



Variance Request

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

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JAN 07 2021

CLEARCREEK TOWNSHIP
ZONING DEPT.

Case #: 21-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 \$550.00 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:

Michelle Conner

Mailing address of Applicant:

4672 North Route 48 Lebanon, Ohio 45036

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

4672 and 4696 North Route 48 Lebanon, Ohio 45036

Property fronts on the following road(s):

North Route 48

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

Ronnie Biggs

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

1847 County Road 39 Mountain Home, Arkansas 72653

The property is presently zoned:

Residential

The current use of the property:

Residential

Reason(s) for the application:

Currently both of the homes at 4672 and 4696 North State Route 48 are connection on the same piece of land. They are connected this way due to being build by the original owners (Martha and Carl Biggs by in the 1950s and the 1960s). They had one son who is in his upper 70s now and currently lives in Arkansas and would like to sell the property in order to be able to move on from the ownership of the property. But due to how the properties are connected together a bank will not deal with creating a loan for the property in its current state. So this Variance Request Application is submitted in order to split the two address into two properties in order for us to move forward with the additional plans of purchasing the property from Ronnie Biggs

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.

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- 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:

Martha and Carl Biggs build both the homes in the 1950s and the 1960s. Since they have passed their son, Ronnie, has owned the property. The Conner family moved into 4672 in 1995 and has lived there since. Ronnie has provided them with the opportunity to purchase the land. Due to being build directly by Carl there was no mortgage on the second home when build so it was built directly on the same land that is occupied by the original home (4696). The properties need to be split so there are two pieces of land for the two addresses that are present.

- 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 is a unique situation due to how the homes were built together on the same piece of land. Carl Biggs built the original home (4696) in the 1950s it was then decided to build the second home (4672) in the 1960s. Since there was no mortgage for the second home and it was built on property they had already owned. The second home was built for them to supplement their income with other additional things they completed.

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

The actual boundaries will not be changed in the request so there will be no alterance of the character of the neighborhood. The only thing that will change is the actual lines as seen on paperwork through the county. But no structures are being changed or built currently.

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:

It is currently impossible to have a band fiance the purchase of the homes as they are due to sharing the same piece of land. So in order to allow a band to fiance the property they need to be split apart first.

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

Due to both homes that have different address are on the same piece of property to fiance the purchase of the property the homes need to be split from one another.

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

Carl Biggs (original owner) built the homes as they currently sit on the same piece of property. So yes Ronnie Biggs (their son, and current owner) did know about this property how it currently is.

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

No changes are being made to the overall property so I do not believe there would be any issues with the public interest in this part. And it would actually make paperwork at the county level easier I assume.

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

The homes were built by the original owner in the 1950s and 1960s. The second home was built to supplement their income and help pay their taxes. They very much worked off their land. From what I have learned over the last few months is that the original property was actually a chicken coop. And the actual property that is currently the church was a chicken farm. There was also many other various things that Martha and Carl Biggs did on the land, such as sold dropped apples from their trees, sold pears, Carl build furniture, and other things.

Jon Conner (father of Michelle Conner) and family (parents and three siblings) moved into the home in the 1970s and lived for several years. The Conner family (Jon and Kim and two daughters) moved into the home in 1995 after living in downtown Lebanon for several years. So there are many memories that are with the home. I went to all 13 years of school (Kindergarten to 12th Grade) from that home and there are many other memories that we share there.

I want the opportunity to continue these memories in the future with my own family.

And possibly many years from now remove both of the homes and build one home in the back of the lot to allow my family to have their own memories in.

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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

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HERBERT & CAROLY HAMMIEL

4745 N ST RT 48

LEBANON, OH 45036

ROGER KARRICK ETAL

119 GERTRUDE AVE

LEBANON, OH 45036

BILLY W. & PATRIC NAPIER

4627 N SR 48

LEBANON, OH 45036

CHERYL D. & DARRY PAULEY

% NATIONAL CITY 4500 COOPER RD

CINCINNATI, OH 45242

DAWN MERLAND BOWLING

4672 WAYNE BLVD

LEBANON, OH 45036

ELIZABETH LEISZ

173 GERTRUDE AVE

LEBANON, OH 45036

HAROLD W WOODRUM JR.

213 MAGNOLIA DR

LEBANON, OH 45036

JONATHAN FRASURE

6651 N SR 48

SPRINGBORO, OH 45066

LINVILLE & VICKIE L GRAY

4573 WAYNE BLVD

LEBANON, OH 45036

Michelle Conner

4672 N SR 48

LEBANON, OH 45036

LARRY TUDOR JR.

4665 WAYNE BLVD

LEBANON, OH 45036

ANGEL D. ROIG

4660 N ST RT 48

LEBANON, OH 45036

BOYD E. & CAROL PANGBURN

4526 BUNNELL HILL RD

LEBANON, OH 45036

CLARENCE KAUFMAN

4600 N ST RT 48

LEBANON, OH 45036

DEWAYNE C. GORDON

137 GERTRUDE AVE

LEBANON, OH 45036

ELIZABETH KEYES

4531 MAD RIVER RD

KETTERING, OH 45429

JACOB HOWARD JONES

4616 WAYNE BLVD

LEBANON, OH 45036

KAREN MC GUIRE

4554 N SR 48

LEBANON, OH 45036

MARTHA JANE BIGGS

1847 CR 39

MOUNTAIN HOME, AZ 72653

PHILIP DALE HINES

280 E PEKIN RD

LEBANON, OH 45036

NICKOLAS MC CELLAN

4742 N SR 48

LEBANON, OH 45036

AUSTIN RAHMES

4695 WAYNE BLVD

LEBANON, OH 45036

BRIAN LAHMAN

241 MAGNOLIA DR

LEBANON, OH 45036

CLARENCE S. & GLE BRYANT

170 GERTRUDE AVE

LEBANON, OH 45036

EDWARD J. TUCK

4692 WAYNE BLVD

LEBANON, OH 45036

GEORGE PARKER

4633 WAYNE BLVD

LEBANON, OH 45036

JASON G. GRAGG

4609 WAYNE BLVD

LEBANON, OH 45036

KRISTEN E. KEY

4636 WAYNE BLVD

LEBANON, OH 45036

MICHAEL MC CUTCHAN

263 MAGNOLIA DR

LEBANON, OH 45036

PHILLIP THRASHER

275 MAGNOLIA DR

LEBANON, OH 45036

RICHARD KINDOLL
120 GERTRUDE AVE
LEBANON, OH 45036

ROBERT CORNETT
4652 WAYNE BLVD
LEBANON, OH 45036

ROBERT KLINGENSMITH
4612 N SR 48
LEBANON, OH 45036

RYAN C. & KARI S BUTCHER
284 E PEKIN RD
LEBANON, OH 45036

RYAN M. & MEGAN C. COMBS
4696 BUNNELL HILL RD
LEBANON, OH 45036

THOMAS R. & JAN ROETHELI
4598 WAYNE BLVD
LEBANON, OH 45036

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.

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#: _____

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

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

Michelle Common

1/7/2020

Applicant Signature

Date

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We are asking for the property to split in the way that is shown on the map provided. The leach lines from home 4696 go into the front yard of 4672 home. These were most likely placed there due to the 4672 home not being there when the 4696 home was built. According to the current owner, Ronnie Biggs, those lines are 10 feet from the current property line that is shared by the church. I am not sure what the regulations were when the home was built compare to what the regulations were when the second home was built, compared to now.

We would like the line placed at 8 feet from the southern line.

The new property line should go along the southern line that is shared with the Church property next door back to the back property. The leachfield for the 4672 home goes towards the back yard. There is a metal pole in the back yard that shows where the leachfield goes out to. That was put up by the owner in order

On the front (West direction) of the 4672 home the will go along the front of the sidewalk that is outside of the home. On the north side of the home the property line will go along the side of the driveway and all the way back to meet the line at the back of the property.

The rest of the property will go to the 4696 home.

Both properties will stay under the same ownership and the center driveway will continue to be a shared driveway.

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Acknowledgement - Arkansas Individual Acknowledgement

State of Arkansas

County of Baxter

On this the 30th day of September, 2020 before me Kaitlyn Strode, a Notary Public, appeared the within named Ronald Biggs known to me or satisfactorily proven to be such person whose name(s) is/are stated and acknowledged that he/she/they have so signed, executed, and delivered said instrument for the uses and purposes therein mentioned and set forth.

In testimony whereof, I have hereunto set my hand and official seal on this 30th day of September, 2020.



Kaitlyn Strode
Notary Signature

My Commission Expires: 06/14/2028

Description of Attached Document

Title or Type of Document: Acknowledgment

Document Date: 09/30/2020

Number of Pages: 1

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