



# Variance Request

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

Case #: 23-BZA-005

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](http://www.clearcreektownship.com) or can be requested from staff.

Name of Applicant:

Outdoor Experts

Mailing address of Applicant:

242 Kibbey Ave., Morrow Oh, 45152

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

Backyard

Property fronts on the following road(s):

Country Brook Ct

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

First Property Group LTD.

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

7866 Country Brook Ct., Springboro, OH 45066

The property is presently zoned:

Residential

The current use of the property:

Single Family Dwelling

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Reason(s) for the application:

The Reason for this variance application is to be able to put an in-ground pool in the backyard closer to the property line than the current set backs allow.

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:

Due to the layout of the land and house, The proposed location of the pool is the only suitable location. The right side of the property backs up to a creek and does not allow for enough room or proper grade for the pool.

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

The rear property line in reference to the back of the house (47.7 feet) is significantly closer than the majority of homes in this neighborhood. With the exception of one other, all on Country brook have at least 60 feet

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

The proposed plan of the pool, spa, and patio space are a common feature amongst the neighborhood and an improvement to the property.

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 larger side yard of the property is not suitable for a pool, the set backs from the house and the property line leave too small of a space for the pool in the back yard, leaving no other option than to have an approved variance to be closer to the property line.

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

The homeowner has not altered the property in any fashion to prevent the pool from being put in another location, it is strictly a set-back issue.

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

The Homeowner was unaware of the 20' set back for pools when they purchased the property.

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

The positioning of the pool closer to the property line will not alter the drainage of the property, be an eye sore, or cause harm of any sort to another property

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

None

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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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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 [https://www.wcauditor.org/Property\\_Search/](https://www.wcauditor.org/Property_Search/).

1. Parcel#: 05312050170 Acres/Lot#: 1.0717/17  
Tax Name: Stackhouse Michael J. & Virginia Ann  
Address, City, State, Zip: 7853 Country Brook Ct., Springbor OH 45066
2. Parcel#: 0531205035 Acres/Lot#: 3.1905/39  
Tax Name: Wright Scott & Julie  
Address, City, State, Zip: 7813 Country Brook Ct, Springboro OH, 45066
3. Parcel#: 0531205065 Acres/Lot#: 1.2815/37A  
Tax Name: Ali Phillip G. & Robyn G.  
Address, City, State, Zip: 7900 Country Brook Ct., Springboro, OH 45066
4. Parcel#: 0531205020 Acres/Lot#: 1.01/20  
Tax Name: Cook David W. & Heidi  
Address, City, State, Zip: 7892 Country Brook Ct, Springboro OH 45066
5. Parcel#: 0531205042 Acres/Lot#: 1.5313/42  
Tax Name: Costigan Michael J. CY  
Address, City, State, Zip: 7808 Country Brook Ct, Springboro, OH 45066
6. Parcel#: 0525101006 Acres/Lot#: >1/33  
Tax Name: Deubner Craign N. & Kay L  
Address, City, State, Zip: 7877 Lemay St, Waynesville, OH 45068
7. Parcel#: 0525101005 Acres/Lot#: >1/34  
Tax Name: Coyle Connie J.  
Address, City, State, Zip: 7897 Lemay St, Waynesville Oh 45068
8. Parcel#: 0525101007 Acres/Lot#: >1/32  
Tax Name: Hause Scott A. & Mary Ell  
Address, City, State, Zip: 7851 Lemay St., Waynesville Oh 45068
9. Parcel#: 0525101004 Acres/Lot#: >1/35  
Tax Name: Duff Thomas L. & KimberL  
Address, City, State, Zip: 7935 Lemay St, Waynesville OH 45068

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- 10. Parcel#: 0525101003 Acres/Lot#: >1/36  
 Tax Name: Roasa John R. & Nadine C.  
 Address, City, State, Zip: 7943 Lemay St, Waynesville OH 45068
- 11. Parcel#: 0525101002 Acres/Lot#: >1/37  
 Tax Name: Graham Stephan W. & Diana F.  
 Address, City, State, Zip: 7979 Lemay St, Waynesville OH 45068
- 12. Parcel#: 0531205036 Acres/Lot#: 2.8848/38  
 Tax Name: Stackhouse Maichael J. & Virginia A.  
 Address, City, State, Zip: 7853 Country Brook Ct., Springboro 45066
- 13. Parcel#: 0532480027 Acres/Lot#: 6.8368/2A  
 Tax Name: Melick Ken & Kristian  
 Address, City, State, Zip: 7980 Country Brook Ct., Springboro 45066
- 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.

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

*Zach St Jean*  
Applicant Signature

05/10/2023  
Date

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242 Kibbey Ave. Morrow, OH 45152  
(513) 706-8387  
Info@Outdoorexperstco.com

To whom it may concern,

I Rodney Litteral give Lebanon Lawn & Landscape, DBA Outdoor Experts, permission to submit a zoning variance application for my property at address 7866 Country Brook Court Springboro OH 45066.

Sincerely,

Rodney Litteral

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