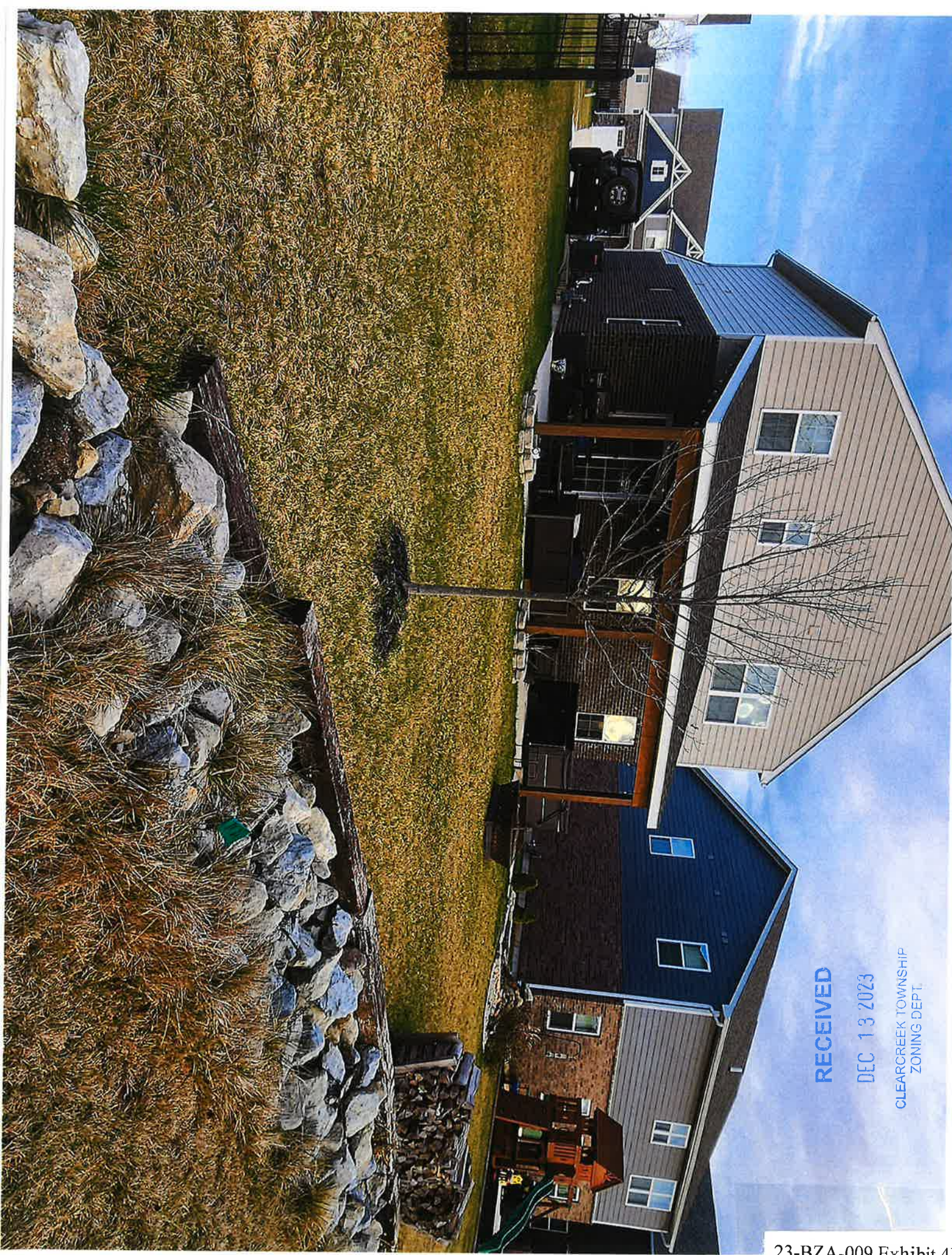


1. Completed work photo provided to HOA



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DEC 13 2023  
CLEARCREEK TOWNSHIP  
ZONING DEPT



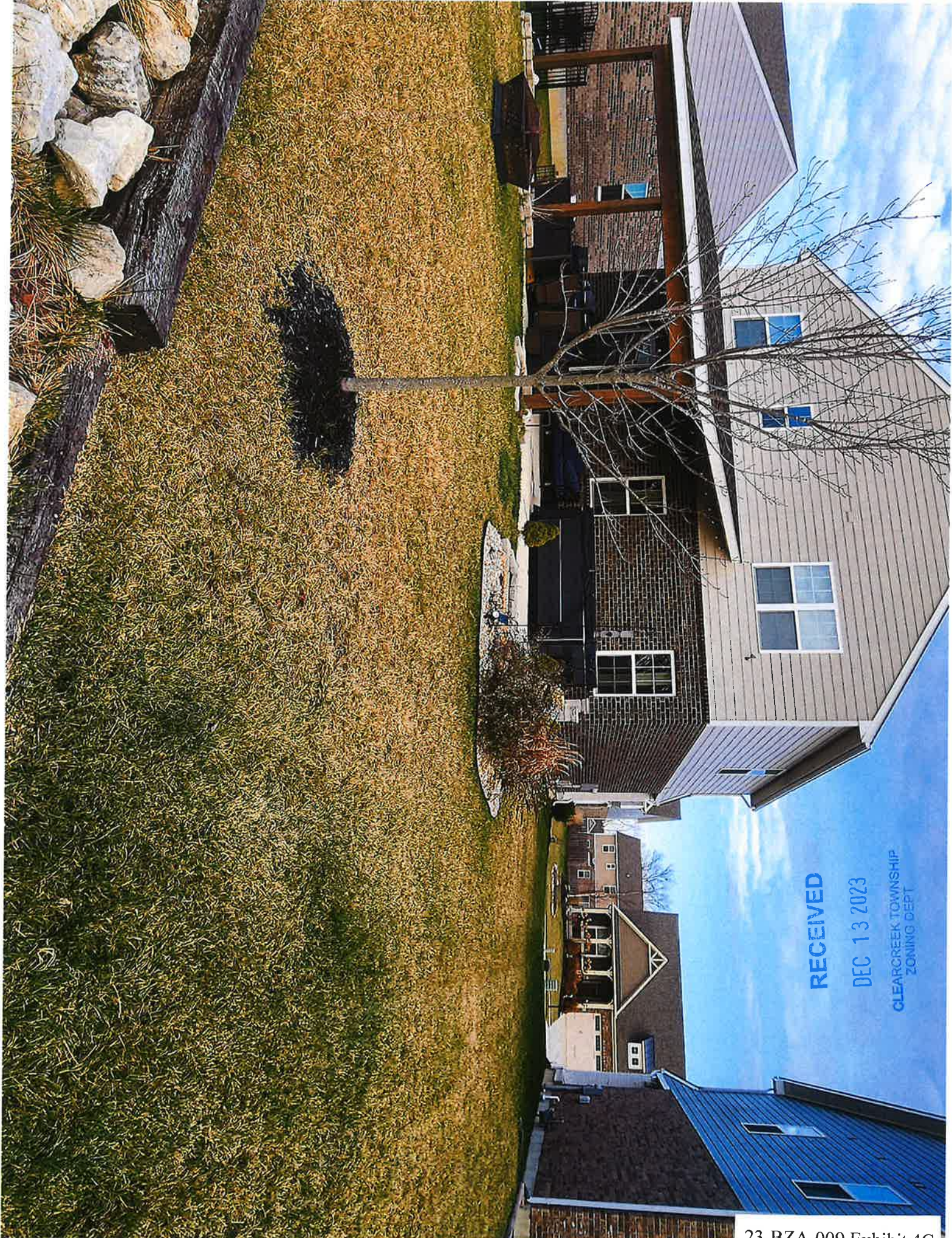


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ZONING DEPT.



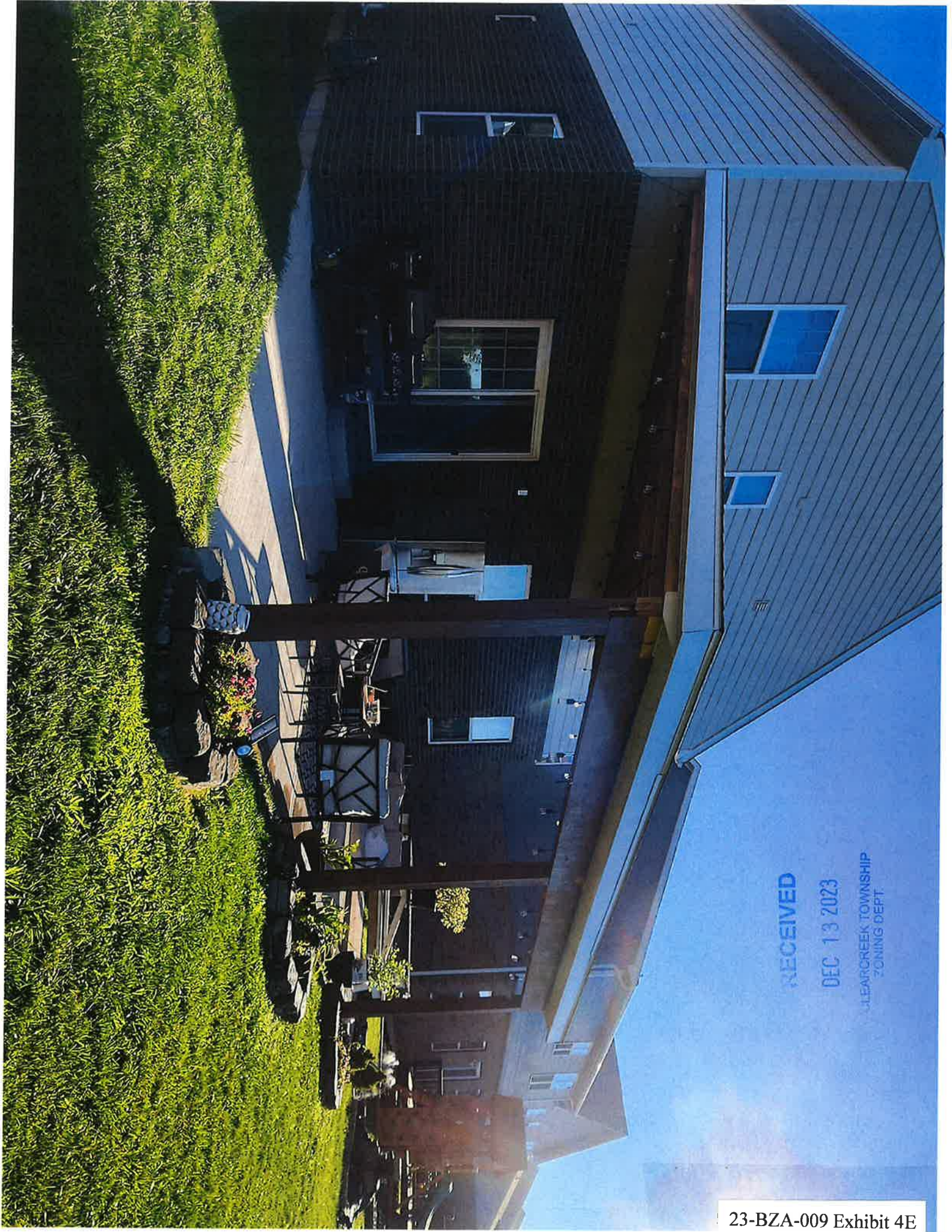


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ZONING DEPT







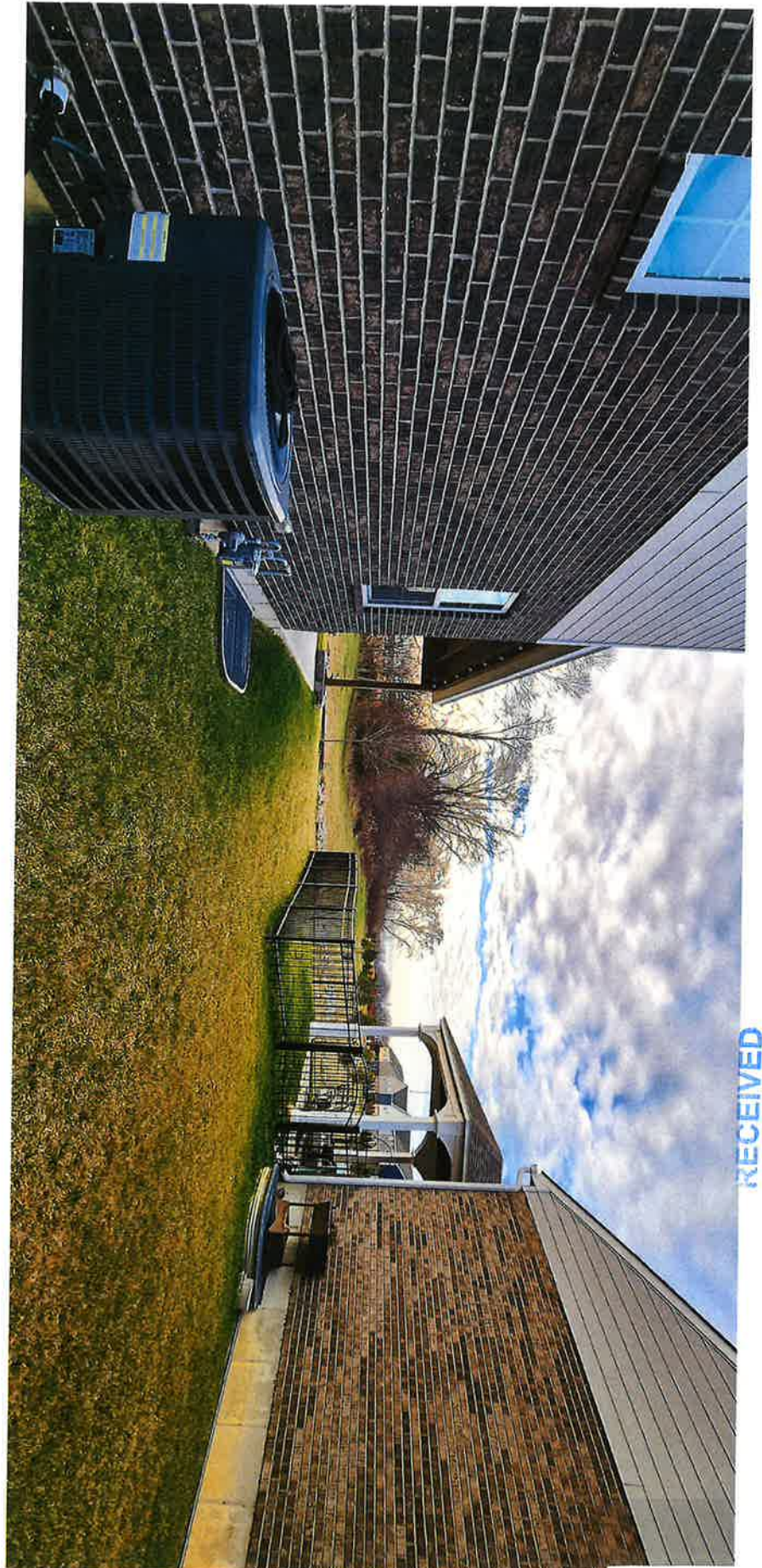


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DEC 13 2023

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ZONING DEPT.





RECEIVED

DEC 13 2023

CLEARCREEK TOWNSHIP  
ZONING DEPT.

# RECORD OF SOLUTIONS

Day & Night, Inc. Form No. 30045

Resolution No.

3632

Passed

December 9

2009

## CLEARCREEK TOWNSHIP WARREN COUNTY, OHIO

A RESOLUTION Approving MODIFICATIONS TO THE  
STAGE 2 APPROVAL FOR THE "VILLAGES OF WINDING CREEK" R-1A  
PUD. THE REQUEST IS BY DAVID OAKES, AGENT FOR VWC HOLDINGS  
LTD.

**WHEREAS** The request is for the modification of lots and uses within 359.4188 acres of the 422.332 acre PUD. The undeveloped properties have road frontage on State Route 48 and Lytle Five Points Road. The undeveloped property is further identified by Parcel Id Numbers: 05-27-410-0102 and 05-27-410-0101. The properties are located in Sections 21 & 27, Town 3, and Range 5 in Clearcreek Township; and,

**WHEREAS** the Warren County Regional Planning Commission on June 25, 2009 reviewed and approved the modification of Stage 2 R-1A PUD Preliminary Site Plan, subject to nineteen (19) conditions; and,

**WHEREAS** on July 7, 2009 the Clearcreek Township Zoning Commission tabled the request until August 4, 2009 per the applicant's request; and,

**WHEREAS** on August 4, 2009 the Clearcreek Township Zoning Commission listened to information provided by staff, the applicant and the public and then tabled the request until September 1, 2009; and,

**WHEREAS** on September 1, 2009 the Clearcreek Township Zoning Commission tabled the request since information had been submitted after the deadline cutoff to allow staff time to review the updated submittal until October 6, 2009; and,

**WHEREAS** on October 6, 2009 the Clearcreek Township Zoning Commission listened to information provided by staff, the applicant and the public and then tabled the request until October 15, 2009; and,

**WHEREAS** on October 15, 2009 the Clearcreek Township Zoning Commission listened to information provided by staff, the applicant and the public and then APPROVED the modifications to the Stage 2 R-1A PUD Preliminary Site Plan, subject to forty-four (44) conditions; and,

**WHEREAS** on November 6, 2009 the Clearcreek Township Zoning Commission formally outlined the rationale for their October 15, 2009 decision; and,

**NOW THEREFORE, BE IT RESOLVED** by the Board of Clearcreek Township Trustees that the modified R-1APUD Preliminary Site Plan for the above referenced properties be Approved subject to the following conditions:

1. During this modification request, multiple drawings have been presented that include areas platted prior to this resolution. Rationale for the inclusion of the platted areas has been to help understand overall design objectives. The existing Stage 3 approvals for these platted areas shall guide their development. This is not the forum for changes to the Stage 3 approvals, since each area was not included in the modification application request.

# RECORD OF RESOLUTIONS

By: [Signature] Date: 10/13/2009

Resolution No. 3632

Passed December 7, 2009

2. Adherence with Clearcreek Township Trustees Resolution 2733 granting the planned unit development overlay and compliance with all requirements of Chapter 13 (Planned Unit Development Regulations) of the Clearcreek Township Zoning Code.
3. Compliance with all requirements of the Ohio Department of Transportation (ODOT).
4. Approval of all points of intersection by the Warren County Engineer and/or Ohio Department of Transportation, as applicable by jurisdiction.
5. Provision of street stubs to adjoining properties, as determined by the Warren County Engineer. Temporary turnarounds shall be provided at all such locations.
6. Approval of non-standard street sections, right-of-way widths and traffic circles (roundabouts) and interior circulation by the Warren County Engineer, Clearcreek Township Trustees and the Clearcreek Township Fire Department. Otherwise, all improvements shall comply with the Requirements and Standards for the Design and Construction of Streets and Roadway Facilities, with appropriate latitude, within sound engineering principles. Road network shall be approved in conformance with the Villages of Winding Creek, Warren County Ohio Typical Street Sections, Details received October 13, 2009 with the following clarifications:
  - a. No driveways shall be established in the roundabouts.
  - b. Warren County Engineer, Township Trustees and Clearcreek Township Fire Department shall determine on street parking restrictions and location of "no parking" signs on roundabouts and collector streets.
  - c. The required road right-of-way and pavement widths for the street labeled "Winding Run Boulevard" on the plan shall be determined by the Clearcreek Township Trustees with guidance from the Warren County Engineer's Office.
7. Traffic circles (roundabouts) shall meet the design approved by the Warren County Engineer's Office.
8. Approval of a stormwater drainage plan and compliance with the Rules and Regulations for the Design of Stormwater Management Systems. There shall be no net loss of stormwater storage capacity within flood plain areas. Approval of design and construction of stormwater retention by the Ohio Department of Natural Resources (ONDNR), Division of Water Dam Safety, as necessary.
9. Driveway access to lots with multiple road frontages shall be limited to the road of least traffic generation, as determined by the Warren County Engineer.
10. Double width driveways shall be provided to ensure at least two (2) off-street parking spaces exclusive of garage spaces. Such parking shall not encroach across sidewalks.
11. Compliance with the Ohio Environmental Protection Agency, National Pollution Discharge Elimination Systems (NPDES) permit for stormwater discharges associated with construction.
12. Compliance with the Warren County Erosion and Sediment Control Regulations, as determined by the Warren County Soil and Water Conservation District. Approval of an erosion and sediment control plan prior to earth moving activities.
13. Prior to approval of the final plat, the developer shall expand and or upgrade the water system, water treatment and storage facilities necessary to serve the development, as determined by the Warren County Sanitary Engineer.
14. Compliance with all requirements of the Montgomery County Sanitary Engineering Department, prior to final plat approval.



# RECORD OF SOLUTIONS

Dayton LegalBlank, Inc., Form No. 50045

Resolution No.

3632

Passed

December 9, 2009

15. A homeowner's association shall be created to own and maintain all common open space, including median strips in boulevard streets, roundabouts and stormwater management facilities located outside of the street rights-of-way, all required recreational facilities, pedestrian paths, landscaping, lighting and signage.
16. Relocation of business node from interior of subdivision to location specified north of Stone Creek BLVD as identified in Preliminary Plat, Villages of Winding Creek, Warren County Ohio received October 13, 2009. A preliminary site plan (Stage 2) outlining use(s), square footage, elevations, material lists, landscape plan, signage plan and lighting shall be submitted for proposed retail areas at such time that development is proposed.
17. Compliance with the Warren County Subdivision Regulations subject to any approved variances.
18. Due to soil types and vegetation, a wetlands determination, at developer expense, shall be submitted prior to approval of the final plat, to the satisfaction of the U.S. Army Corps of Engineers.
19. The location of signage shall conform to the locations identified on Villages of Winding Creek, Warren County Ohio Signage Exhibit and details received November 23, 2009.
20. Each Column Sign located in the median shall not exceed a 5 square foot sign face per sign as identified in the Villages of Winding Creek, Warren County Ohio Sheets L16/L21 and L17/L21 received August 27, 2009 and L17/21 received October 15, 2009.
21. Each Ground Sign shall not exceed 38.5 square feet of sign face per sign as identified in the Villages of Winding Creek, Warren County Ohio Sheet L16/L21 and L17/L21 received August 27, 2009.
22. Minimum dwelling unit livable area sizes for the following average lot types: 55' lots - 1,400 sq ft, 70' lots - 1,300 sq ft, 90' lots - 1,700 sq ft.
23. Minimum lot size, required setbacks and frontage requirements shall be approved in conformance with the Villages of Winding Creek, Warren County Ohio Cover Page, and corresponding sub pages of the Preliminary Plat and Lot Size Exhibit received October 13, 2009 with the following clarifications:
  - a. Lot Number 200 and 201 shall be relocated away from the property identified as parcel number 05274780020. The space that Lots 200 and 201 occupied shall become open space.
  - b. On November 5, 2009, the applicant provided a typical neighborhood section that illustrates the averaging of frontage width concept. This will serve as the guide for determining plat compliance.
  - c. The subdivision shall be organized into neighborhoods based upon minimum lot size.
    1. The total number of lots shall not exceed 746.
    2. Existing lots of record will meet the design parameters outlined in Trustee Resolution 2851.
    3. In the event that the developer desires to vary the lot size mix and deviates from Lot Size Exhibit dated October 13, 2009, a new Lot Size Exhibit shall be submitted as a part of the Stage 3 request and be subject to Zoning Commission Approval.
    4. A maximum of ten (10) percent deviation from the median of each lot size count is allowable, with a proportional reduction occurring in other lot sizes.



# RECORD OF RESOLUTIONS

D:\S\BZA\BZA-009-00015

Resolution No.

3632

Passed

December 9

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d. Lots designated as an average 55' frontage:

1. Within neighborhoods classified as 55' lots, the median number of lots shall be 288.
2. Typical lots:
  - i. May vary in lot frontage width but will always be equal to or greater than 50'.
  - ii. At the minimum front yard setback, the lot shall have a minimum width of 50'.
3. Cul-de-sac lots:
  - i. May vary in lot frontage width but will always be equal to or greater than 27.5'.
  - ii. At the minimum front yard setback, the lot shall have a minimum width of 50'.
4. Irregular lots:
  - i. Defined as lots in a neighborhood classification that due to road curvature design fall below the minimum lot frontage for the neighborhood.
  - ii. May vary in lot frontage but will always be equal to or greater than 45'.
  - iii. At the minimum front yard setback, the lot shall have a minimum width of 50'.
5. Setbacks:
  - i. Front Yard shall be a minimum of 28'.
  - ii. Each Side Yard shall be a minimum of 5'.
  - iii. Rear Yard shall be a minimum of 25'.

e. Lots designated as an average 70' frontage:

1. Within neighborhoods classified as 70' lots, the median number of lots shall be 246.
2. Typical lots:
  - i. May vary in lot frontage width but will always be equal to or greater than 65'.
  - ii. At the minimum front yard setback, the lot shall have a minimum width of 65'.
3. Cul-de-sac lots:
  - i. May vary in lot frontage width but will always be equal to or greater than 35'.
  - ii. At the minimum front yard setback, the lot shall have a minimum width of 65'.
4. Irregular lots:
  - i. Defined as lots in a neighborhood classification that due to road curvature design fall below the minimum lot frontage for the neighborhood.
  - ii. May vary in lot frontage but will always be equal to or greater than 56'.
  - iii. At the minimum front yard setback, the lot shall have a minimum width of 65'.
5. Setbacks:
  - i. Front Yard shall be a minimum of 28'.
  - ii. Each Side Yard shall be a minimum of 7'.
  - iii. Rear Yard shall be a minimum of 32'.



# RECORD OF SOLUTIONS

Dayton Legal Forms, Inc., Form No. 20019

Resolution No.

3632

Passed

December 9

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- f. Lots designated as an average 90' frontage:
  1. Within neighborhoods classified as 90' lots, the median number of lots shall be 102.
  2. Typical lots:
    - i. May vary in lot frontage width but will always be equal to or greater than 85'.
    - ii. At the minimum front yard setback, the lot shall have a minimum width of 85'.
  3. Cul-de-sac lots:
    - i. May vary in lot frontage width but will always be equal to or greater than 45'.
    - ii. At the minimum front yard setback, the lot shall have a minimum width of 85'.
  4. Irregular lots:
    - i. Defined as lots in a neighborhood classification that due to road curvature design fall below the minimum lot frontage for the neighborhood.
    - ii. May vary in lot frontage but will always be equal to or greater than 62'.
    - iii. At the minimum front yard setback, the lot shall have a minimum width of 85'.
  5. Setbacks:
    - i. Front Yard shall be a minimum of 28'.
    - ii. Side Yard:
      1. Front entry garage footprints shall have a minimum setback of 8 per side'.
      2. Side entry garage footprints shall have one side yard with a minimum setback of 5' and the other side a minimum of 28'.
    - iii. Rear Yard shall be a minimum of 32'.
24. Open space shall generally exist as depicted in the Villages of Winding Creek, Warren County Ohio Cover Sheet, Open Space Exhibit, Overall Plat, received October 13, 2009.
  - a. In the event that Lot Size Exhibit is amended, an updated Open Space Exhibit shall be submitted as a part of the Stage 3 request and be subject to Zoning Commission Approval.
  - b. The overall open space for the R-1A PUD, shall never fall below 142.50 acres or 33.74 % of the total subdivision acreage. The existing platted open space at the time of this resolution is 17.77 acres, thus leaving 124.73 acres to be part of the modified request..
25. Approval of the pedestrian pathways as identified in The Villages of Winding Creek, Warren County Ohio, Sidewalk/Path Exhibit, received October 13, 2009 with the following exceptions:
  - a. Mulch paths:
    1. If not intended to be illuminated shall be designated with signage prohibiting their use during dusk to dawn hours.



# RECORD OF RESOLUTIONS

Optional Form No. 1 Form 700 30015

Resolution No.

3632

Passed

December 9, 2009

2. At the time of Stage 3 submittal, an updated Signage Plan shall be submitted indicating the location of the signs.
  3. At the time of the Stage 3 submittal, a sign design shall be submitted.
  - b. Asphalt paths intended to be illuminated shall have a detailed lighting plan submitted as part of the Stage 3 request and be subject to Zoning Commission Approval.
26. Approval of the interior landscape along the new subdivision roads as identified in The Villages of Winding Creek, Warren County Ohio Overall Landscape Plan Sheet L1 & L2, received October 13, 2009 with the following exceptions:
  - a. Road medians:
    1. Trees shall be allowed but under the following prohibitions:
      - i. No shade trees shall be permitted.
      - ii. No trees that exceed 25' in height at mature growth shall be permitted.
      - iii. No trees with a canopy spread greater than 25' shall be permitted.
      - iv. Special consideration will be given in allowing for higher and wider trees at the entrances to the development.
    2. Roundabouts:
      - i. No trees shall be permitted.
27. The perimeter and streetscape landscape buffers shall be approved as identified in The Villages of Winding Creek, Warren County Ohio Overall Landscape Plan and Preliminary Plat, received October 13, 2009 with the following modifications:
  - a. Any additional landscape vegetation or features identified in the existing platted open space that is not installed at the time of the Stage 2 approval shall be installed prior to any future Stage 3 application.
  - b. The streetscape buffer for the proposed relocation of the business node shall be resubmitted at the time of the Business Node Stage 2 application.
  - c. No final plat shall be approved without meeting the expectations of Chapter 17 Buffer and Screening for Streetscape Buffers, Parking Lot Buffers and Perimeter Buffers of the Clearcreek Township Zoning Resolution.
  - d. The Typical Boulevard Frontage Planting Plan shall be updated to reflect the Streetscape Buffer Standard of 30 Shrubs and 3 trees per every 100 foot of lot frontage.
  - e. Existing vegetation:
    1. No credit shall be issued for existing vegetation unless it is depicted on an updated landscape submitted as part of the Stage 3 request and be subject to Zoning Commission Approval.
    2. The location, species and size of the vegetation shall be specified.
    3. Vegetation credit will be based on procedures outlined in Chapter 17 Buffer and Screening of the Clearcreek Township Zoning Resolution.
  - f. Acreage identified as Conservation Easements on the October 13, 2009 Preliminary Plat shall:



# RECORD OF SOLUTIONS

Clayton Legal Park, Inc., Form No. 35045

Resolution No. 3632

Passed December 7, 2009

1. Have the designation of Conservation Easement removed and the acreage integrated into the overall open space plan.
2. Be controlled by the Home Owners Association.
3. Be in compliance with Chapter 17 Buffer and Screening of the Clearcreek Township Zoning Resolution.
28. All approved landscape within common areas and in the Road Right-of-Ways shall be maintained and replaced by the homeowners association.
29. Road medians shall be designed to have an under drain collection system, so that water doesn't spill unto the travel lanes of pavement.
30. Thirty inch (30") chairback curbs shall be used on the Local I and Local II streets as defined in the Design and Construction Standards for Streets and Roadway Facilities Warren County, Ohio. Parking shall be permitted on one side of all streets as described above on the side of the street opposite of the fire hydrant locations.
31. Street names shall be determined at the time of the preliminary plat.
32. The internal road network shall connect the northern sections of the subdivision with the southern sections of the subdivision. Construction shall be started prior to the issuance of thirty-five percent (35%) of the zoning permits for single family residential dwellings within the Clearcreek Township portion of the project and completed within one (1) year of commencement.
33. Permanent vehicular access directly to Lytle Five Points Road for school buses shall be established from the portion of the development served by the Wayne Local School District at or before a need is established to transport students to that district subject to all necessary permits to cross the five-hundred year flood plain for the headwaters of the Little Sugar Creek.
34. The amenity plan received August 27, 2009, October 6, 2009 and October 13, 2009 shall be approved with the following clarifications:
  1. If an amenity is identified to exist within a phasing section, it shall be built at the same time as the public improvements.
  2. Trustee Resolution 2733, passed on April 15, 2004 states that "Recreational amenities shall be installed prior to final site plan approval for twenty percent (20%) of the proposed residential dwellings with the Clearcreek Township portion of the project". Per the October 15, 2009 Taft letter, the former has been achieved in the existing platted areas.
  3. The following are identified as amenities:
    1. Existing clock tower in roundabout.
    2. Open Space.
    3. Walking paths.
    4. Landscaping in right-of-way medians and required buffers.
    5. Entry signage and neighborhood signage.
    6. Ponds to be constructed as needed for stormwater management.



# RECORD OF RESOLUTIONS

Document 1100, Rev. 1, Form 2004

Resolution No.

3632

Passed

December 9, 2009

7. Clubhouse/community center per October 6, 2009 and VWC Community Building Elevation October 13, 2009, and August 27, 2009 narrative submittal:
    - a. Exterior finishes shall have a full front façade of brick or stone, and a half-wrap of brick or stone for the remaining three sides. For two story structures, the second story shall be comprised of brick, stone, reinforced vinyl siding, concrete board, cedar or redwood.
    - b. Soffits and fascia boards shall be vinyl or aluminum or wood sheathed in vinyl or aluminum.
    - c. Dimensional asphalt shingles.
    - d. Minimum of 1,500 sq ft.
    - e. Detailed drawings shall be required for the Stage 3 application.
    - f. Construction shall be started prior to the issuance of thirty-five percent (35%) of the zoning permits for single family residential dwellings within the Clearcreek Township portion of the project and completed within one (1) year of commencement.
  8. Pool Area:
    - a. Minimum of 1,500 sq ft.
    - b. Detailed drawings shall be required for the Stage 3 application.
    - c. Construction shall be started prior to the issuance of thirty-five percent (35%) of the zoning permits for single family residential dwellings within the Clearcreek Township portion of the project and completed within one (1) year of commencement.
  9. Basketball cloverleaf:
    - a. Minimum of three (3) courts.
    - b. Detailed drawings shall be required for the Stage 3 application.
    - c. Construction shall be started prior to the issuance of thirty-five percent (35%) of the zoning permits for single family residential dwellings within the Clearcreek Township portion of the project and completed within one (1) year of commencement.
  10. Children's play area:
    - a. Detailed drawings shall be required for the Stage 3 application.
    - b. Construction shall be started prior to the issuance of thirty-five percent (35%) of the zoning permits for single family residential dwellings within the Clearcreek Township portion of the project and completed within one (1) year of commencement.
35. The amended FEMA designation for the 500-year flood plain boundaries shall be indicated on the drawings.



# RECORD OF SOLUTIONS

Dayton Engineering, Inc., Form No. 30045

Resolution No.

3032

Passed

December 9

2007

36. Exterior finishes for the average lots identified as 55', 70', and 90' lots shall have a full front façade of brick or stone, and a half-wrap of brick or stone for the remaining three sides. For two story homes the second story shall be comprised of brick, stone, reinforced vinyl siding, concrete board, cedar or redwood. Soffits and fascia boards shall be vinyl or aluminum or wood sheathed in vinyl or aluminum. Dimensional asphalt shingles shall be appropriate for all dwellings.
37. Colors shall be approved by the Villages of Winding Creek Architectural Review Committee, which shall contain one member of the Board of Trustees or their designee.
38. There shall be a uniform location for house numbers. House number signs shall be a minimum of eight inches by eight inches, mounted no less than four and no more than six feet in height, between the garage doors and the nearest house corner. For side loaded garages house number signs shall be on a garage wall facing the street no more than three feet from the house corner nearest the garage doors.
39. Any non-standard traffic signs shall be maintained by the homeowners association or associations.
40. Temporary signage located on State Route 48 and Lytle Five Points Road shall not be located across from existing residential dwellings.
41. The developer shall cause the homeowner's association or associations, including a master association for common or shared amenities and infrastructure when more than one homeowners association is required, to be created as required in condition number 15, and the creation of the homeowners association and its by-laws or code of regulations relating to the operation of the homeowners association shall be incorporated into the declaration of covenants which shall be recorded of public record in the offices of the Warren County Recorder and Montgomery County Recorder. The declaration of covenants shall contain legal descriptions for all lots in the subdivision so that the Recorder's office may index the declaration of covenants in the chain of title for all lots in the subdivision.
42. The developer shall cause the exterior finishes requirements delineated in condition number 36 to be explicitly provided for in the declaration of covenants including enforcement of the covenants by the homeowners association or associations, and to allow for discretionary enforcement by the Board of Clearcreek Township Trustees upon the failure of the homeowners association or associations to do so.
43. The developer shall cause an Architectural Review Committee to be created as required in condition number 37 and establish procedural and substantive rules and regulations for the review and enforcement processes by the Architectural Review Committee. The creation of the Architectural Review Committee and the procedural and substantive rules and regulations for the review and enforcement processes shall be incorporated into the declaration of covenants which shall be recorded of public record as provided in condition 41.



# RECORD OF RESOLUTIONS

May/June Legal Blank, Inc. Form No. 30015

Resolution No. 3632

Passed December 9, 2009

Mr. Wade moved to adopt the foregoing Resolution.

Mr. Lamb seconded the motion and upon the call of the roll the following vote resulted:

Dr. McDonald- Yea  
Mr. Wade- Yea  
Mr. Lamb- Yea

Resolution adopted at a regular public meeting conducted December 9, 2009.

THE BOARD OF CLEARCREEK  
TOWNSHIP TRUSTEES

[Signature]  
[Signature]  
R. Dale [Signature]



# CLEARCREEK TOWNSHIP GOVERNMENT CENTER

7593 Bunnell Hill Road, Springboro, Ohio 45066  
(937) 748-1267 FAX (937) 748-3252

## Board of Trustees

Ed Wade  
Jason Gabbard  
Steve Muterspaw



## Fiscal Officer

Russell Carolus

November 17, 2022

Armando & Marylou Moore  
1807 Winding Run Blvd.  
Centerville, Ohio 45458

### NOTICE OF ZONING VIOLATION

CERTIFIED MAIL NUMBER: 7020 1810 0001 5330 8007

Dear Mr. & Mrs. Moore,

On November 7, 2022, the Clearcreek Township Department of Zoning noticed a covered patio that had been constructed at 1807 Winding Run Blvd. The following Warren County Auditor's information further identifies this property as parcel number 05213650150 and tax account number 0315132. The property is .1724 acres in size and lot 588 in The Village of Winding Creek/BLVD.WNC7 Subdivision. According to the Clearcreek Township Zoning Map, this property is zoned Residence Zone Planned Unit Development "R-1A PUD".

On November 7, 2022, I was performing an inspection at the property next to yours. When I noticed a newer covered patio. I search for a permit for the property and did not find one. Mr. Moore was outside, so I was able to speak with him. Mr. Moore stated that he had turned in paperwork to the HOA and was approved. He did not realize that he needed to obtain a zoning permit also. I explained to him that he would need to get a zoning permit from our office and a building permit from Warren County. Mr. Moore stated that he would be in to get a zoning permit.

As of November 16, 2022, Mr. Moore has not obtained a zoning permit for the covered patio.

It is a violation of The Clearcreek Township Zoning Resolution to construct residential additions without zoning permits.

The Clearcreek Township Zoning Resolution addresses the above-mentioned items in several sections. The Resolution reads in part:

## CLEARCREEK TOWNSHIP ZONING CODE



## **CHAPTER 5**

### **GENERAL PROVISIONS**

**SEC. 5.02** No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used which does not comply with all of the regulations established by this Code for the zone in which the building or land is located

## **CHAPTER 18**

### **FEES AND PERMITS**

**SEC. 18.01** Except as provided in Chapter 5, no buildings or other structures shall hereafter be located, constructed, enlarged or structurally altered or shall any work be started upon same until a zoning permit has been issued by the Clearcreek Township Zoning Inspector, which permit shall state that the proposed building and use comply with all the provisions of this Code. Zoning permits shall expire one (1) year after date of issue if work has not been started.

It is the determination of the Clearcreek Township Department of Zoning that the above-described property is in violation of **Sections: 5.02 and 18.01** of The Clearcreek Township Zoning Resolution.

**You are hereby directed to bring the referenced property into compliance within thirty (30) days from the date of this notice or legal prosecution will be instituted. Time extension granted beyond the thirty days will be based upon improvement of the property situation.**

**Compliance can be accomplished by:**


- 1. Removing the covered patio from the property.**

**OR**

- 2. Obtaining a zoning permit for the covered patio that meets Trustee Resolution 3632 Condition 23 D5. (Sec attached)**

Please contact me at your earliest convenience to discuss this matter. I work part-time so you may need to leave a message and it may take a few days for me to return your call. I can be reached at (937) 748-1267 or (800) 824-5124 opt. 1 for zoning opt. 2 for my line. My email is lburton@clearcreektownship.com.



  
Lori Burton  
Code Enforcement Officer  
Clearcreek Township, Warren County, Ohio





**Activity Information****Activity Date:** 11/28/2022**Type:** Email**Scheduled Date:** 11/28/2022**Scheduled Time:** 00:00**Completed Date:** 11/28/2022**Description:** Palmer response to Mr. Moore.**Status:** Completed**Assigned To:** Jeff Palmer**Hours:** 0**Notes**

11/28/2022      Proposed roof addition encroaches into the required rear yard setback by 2.27'. Unable to issue zoning permit.

**Property Information****Parcel#:** 05213650150**MOORE ARMANDO G. & \*****1807 WINDING RUN BLVD****Zoning:** "R-1APUD" **Lot:** Block:**MOORE ARMANDO G. & \*****1807 WINDING RUN****CENTERVILLE OH, 45458****Case Details:****Case #:** 263**Case Date:** 11/07/22**Complainant Name:****Complainant Phone:****Description:** Addition without a permit**Type of violation:****Comply Date:****Status:** Open**Received How:****Assigned To:** Lori Burton**Uploaded Files**

Date	File Name
11/28/2022	<u>13474262-Palmer Email to Moore 1807 Winding Run BLVD.pdf</u>



**Palmer, Jeff**

---

**From:** Palmer, Jeff  
**Sent:** Monday, November 28, 2022 2:09 PM  
**To:** 'Armando Moore'  
**Cc:** Burton, Lori  
**Subject:** RE: zoning permit

Greetings Mr. Moore:

Based on the submitted plot plan and drawing you are requesting a 17'x35' roof addition for your existing patio. Since the roof is connected to the house, it is an extension of the principal structure. Your lot size in the Village of Winding Creek R-1PUD requires a minimum of a 25' rear yard setback (from property line to vertical element of the structure). The submitted plot plan identifies the rear setback for your home before the proposed roof addition to be 39.73'. The rear yard setback for the roof addition calculates to 22.73'. This roof addition encroaches into the required rear yard setback by 2.27'. I am unable to issue a zoning permit for the addition as proposed. Concrete, asphalt or paver patios are not required to meet zoning setbacks. Please contact me with questions.

Respectfully,  
Jeff

**From:** Armando Moore <armando.g.moore@gmail.com>  
**Sent:** Monday, November 28, 2022 1:37 PM  
**To:** Palmer, Jeff <JPALMER@clearcreektownship.com>  
**Subject:** zoning permit

Good afternoon Mr. Palmer,

I was referred to you by Lori Burton. I need to acquire a zoning permit.

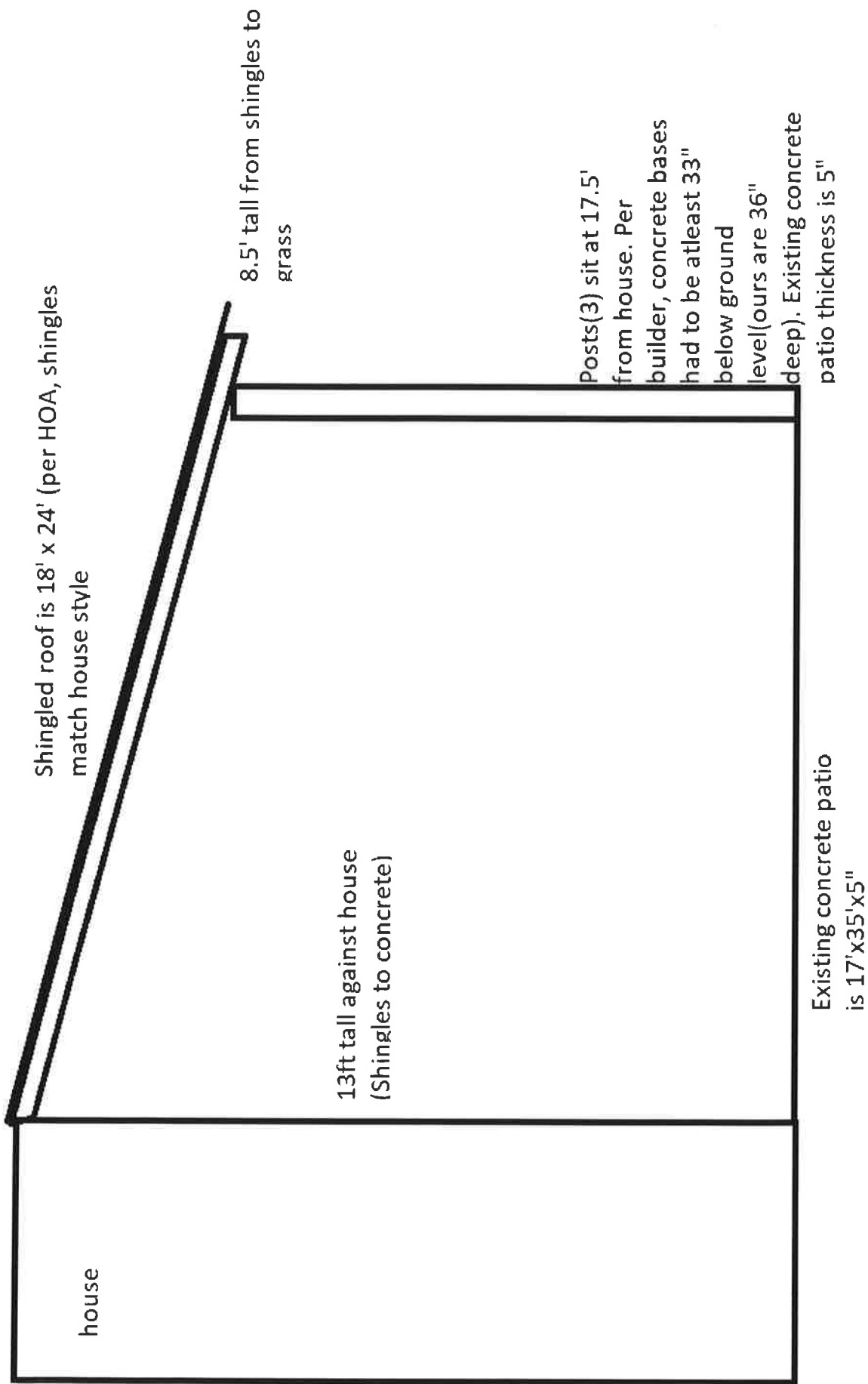
Name: Armando G Moore

Address: 1807 Winding Run Blvd, Centerville, OH 45458

Phone Number: 4785505301

email: [armandogmoore@gmail.com](mailto:armandogmoore@gmail.com)

Please advise if any more information is needed...thank you sir



Posts(3) sit at 17.5' from house. Per builder, concrete bases had to be atleast 33" below ground level(ours are 36" deep). Existing concrete patio thickness is 5"



ID: 11D464F5-562A-4EA5-AEF1-5AE0CA9D3831



SETBACKS:  
FRONT YARD=28'  
REAR YARD=25'  
SIDE YARD=5'

Driveway	489 sq. ft.
Apron	172 sq. ft.
Sidewalk-Private	35 sq. ft.
Sidewalk-Public	194 sq. ft.
Sod	1770 sq. ft.
Stabilization	3502 sq. ft.

EW=EGRESS WINDOW

RECORD PLAT RECORDED ON FEBRUARY 22, 2019

C73  
R=735.00'  
L=53.46'



# INFORMATION FROM CONSTRUCTION DRAWINGS.

CONTRACTOR IS TO VERIFY LOCATION AND DEPTH OF WATER AND UTILITY SERVICES BEFORE CONSTRUCTION.

UNLESS F.F.E., M.O.E. OR M.B.E. ARE FIELD VERIFIED BY AN ENGINEERING FIRM, CONTRACTOR TAKES FULL RESPONSIBILITY FOR THE FINISH FLOOR ELEVATION.

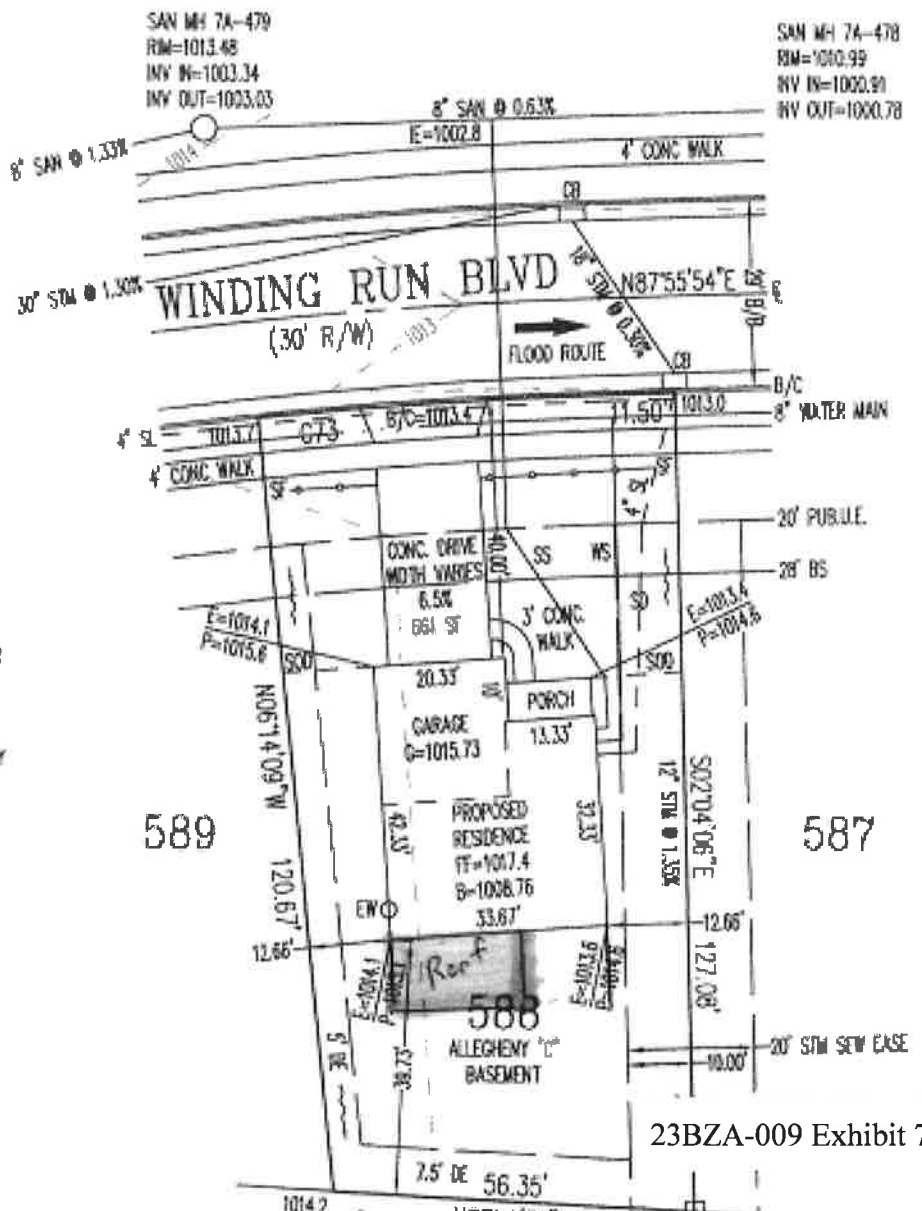
A STANDARD FORMULA WAS USED TO DETERMINE FINISH FLOOR GRADE. FINAL FINISH FLOOR ELEVATION IS CONTRACTOR'S RESPONSIBILITY.

ALL ELEVATIONS ARE EXISTING UNLESS SPECIFIED WITH AN "E" FOR EXISTING OR A "P" FOR PROPOSED.

BUILDER SHALL PROVIDE POSITIVE DRAINAGE AROUND AND AWAY FROM HOUSES.

PRIOR TO CONSTRUCTION, A GEOTECHNICAL REPORT SHALL BE OBTAINED BY THE BUILDER. APEX ASSUMES NO RESPONSIBILITY FOR SOIL CONDITIONS.

APEX ENGINEERING & SURVEYING INC.



**Activity Information****Activity Date:** 11/30/2022**Type:** Office Visit**Scheduled Date:** 11/30/2022**Scheduled Time:** 00:00**Completed Date:** 11/30/2022**Description:** Mr. Palmer met with Mrs. Moore in person and Mr. Moore by phone.**Status:** Completed**Assigned To:** Jeff Palmer**Hours:** 0**Notes**

11/30/2022 Mr. Palmer met and discussed options to resolve the zoning violation: relocate the posts, purchase additional property from adjacent open space lot, variance, removal of structure. Mr. Palmer thanked them for meeting with him and stated that the Zoning Department will hold off on turning the case over to the Law Director since they are working on a solution to the situation. If communication stops or deadlines are not met then the Law Director will be involved. Mr. Moore discussed the option of relocating the posts. Mr. Palmer suggested that they contact the Warren County Building Department to ensure that the fix will meet their structural integrity review. Mrs. Moore contemplated the variance. Mr. Palmer provided a copy of the next three BZA meeting deadlines. Mr. Palmer told them to take some time and think about the direction they wanted to proceed and asked for them to keep in touch by phone or email. Mr. Palmer stated that a well thought out and complete variance request is better than a rushed application to meet the next deadline.

**Property Information****Parcel#:** 05213650150**MOORE ARMANDO G. & \*****1807 WINDING RUN BLVD****Zoning:** "R-1APUD"Lot: Block:**MOORE ARMANDO G. & \*****1807 WINDING RUN****CENTERVILLE OH, 45458****Case Details:****Case #:** 263**Case Date:** 11/07/22**Complainant Name:****Complainant Phone:****Description:** Addition without a permit**Type of violation:****Comply Date:****Status:** Open**Received How:****Assigned To:** Lori Burton



**Activity Information****Activity Date:** 01/03/2023**Type:** Email**Scheduled Date:** 01/03/2023**Scheduled Time:** 00:00**Completed Date:** 01/03/2023**Description:** Follow up about Mr. Moore submitting a new set of plans.**Status:** Completed**Assigned To:** Jeff Palmer**Hours:** 0**Notes**

01/03/2023      Emailed for clarification. Received email back clarifying the 25' rear setback was to the post.

**Property Information****Parcel#:** 05213650150**MOORE ARMANDO G. & \*****1807 WINDING RUN BLVD****Zoning:** "R-1APUD"Lot: Block:**MOORE ARMANDO G. & \*****1807 WINDING RUN****CENTERVILLE OH, 45458****Case Details:****Case #:** 263**Case Date:** 11/07/22**Complainant Name:****Complainant Phone:****Description:** Addition without a permit**Type of violation:****Comply Date:****Status:** Open**Received How:****Assigned To:** Lori Burton**Uploaded Files**

Date	File Name
01/03/2023	<u>13831573-RE_Addition Email 1-3-23 Response.pdf</u>
01/03/2023	<u>13831146-RE_Addition Email 1-3-23.pdf</u>

**From:** [Armando Moore](#)  
**To:** [Palmer, Jeff](#)  
**Subject:** Re: Addition  
**Date:** Tuesday, January 3, 2023 11:06:11 AM

---

Correct sir, you stated that the vertical part of the structure was the beginning of the 25' from the back of the property.

On Tue, Jan 3, 2023, 10:10 Palmer, Jeff <[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)> wrote:

Greetings:

Thank you for the updated information. I have a question regarding the placement of the posts. Does the 14.5' dimension from the house include the depth of the post?

Respectfully,

Jeff

**From:** Burton, Lori <[lbarton@clearcreektownship.com](mailto:lbarton@clearcreektownship.com)>  
**Sent:** Friday, December 30, 2022 9:49 AM  
**To:** Palmer, Jeff <[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)>  
**Subject:** FW: Addition

*Lori Burton*

Clearcreek Township

Zoning Department

**From:** Armando Moore <[armando.g.moore@gmail.com](mailto:armando.g.moore@gmail.com)>  
**Sent:** Friday, December 30, 2022 9:42 AM  
**To:** Burton, Lori <[lbarton@clearcreektownship.com](mailto:lbarton@clearcreektownship.com)>; MaryLou Moore <[malubr99@gmail.com](mailto:malubr99@gmail.com)>  
**Subject:** Re: Addition

Good morning Lori,



So sorry it's taken this long to get all of this together. Please see revised version of the patio plans...thank you

On Wed, Dec 28, 2022 at 9:10 AM Burton, Lori <[lburton@clearcreektownship.com](mailto:lburton@clearcreektownship.com)> wrote:

Good Morning Mr. Moore,

I noticed in your file that you have not submitted the plans for the covered patio. Please submit these plans ASAP.

Thank you,

Lori Burton

Clearcreek Township Zoning

**From:** Burton, Lori

**Sent:** Tuesday, December 20, 2022 9:50 AM

**To:** 'Armando Moore' <[armando.g.moore@gmail.com](mailto:armando.g.moore@gmail.com)>

**Subject:** RE: Addition

Do you have a timeline of when you will be resubmitting the plans to our office?

**From:** Armando Moore <[armando.g.moore@gmail.com](mailto:armando.g.moore@gmail.com)>

**Sent:** Tuesday, December 20, 2022 9:46 AM

**To:** Burton, Lori <[lburton@clearcreektownship.com](mailto:lburton@clearcreektownship.com)>

**Cc:** MaryLou Moore <[malubr99@gmail.com](mailto:malubr99@gmail.com)>

**Subject:** Re: Addition

Good morning Lori,

We are going to resubmit the plans for the roof and have it modified. According to the regulations, our roof "encroaches" on our property by 2.7'.

On Tue, Dec 20, 2022, 09:40 Burton, Lori <[lburton@clearcreektownship.com](mailto:lburton@clearcreektownship.com)> wrote:

Good Morning Mr. Moore,

I am reaching out to see if you have decided which direction you are planning on going to bring your addition into compliance. Please contact me as soon as possible. Either by email or phone at 937-748-1267 ext. 1 then ext. 2.

Thank you,

Lori Burton

Clearcreek Township Zoning





## Res - Addition

### CLEARCREEK TOWNSHIP

Warren County, Ohio  
Planning and Zoning Department  
7593 Bunnell Hill Rd  
Springboro, Ohio 45066  
937-748-1267

**Certificate Number: 11322**

**ADDRESS: 1807 WINDING RUN BLVD**

**PARCEL NO.: 05213650150**

**ZONING: "R-1APUD"**

**LEGAL VIL.WN.CRK/BLVD.WNC7 LOT: 588**

**ISSUED TO Armando Moore**

**1807 Winding Run BLVD**

**Centerville, OH 45458**

**EXPIRE DATE: 01/03/2024**

**Permit Date: 01/03/2023**

**FEE: 110.00**

**DETAILS: 17.5'x24' roof over existing patio**

It is hereby certified that the above use as shown on the plats and plans submitted, conforms with all applicable provisions of the Clearcreek Township Zoning Resolution. The issuance of this Permit does not allow the violation of Clearcreek Township Zoning Resolutions or other governing Regulations.

The applicant is responsible for obtaining a building permit (if required) prior to commencing work. A zoning compliance letter will be sent to the above address, after compliance has been documented.

**DATE:**

**01/03/2023**

\_\_\_\_\_  
Director of Planning & Zoning/ Code Enforcement Officer

Warren County Building Department's Copy  
Applicant's Copy/Office Copy

ID: 11D464F5-582A-4EAS-AEF1-9AEDCA9D3B31



C73  
R=735.00'  
L=53.46'



### INFORMATION FROM CONSTRUCTION DRAWINGS

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APDEX ENGINEERING & SURVEYING INC.  
ADVISES AGAINST HOLDING THE MINIMUM REQUIRED DISTANCE  
FROM ANY RAMP OR SETBACKS FROM ROAD AND OTHER

**SETBACKS:**

FRONT YARD=28'

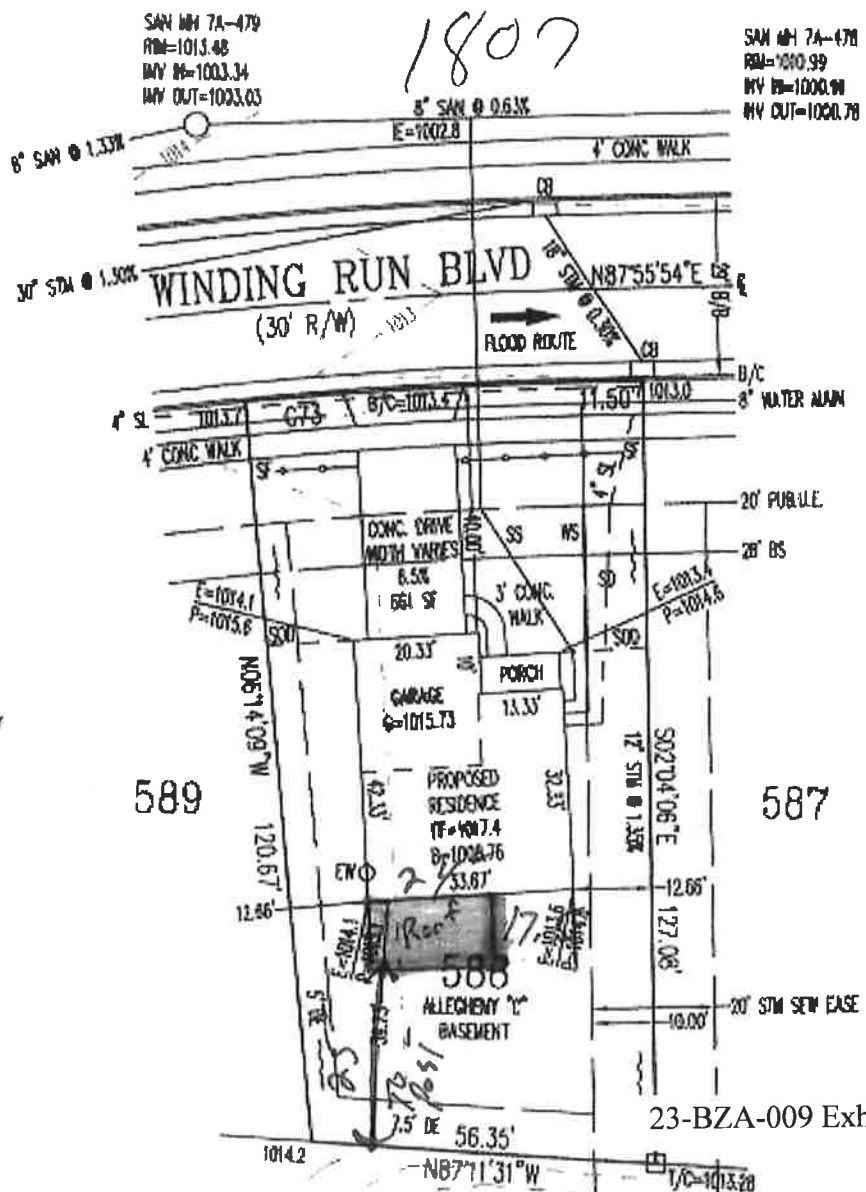
REAR YARD=25'

SIDE YARD=5'

Driveway	489	sq. ft.
Apron	172	sq. ft.
Sidewalk-Private	35	sq. ft.
Sidewalk-Public	194	sq. ft.
Sod	1770	sq. ft.
Stabilization	3502	sq. ft.

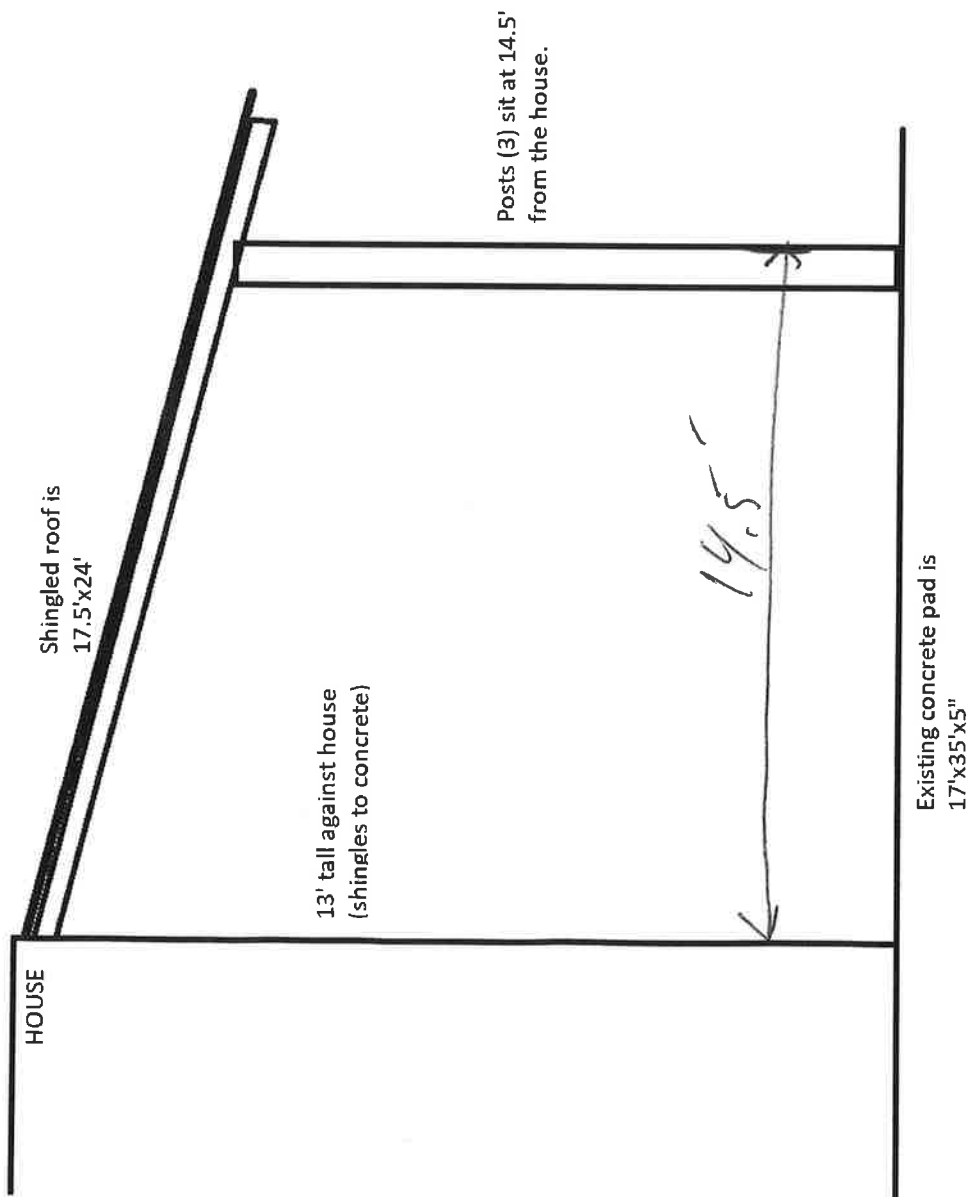
EW=EGRESS WINDOW

RECORD PLAT RECORDED ON FEBRUARY 22, 2019



23-BZA-009 Exhibit 10B







**Clearcreek Township Zoning Department**  
**7593 Bunnell Hill Rd**  
**Springboro, OH 45066**  
**937-748-1267**

**Permit #: 11322**

**Permit Date: 01/03/23**

**Permit Type:**

**Project Type: Res - Addition**

**Applicant Name: Armando Moore**

**Applicant Address: 1807 Winding Run BLVD**

**City, State, Zip: Centerville, OH 45458**

**Phone Number:**

**Details: 17.5'x24' roof over existing patio**

**Project Cost: 0**

**Square Feet: 0**

**Expiration Date: 01/03/2024**

**Status: Open**

**Assigned To: Jeff Palmer**

### Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
05213650150	1807 WINDING RUN BLVD	VIL.WN.CRK/BLVD.WNC7 MOORE LOT: 588	ARMANDO G. & *		"R-1APUD"

### Inspections

Date	Inspection Type	Description	Scheduled Date	Completed Date	Inspector	Status
02/14/2023	First Inspection	17.5'x24' roof over existing patio	01/09/2024		Lori Burton	Open
02/14/2023	First Inspection	17.5'x24' roof over existing patio	10/03/2023	10/02/2023	Lori Burton	Not Ready
02/14/2023	First Inspection	17.5'x24' roof over existing patio	09/05/2023	09/06/2023	Lori Burton	Not Ready
02/14/2023	First Inspection	17.5'x24' roof over existing patio	07/11/2023	07/14/2023	Lori Burton	Not Ready
02/14/2023	First Inspection	17.5'x24' roof over existing patio	06/13/2023	06/12/2023	Lori Burton	Not Ready
02/14/2023	First Inspection	17.5'x24' roof over existing patio	05/23/2023	05/22/2023	Lori Burton	Not Ready
02/14/2023	First Inspection	17.5'x24' roof over existing patio	04/25/2023	04/26/2023	Lori Burton	Not Ready
02/14/2023	First Inspection	17.5'x24' roof over existing patio	03/28/2023	03/28/2023	Lori Burton	Not Ready
02/14/2023	First Inspection	17.5'x24' roof over existing patio	03/07/2023	03/07/2023	Lori Burton	Not Ready
02/14/2023	First Inspection	17.5'x24' roof over existing patio	02/14/2023	02/15/2023	Lori Burton	Not Ready

### Fees

	Fee	Description	Notes	Amount
Res - Addition				\$110.00
			<b>Total</b>	<b>\$110.00</b>

### Attached Letters

Date	Letter	Description
01/03/2023		<u>Permit</u>
01/03/2023		<u>Receipt - No Payment</u>

### Payments

Date	Paid By	Description	Payment Type	Accepted By	Amount
02/01/2023	Amando Moore		Clerks Machine	Jeff Palmer	\$110.00
				<b>Outstanding Balance</b>	<b>\$0.00</b>

### Notes

Date	Note	Created By:
10/18/2023	Armando Moore contacted Mr. Palmer via email. A survey has been completed and the addition fails to meet the 25' rear yard setback at two of the three posts. Mr. Palmer emailed the next BZA deadline. Mr. Palmer reopened Code Enforcement Case 263.	Jeff Palmer
10/02/2023	Ms. Burton spoke with Mr. Moore. He stated that as soon as the survey company, uploads his information he will apply for a variance.	Jeff Palmer
08/07/2023	Mr. Palmer met with Mr. Moore. Mr. Moore expressed issues with finding his rear property line. Mr. Palmer suggested he get a surveyor to affirm/establish pins for the property. Mr. Moore agreed to contact CESO and if a variance was still needed pursue that application.	Jeff Palmer

### Uploaded Files

Date	File Name
10/18/2023	<u>17217719-1807 Winding Run BLVD Lot 588 As-Built-REV 9-25-2023.pdf</u>
02/14/2023	<u>14311958-11322.pdf</u>



## Palmer, Jeff

---

**From:** Palmer, Jeff  
**Sent:** Thursday, July 20, 2023 10:48 AM  
**To:** Armando Moore  
**Cc:** malubr99@gmail.com; Burton, Lori  
**Subject:** RE: Addition  
**Attachments:** Trustee\_Resolution\_3632.pdf; VWC BLVDS Section 7 Stage 3 Record Plan.pdf; VWC Lot Size Exhibit March 2018.pdf

Greetings:

The zoning classification for your property is R-1APUD.

I have attached Trustee Resolution 3632, the document that approved the geometrics and setbacks for your property, the VWC BLVDS Section 7 Stage 3 Record Plan and the March 2018 VWC Lot Size Exhibit.  
Your property is classified as a 55' frontage lot.

The issue our office has been dealing with your property has been the rear yard setback for the covered patio.

The variance request for a reduced rear yard setback from the required 25' distance would be from Trustee Resolution 3632, Condition 23(d)(5)(iii).

Please contact me with questions.

Respectfully,  
Jeff

**From:** Armando Moore <armando.g.moore@gmail.com>  
**Sent:** Thursday, July 20, 2023 10:17 AM  
**To:** Palmer, Jeff <JPALMER@clearcreektownship.com>  
**Cc:** malubr99@gmail.com; Burton, Lori <lburton@clearcreektownship.com>  
**Subject:** Re: Addition

Good morning all,

We have decided to turn and go the route of requesting a variance. I'm currently filling out the form and have a few questions that I'm not sure how or where to find the answer. Can one of you please tell me where to find the following?

1. Zoning classification?
2. Section (Warren county Zoning Code) requested for variance?

On Tue, Jan 3, 2023 at 11:22 AM Armando Moore <[armando.g.moore@gmail.com](mailto:armando.g.moore@gmail.com)> wrote:

Copy, thank you sir

On Tue, Jan 3, 2023 at 11:19 AM Palmer, Jeff <[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)> wrote:

Greetings:

Thank you for the clarification. I have issued the zoning permit. The fee is \$110 (exact cash, check, credit/debit card).  
You can pay for and pick up the permit weekdays from 9AM-5PM. At this time we can only process credit/debit cards

in person. If you prefer, you can send a check made payable to Clearcreek Township to Clearcreek Township Zoning Department, 7593 Bunnell Hill Rd, Springboro OH 45066, once I receive your payment, I will email your permit.

Respectfully,

Jeff

**From:** Armando Moore <[armando.g.moore@gmail.com](mailto:armando.g.moore@gmail.com)>  
**Sent:** Tuesday, January 3, 2023 11:06 AM  
**To:** Palmer, Jeff <[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)>  
**Subject:** Re: Addition

Correct sir, you stated that the vertical part of the structure was the beginning of the 25' from the back of the property.

On Tue, Jan 3, 2023, 10:10 Palmer, Jeff <[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)> wrote:

Greetings:

Thank you for the updated information. I have a question regarding the placement of the posts. Does the 14.5' dimension from the house include the depth of the post?

Respectfully,

Jeff

**From:** Burton, Lori <[lburton@clearcreektownship.com](mailto:lburton@clearcreektownship.com)>  
**Sent:** Friday, December 30, 2022 9:49 AM  
**To:** Palmer, Jeff <[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)>  
**Subject:** FW: Addition

*Lori Burton*

Clearcreek Township

Zoning Department

**From:** Armando Moore <[armando.g.moore@gmail.com](mailto:armando.g.moore@gmail.com)>  
**Sent:** Friday, December 30, 2022 9:42 AM  
**To:** Burton, Lori <[lburton@clearcreektownship.com](mailto:lburton@clearcreektownship.com)>; MaryLou Moore <[malubr99@gmail.com](mailto:malubr99@gmail.com)>  
**Subject:** Re: Addition

Good morning Lori,

So sorry it's taken this long to get all of this together. Please see revised version of the patio plans...thank you

On Wed, Dec 28, 2022 at 9:10 AM Burton, Lori <[lburton@clearcreektownship.com](mailto:lburton@clearcreektownship.com)> wrote:

Good Morning Mr. Moore,

I noticed in your file that you have not submitted the plans for the covered patio. Please submit these plans ASAP.

Thank you,

Lori Burton

Clearcreek Township Zoning

**From:** Burton, Lori  
**Sent:** Tuesday, December 20, 2022 9:50 AM  
**To:** 'Armando Moore' <[armando.g.moore@gmail.com](mailto:armando.g.moore@gmail.com)>  
**Subject:** RE: Addition

Do you have a timeline of when you will be resubmitting the plans to our office?

**From:** Armando Moore <[armando.g.moore@gmail.com](mailto:armando.g.moore@gmail.com)>  
**Sent:** Tuesday, December 20, 2022 9:46 AM  
**To:** Burton, Lori <[lburton@clearcreektownship.com](mailto:lburton@clearcreektownship.com)>



**Cc:** MaryLou Moore <[malubr99@gmail.com](mailto:malubr99@gmail.com)>  
**Subject:** Re: Addition

Good morning Lori,

We are going to resubmit the plans for the roof and have it modified. According to the regulations, our roof "encroaches" on our property by 2.7'.

On Tue, Dec 20, 2022, 09:40 Burton, Lori <[lbarton@clearcreektownship.com](mailto:lbarton@clearcreektownship.com)> wrote:

Good Morning Mr. Moore,

I am reaching out to see if you have decided which direction you are planning on going to bring your addition into compliance. Please contact me as soon as possible. Either by email or phone at 937-748-1267 ext. 1 then ext. 2.

Thank you,

Lori Burton

Clearcreek Township Zoning

### Activity Information

**Activity Date:** 08/07/2023

**Type:** Office Visit

**Scheduled Date:** 08/07/2023

**Scheduled Time:** 11:00

**Completed Date:** 08/07/2023

**Description:** Armando Moore met with Mr. Palmer. Mr. Moore had filled out Warren County's variance form instead of Clearcreek Township's form.

**Status:** Completed

**Assigned To:** Jeff Palmer

**Hours:** 0

### Notes

08/07/2023 Mr. Palmer and Mr. Moore discussed the requirements for the Clearcreek Township Variance request. Mr. Palmer asked if a survey had been performed to determine if the encroachment distance was different or agreed with the Zoning measurement. Mr. Moore decided to have the property affirmed by a surveyor. After the survey was complete, Mr. Moore would contact zoning. If the survey revealed that a variance was still needed to bless the location, then an application would be submitted.

### Property Information

**Parcel#:** 05213650150

**MOORE ARMANDO G. & \***

**1807 WINDING RUN BLVD**

**Zoning:** "R-1APUD"Lot: Block:

**MOORE ARMANDO G. & \***

**1807 WINDING RUN**

**CENTERVILLE OH, 45458**

### Case Details:

**Case #:** 263

**Case Date:** 11/07/22

**Complainant Name:**

**Complainant Phone:**

**Description:** Addition without a permit

**Type of violation:**

**Comply Date:**

**Status:** Open

**Received How:**

**Assigned To:** Lori Burton

### Activity Information

**Activity Date:** 10/18/2023

**Type:** Email

**Scheduled Date:** 10/18/2023

**Scheduled Time:** 09:05

**Completed Date:** 10/18/2023

**Description:** Armando Moore contacted Mr. Palmer via email. A survey has been completed and the addition fails to meet the 25' rear yard setback at two of the three posts.

**Status:** Completed

**Assigned To:** Jeff Palmer

**Hours:** 0

### Notes

10/18/2023 Mr. Palmer emailed Armando Moore the next deadline information for the BZA.

### Property Information

Parcel#: 05213650150

MOORE ARMANDO G. & \*

MOORE ARMANDO G. & \*

1807 WINDING RUN

1807 WINDING RUN BLVD

CENTERVILLE OH, 45458

Zoning: "R-1APUD"Lot: Block:

### Case Details:

**Case #:** 263

**Case Date:** 11/07/22

**Complainant Name:**

**Complainant Phone:**

**Description:** Addition without a permit

**Type of violation:**

**Comply Date:**

**Status:** Open

**Received How:**

**Assigned To:** Lori Burton

### Uploaded Files

Date	File Name
10/18/2023	<u>17217648-1807 Winding Run BLVD Lot 588 As-Built-REV 9-25-2023.pdf</u>
10/18/2023	<u>17217630-Email 10-18-23 for 1807 Winding Run BLVD.pdf</u>



**From:** Palmer, Jeff  
**To:** "Armando Moore"  
**Subject:** RE: Addition  
**Date:** Wednesday, October 18, 2023 9:04:00 AM

---

Greetings:

Glad to see that a survey has been completed. You will still need to apply for a variance to keep the covered patio addition as constructed. We will need to meet so that I can review the variance application, if complete collect the fee and then schedule the hearing. The next application deadline is November 8, 2023 at 4 PM to be heard on December 12, 2023.

Respectfully,  
Jeff

**From:** Armando Moore <armando.g.moore@gmail.com>  
**Sent:** Wednesday, October 18, 2023 8:56 AM  
**To:** Palmer, Jeff <JPALMER@clearcreektownship.com>  
**Subject:** Re: Addition

Hello again sir,

I had a sight survey completed by CESO(attached). Although I did gain a few inches, it is not enough to be passing the 25' for all 3 posts. The property sits askew as well, if it was rectangular...there wouldn't be an issue. Now that the site survey is completed, what are the next steps for the variance?

On Fri, Aug 4, 2023 at 8:52 AM Palmer, Jeff <JPALMER@clearcreektownship.com> wrote:

Greetings:

Totally understand. I'll see you Monday August 7<sup>th</sup> @ 11AM.

Respectfully,  
Jeff

**From:** Armando Moore <armando.g.moore@gmail.com>  
**Sent:** Friday, August 4, 2023 8:50 AM  
**To:** Palmer, Jeff <JPALMER@clearcreektownship.com>  
**Subject:** Re: Addition

Good morning sir,

Unfortunately I'll have to reschedule our meeting for today, I have an unplanned meeting with a General that I can't miss. Are you available Monday around 11?

On Wed, Aug 2, 2023, 10:07 Armando Moore <armando.g.moore@gmail.com> wrote:

Copy, thank you sir

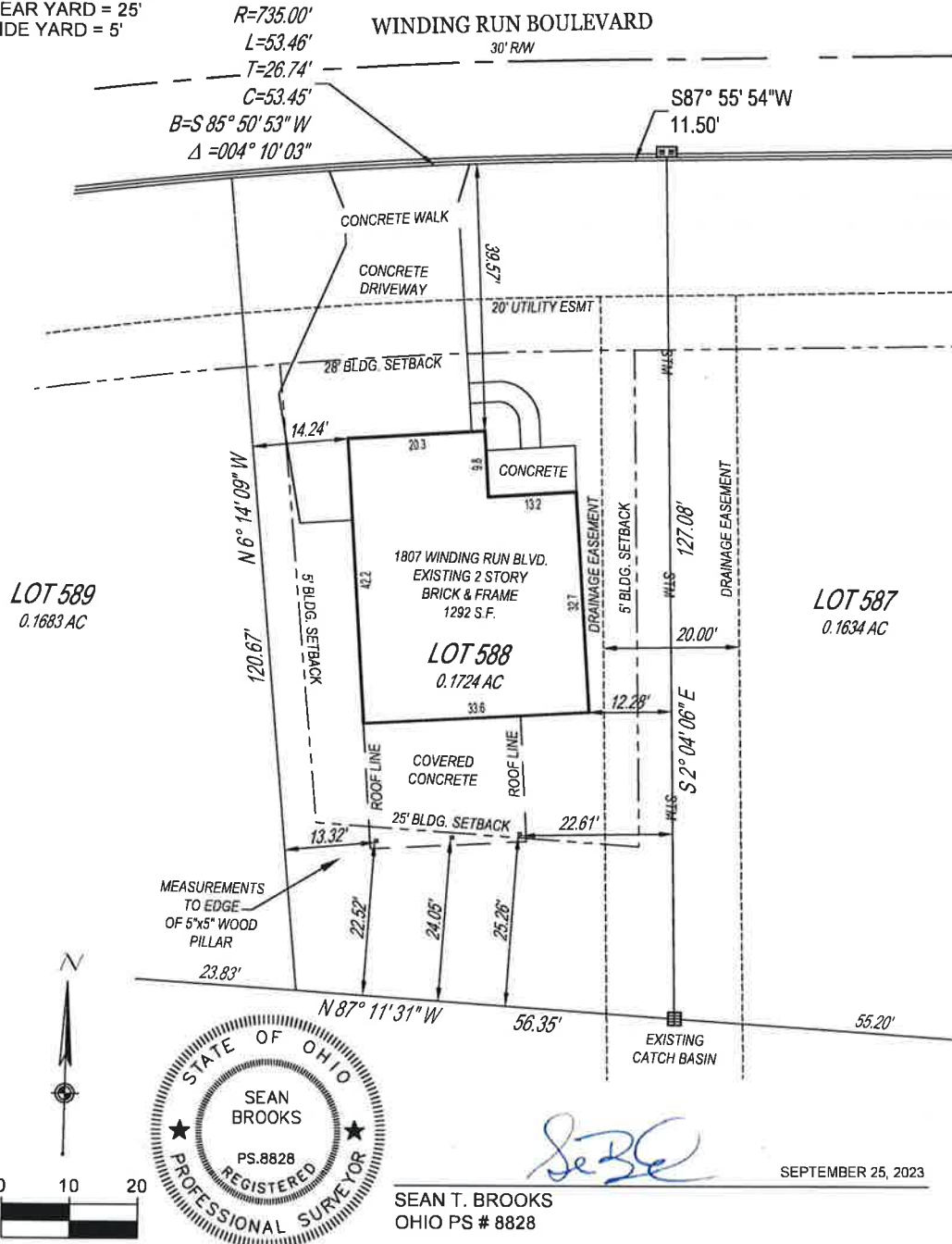
SURVEY PREPARED FROM FIELDWORK  
PERFORMED IN SEPTEMBER 2023.

WE HEREBY CERTIFY THAT THIS SURVEY SHOWS THE IMPROVEMENT OR  
IMPROVEMENTS AS LOCATED ON THE PREMISES DESCRIBED, THAT THE IMPROVEMENT  
OR IMPROVEMENTS ARE ENTIRELY WITHIN LOT LINES,

LOT SUBJECT TO A 15' WIDE DRAINAGE EASEMENT ALONG THE REAR LOT LINE AND  
A 10' WIDE DRAINAGE EASEMENT ALONG THE SIDE LOT LINES, WITH THE CENTERLINE  
OF SAID EASEMENT BEING THE COMMON LINE.

STREET ADDRESS:  
1807 WINDING RUN BOULEVARD  
CITY OR VILLAGE: N/A  
TOWNSHIP: CLEARCREEK  
COUNTY: WARREN  
STATE: OHIO  
PLAT NAME:  
THE VILLAGES OF WINDING CREEK  
THE BOULEVARDS SECTION SEVEN  
LOT NUMBER: 588  
PLAT BOOK: 98  
PAGES: 96-98

SETBACKS  
FRONT YARD = 28'  
REAR YARD = 25'  
SIDE YARD = 5'



AS BUILT - LOT 588 - 1807 WINDING RUN BLVD.

THE VILLAGES OF WINDING CREEK  
THE BOULEVARDS

CLEARCREEK TOWNSHIP SECTION SEVEN WARREN COUNTY, OHIO

SECTION 21, TOWN 3 EAST, RANGE 5 NORTH M.Rs.

Scale: 1" = 20'

Date: SEPTEMBER 25, 2023

CESO  
WWW.CESOINC.COM

On Wed, Aug 2, 2023, 10:06 Palmer, Jeff <[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)> wrote:

Greetings:

That works for me, see you then.

Respectfully,

Jeff

**From:** Armando Moore <[armando.g.moore@gmail.com](mailto:armando.g.moore@gmail.com)>

**Sent:** Wednesday, August 2, 2023 9:46 AM

**To:** Palmer, Jeff <[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)>

**Subject:** Re: Addition

Copy sir, are you available Friday at 1100?

On Wed, Aug 2, 2023, 09:36 Palmer, Jeff <[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)> wrote:

Greetings:

I can typically meet weekdays from 8:30 AM-4:00 PM. If that doesn't work, I can attempt to accommodate a later time, based upon my availability.

Respectfully,

Jeff

**From:** Armando Moore <[armando.g.moore@gmail.com](mailto:armando.g.moore@gmail.com)>

**Sent:** Wednesday, August 2, 2023 9:30 AM

**To:** Palmer, Jeff <[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)>

**Subject:** Re: Addition

Copy, what are your office hours sir?

On Wed, Aug 2, 2023, 09:27 Palmer, Jeff <[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)> wrote:

Greetings:

You will need to meet with me so that I can review the application, collect the fee and schedule the hearing. The next application deadline is August 9, 2023 at 4 PM. When is a good day and time to meet?

Respectfully,

Jeff

**From:** Armando Moore <[armando.g.moore@gmail.com](mailto:armando.g.moore@gmail.com)>

**Sent:** Wednesday, August 2, 2023 9:13 AM

**To:** Palmer, Jeff <[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)>

**Cc:** Burton, Lori <[lbarton@clearcreektownship.com](mailto:lbarton@clearcreektownship.com)>

**Subject:** Re: Addition

Good morning,

I have all the documents filled out for the variance package. Do I need to email or



physically turn them in? If so, where?

On Thu, Jul 20, 2023, 10:48 Palmer, Jeff <[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)> wrote:

Greetings:

The zoning classification for your property is R-1APUD.

I have attached Trustee Resolution 3632, the document that approved the geometrics and setbacks for your property, the VWC BLVDS Section 7 Stage 3 Record Plan and the March 2018 VWC Lot Size Exhibit.

Your property is classified as a 55' frontage lot.

The issue our office has been dealing with your property has been the rear yard setback for the covered patio.

The variance request for a reduced rear yard setback from the required 25' distance would be from Trustee Resolution 3632, Condition 23(d)(5)(iii).

Please contact me with questions.

Respectfully,  
Jeff

**From:** Armando Moore <[armando.g.moore@gmail.com](mailto:armando.g.moore@gmail.com)>

**Sent:** Thursday, July 20, 2023 10:17 AM

**To:** Palmer, Jeff <[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)>

**Cc:** [malubr99@gmail.com](mailto:malubr99@gmail.com); Burton, Lori <[lburton@clearcreektownship.com](mailto:lburton@clearcreektownship.com)>

**Subject:** Re: Addition

Good morning all,

We have decided to turn and go the route of requesting a variance. I'm currently filling out the form and have a few questions that I'm not sure how or where to find the answer. Can one of you please tell me where to find the following?

1. Zoning classification?
2. Section (Warren county Zoning Code) requested for variance?

On Tue, Jan 3, 2023 at 11:22 AM Armando Moore <[armando.g.moore@gmail.com](mailto:armando.g.moore@gmail.com)> wrote:

Copy, thank you sir

On Tue, Jan 3, 2023 at 11:19 AM Palmer, Jeff  
<[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)> wrote:

Greetings:

Thank you for the clarification. I have issued the zoning permit. The fee is \$110



Bryan E. Pacheco  
(513) 977-8247 (direct) ^ (513) 977-8141 (fax)  
bryan.pacheco@dinsmore.com

November 28, 2023

**VIA CERTIFIED & REGULAR US MAIL**

Armando & Marylou Moore  
1807 Winding Run Blvd.  
Centerville, Ohio 45458

**Re: Zoning Violation at 1807 Winding Run Blvd., Centerville, Ohio 45458**

Dear Mr. & Mrs. Moore:

I am writing in my capacity as Law Director for Clearcreek Township (the "Township"). Your property at 1807 Winding Run Blvd (the "Property") continues to violate the Clearcreek Township Zoning Resolution (the "Resolution"). Lori Burton, Township Code Enforcement Officer, previously informed you on multiple occasions that the covered patio on the Property does not comply with the required 25 feet rear yard setback.

As explained more fully below, if you do not bring the covered patio into compliance within ten days, the Township will take appropriate action. This includes pursuing all civil and criminal remedies available under the Resolution to secure such compliance.

**The Zoning Violations**

On November 7, 2022, the Township Department of Zoning noticed a covered patio constructed on the Property. Ms. Burton spoke with Mr. Moore. He told her that while he submitted an application to the HOA, he did not realize he needed one from the Township and committed to doing so. On November 15, 2022, Ms. Burton determined you still had not received a zoning permit for the covered patio.

After making no attempt to obtain a permit, on November 17, 2022, Ms. Burton sent you a Notice of Zoning Violation letter ("Notice of Violation Letter") outlining the requirement to obtain a permit for the covered patio on the Property. The Notice of Violation Letter clearly informed you that the Property was violating Sections 5.02 and 18.01 of the Township Zoning Resolution. They provide, in relevant part:

CHAPTER 5.02  
GENERAL PROVISIONS

SEC. 5.02: No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all of the regulations established by this Code for the zone in which the building or land is located.

CHAPTER 18  
FEES AND PERMITS

SEC 18.01: Except as provided in Chapter 5, no buildings or other structures shall hereafter be located, constructed, enlarged or structurally altered or shall any work be started upon same until a zoning permit has been issued by the Clearcreek Township Zoning Inspector, which permit shall state that the proposed building and use comply with all the provisions of this Code. Zoning permits shall expire one (1) year after date of issue, if work has not been started.

On November 28, 2022, after receiving the Notice of Zoning Violation Letter, Mr. Moore attempted to obtain a zoning permit. Jeff Palmer, the Township Director of Planning and Zoning, denied the zoning permit because the roof addition encroached 3.27 feet into the rear yard setback.

On November 30, 2022, Mr. Moore met with Mr. Palmer to discuss options to resolve the zoning violation, including relocating the posts, purchasing additional property from the adjacent lot, obtaining a variance, or removing the structure. Regarding relocating the posts, Mr. Palmer suggested that you contact the Warren County Building Department to ensure that the proposed fix would meet County standards.

Regarding the variance, Mr. Palmer provided you with the next three Board of Zoning Appeals' meeting deadlines. Mr. Palmer told you to take time to review the options to properly vet the best solution. He even agreed to give you that time before turning the matter over to the Law Director. This condition was based on your commitment to achieving a solution. Mr. Palmer instructed you that he would have to refer the matter to the Law Director if communication stopped, or if deadlines lapsed, with no action.

On December 28, 2022, Ms. Burton emailed Mr. Moore asking for new drawings for the roof addition. Mr. Moore submitted drawings to Ms. Burton on January 4, 2023, showing that the post measured 25 feet from the rear property line. The Township issued Permit 11322.

From February 9, 2023 through October 2, 2023, Ms. Burton made nine site visits to verify that you relocated the post to meet the 25 feet rear yard setback. You had not. During that time, on August 7, 2023, Mr. Palmer met with Mr. Moore. Mr. Moore



expressed issues with locating his rear property line. Mr. Palmer suggested hiring a surveyor to affirm or establish the property line. Based on the suggestion, Mr. Moore agreed to contact CESO and agreed he would obtain a variance if needed.

On October 18, 2023, Mr. Moore emailed Mr. Palmer and informed him a survey had been completed concluding that the addition failed to meet the 25 feet rear yard setback at two of the three posts. Mr. Palmer provided Mr. Moore with the next Zoning Board of Appeals deadline for his submission of a variance application, which was on November 8, 2023. You did not submit a variance request by that deadline, at which time Ms. Burton referred the matter to our office.

### **The Township's Civil and Criminal Remedies**

Under Sec. 21.01(A) of the Resolution, the Township's Board of Zoning Appeals hears appeals alleging that an administrative official erred in "any order, requirement decision, or determination." That appeal must be submitted to the Board of Zoning Appeals within 20 days of the decision. *See* Sec. 21.01(G). Because you have not appealed the Notice of Violation Letter, you waived your right to appeal the Township's determination that the Property violates the Resolution.

Consequently, the Township may now invoke both civil and criminal sanctions to compel compliance with the Resolution. Section 19.01 of the Resolution provides that "[v]iolation of any regulation...shall constitute a minor misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500.00) for each offense." That section further states that "[e]ach and every day after delivery of notification of such violation during which any illegal erection, construction, reconstruction, enlargement or change of any structure, or illegal use of any location continues shall be deemed a separate offense."

Additionally, the Township may impose civil penalties. Section 19.02 of the Resolution authorizes the Board of Township Trustees (or the Zoning Inspector) to sue in Warren County Common Pleas Court to "prevent, enjoin, abate or remove" any use that violates the Resolution. That Section further states,

In addition to any other remedy ordered by the court in any action brought pursuant to this section, the defendant therein shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense. Each and every day after delivery of notification of such violation during which any illegal erection, construction, reconstruction, enlargement or change of any structure, or illegal use of any location continues shall be deemed a separate offense.

As stated above, you had notice of the zoning violation on the Property by at least November 7, 2022 when Ms. Burton first spoke with you. At present, you can be charged with multiple separate offenses. Going forward, each day the Property does not conform to the Resolution is another separate offense.

If you do not bring the Property into compliance within ten days of the date of this letter, the Township will pursue the civil and criminal penalties provided by the Resolution. Compliance can be accomplished by: (1) obtaining a variance from the Board of Zoning Appeals regarding the covered patio; (2) removing the covered patio from the Property; or (3) reconfiguring the covered patio to meet the required 25 feet rear yard setback as identified on Zoning Permit 11,322.

Please contact Lori Burton at (937) 748-1267 to schedule a time to verify that the Property is Resolution-compliant.

Sincerely,



Bryan E. Pacheco, Law Director  
Clearcreek Township

cc: Board of Trustees  
Matthew J. Clark, Township Administrator  
Jeffrey Palmer, Director of Planning & Zoning  
Lori Burton, Township Code Enforcement Officer

### Activity Information

**Activity Date:** 12/08/2023

**Type:** Email

**Scheduled Date:** 12/08/2023

**Scheduled Time:** 11:53

**Completed Date:** 12/08/2023

**Description:** Mr. Palmer received an email and only the variance application from Mr. Armando. No attachments, no fee.

**Status:** Completed

**Assigned To:** Jeff Palmer

**Hours:** 0

### Notes

12/08/2023      The application has been filled out. No survey or documentation for the request has been provided. The fee has not been paid. The next BZA deadline is 12-13-23 @ 1600 Hrs.

### Property Information

Parcel#: 05213650150

MOORE ARMANDO G. & \*

1807 WINDING RUN BLVD

Zoning: "R-1APUD"Lot: Block:

MOORE ARMANDO G. & \*

1807 WINDING RUN

CENTERVILLE OH, 45458

### Case Details:

**Case #:** 263

**Case Date:** 11/07/22

**Complainant Name:**

**Complainant Phone:**

**Description:** Addition without a permit

**Type of violation:**

**Comply Date:**

**Status:** Open

**Received How:**

**Assigned To:** Lori Burton

### Uploaded Files

Date	File Name
12/08/2023	<u>17708549-Mr. Palmer Email response 12-8-23.pdf</u>

**From:** Palmer, Jeff  
**To:** Armando Moore  
**Subject:** RE: Meeting for variance  
**Date:** Friday, December 8, 2023 11:56:00 AM

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Greetings:

Filling out the application is the first step of the process to apply for a variance. The second step is providing documentation to help the BZA understand your case: plot plan/recent survey that shows the setbacks for the addition, any HOA approvals/paperwork, any documentation from CESO regarding the property dimensions, as well as any additional information you would like to present for your request. The third step is payment for the application, \$550. Once the former have been received, I can accept the Variance Request and schedule the public hearing before the BZA. The next BZA deadline is December 13, 2023 @ 1600 hours. Please contact me with questions.

Respectfully,  
Jeff

**From:** Armando Moore <armando.g.moore@gmail.com>  
**Sent:** Friday, December 8, 2023 10:46 AM  
**To:** Palmer, Jeff <JPALMER@clearcreektownship.com>  
**Subject:** Re: Meeting for variance

Variance package as requested sir(fingers and toes crossed going forward). Please see attached and please let me know if any changes need to be made...thank you very much for all your help yesterday.

On Thu, Dec 7, 2023 at 8:26 AM Palmer, Jeff <JPALMER@clearcreektownship.com> wrote:

Greetings:

Here is a zoom link for today's 10 AM meeting: <https://us02web.zoom.us/j/83132827399>

Respectfully,  
Jeff

**From:** Armando Moore <armando.g.moore@gmail.com>  
**Sent:** Thursday, December 7, 2023 8:07 AM  
**To:** Palmer, Jeff <JPALMER@clearcreektownship.com>  
**Subject:** Re: Meeting for variance

GM sir,

I believe that we will both be meeting via zoom today. Do you have a link?

On Fri, Dec 1, 2023, 10:23 Palmer, Jeff <JPALMER@clearcreektownship.com> wrote:

Greetings Mr. Moore:



Thank you for the clarification, see you then.

Respectfully,

Jeff

**From:** Armando Moore <[armando.g.moore@gmail.com](mailto:armando.g.moore@gmail.com)>

**Sent:** Friday, December 1, 2023 10:20 AM

**To:** Palmer, Jeff <[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)>

**Subject:** Re: Meeting for variance

As of right now, it'll be in-person. If the wife gets busy, she may join us virtually.

On Fri, Dec 1, 2023, 10:14 Palmer, Jeff <[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)> wrote:

Greetings Mr. Moore:

That date and time works for me. Are we meeting in-person or via Zoom?

Respectfully,

Jeff

**From:** Armando Moore <[armando.g.moore@gmail.com](mailto:armando.g.moore@gmail.com)>

**Sent:** Friday, December 1, 2023 10:09 AM

**To:** Palmer, Jeff <[JPALMER@clearcreektownship.com](mailto:JPALMER@clearcreektownship.com)>

**Subject:** Meeting for variance

Sir,

Does Dec 7 @ 1000 work for you?