING STREAM CT.

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

DAVID TYLER & MEGAN HUGHES

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

9545 WHISPERING STREAM CT., CENTERVILLE, OH 45458

The property is presently zoned:

R-1A PUD

The current use of the property:

RESIDENCE

Reason(s) for the application:

ZONING CODE REQUIRES 25' REAR YARD DISTANCE FROM STRUCTURE TO PROPERTY LINE. WE WILL HAVE 21' REAR YARD DISTANCE AND ARE ASKING FOR A 4' VARIANCE.

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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 PROFITABLE USE FROM THE LAND IS NOT AT ISSUE AS THE HARDSHIP FOR THIS VARIANCE. THE HARDSHIP LIES WITH THE FACT THAT THIS HOMEOWNER IS NOT ABLE TO ADD A SUNROOM AS OTHERS IN THEIR NEIGHBORHOOD ARE ABLE TO DO.

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

THIS LOT IS UNIQUE IN ITS SHAPE AND SIZE. THIS IS THE ONLY INTERIOR LOT WITH A DEPTH OF 132'. THE MAJORITY OF THE LOTS IN THIS SUBDIVISION ARE AT LEAST 150' AND LONGER. THE RIGHT EDGE OF THE PROPOSED SUNROOM WILL HAVE THE REQUIRED 25' REAR YARD DISTANCE.

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

THE CHARACTER OF THE NEIGHBORHOOD WILL NOT BE ALTERED IN ANY WAY.

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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 FACT THAT THIS LOT IS AN IRREGULAR SHAPE/SIZE IN RELATION TO ALL THE OTHERS IN THE NEIGHBORHOOD CREATES A HARDSHIP ON THESE HOMEOWNERS THAT OTHERS WON'T HAVE TO DEAL WITH. THESE HOMEOWNERS DESERVE TO BE ABLE TO HAVE THE USE OF THEIR REAR YARD AS OTHERS ARE ABLE TO DO.

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

THE HOMEOWNERS DID NOT CREATE THIS HARDSHIP.

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

THE HOMEOWNERS WERE NOT MADE AWARE THAT THEY COULD NOT ADD TO THEIR HOME WHEN PURCHASED.

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

PUBLIC INTEREST WILL NOT BE HARMED BY GRANTING THIS VARIANCE.

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

WE WOULD LIKE TO ADD A THREE SEASON SUNROOM OFF THE REAR OF OUR HOME. WE HAVE KEPT THE PROJECTION INTO THE REAR YARD AT A MINIMUM OF 11'. OUR REAR YARD DISTANCE NOW IS AT 32' AND THE MINIMUM REAR YARD DISTANCE IS 25'. BY PROJECTING 11' WITH OUR SUNROOM, THAT WOULD LEAVE 21' REAR YARD DISTANCE. WE ARE REQUESTING A 4' VARIANCE TO ADD THE SUNROOM. BOTH OF US HAVE HAD BACK SURGERIES WITH THE POSSIBILITY OF MORE TO COME. IT IS IMPERATIVE THAT WE HAVE EASY ACCESS OUT OF OUR HOME TO THE SUNROOM. WE HAVE DESIGNED IT SO THE FLOOR OF THE SUNROOM WILL BE THE SAME LEVEL AS OUR HOME'S FLOOR. WE MUST ALSO PROTECT OURSELVES FROM OVER EXPOSURE TO THE SUN'S UV RAYS. WE FEEL THAT A SUNROOM WOULD ALLOW US TO ENJOY OUR BACKYARD AS OTHERS IN THE NEIGHBORHOOD DO NOW. THE GRANTING OF THIS VARIANCE WILL DO NO HARM TO OUR NEIGHBORS OR THEIR PROPERTIES.

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

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

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.

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1. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
2. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
3. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
4. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
5. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
6. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
7. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
8. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
9. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
10. Parcel#: _____ Acres/Lot#: _____

To maintain proper alignment when printing set Page Scaling to None.

0521300090
MILTENBERGER M JONNY
2074 E LYTTLE 5 PTS
DAYTON, OH 45458

05213100130
NVR INC
8622 JACQUEMIN DR
WEST CHESTER, OH 45069

05213100140
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213100150
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213100160
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213100170
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

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MIAMISBURG, OH 45342

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05213100200
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3601 RIGBY RD
MIAMISBURG, OH 45342

05213100210
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213100220
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213100230
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213100240
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213150030
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213150040
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213150050
WYNN JOSEPH P & ELISABETH N
9562 WHISPERING
STREAM CT
CENTERVILLE, OH 45458

05213150060
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213150070
NVR INC
884 PLEASANT VALLEY
SPRINGBORO, OH 45066

05213150080
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213150090
NVR INC
884 PLEASANT VALLEY
SPRINGBORO, OH 45066

05213200010
NVR INC
884 PLEASANT VALLEY
SPRINGBORO, OH 45066

05213200020
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213200030
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213200040
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213200050
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213200060
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213200070
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213100050
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05213100060
0

05213100070
0

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05211000062
VWC HOLDINGS LTD
3601 RIGBY RD
STE 300
MIAMISBURG , OH 45342

05213000230
MILTENBERGER MILO JONNY
2074 E LYTTLE FIVE PT
DAYTON, OH 45458

05213000040
MALONEY KELLY TRUSTEE
PO BOX 297
WAYNESVILLE, OH 45068

05213200080
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213200090
NVR INC
8622 JACQUEMIN DR
WEST CHESTER, OH 45069

05213200100
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213200110
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

05213150100
VILLAGES OF WINDING CREEK OWNERS ASSOC
5378 COX SMITH RD
STE D
MASON, OH 45040

05216000020
VWC HOLDINGS LTD
3601 RIGBY RD
MIAMISBURG, OH 45342

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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: _____

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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.

