



Variance Request

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

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DEC 13 2023

CLEARCREEK TOWNSHIP
ZONING DEPT.

Case #: 23-BZA-009

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:

Armando G Moore

Mailing address of Applicant:

1807 Winding Run Blvd Centerville OH 45458

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

Single Family residence

Property fronts on the following road(s):

Winding Run Blvd

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

Armando G Moore

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

1807 Winding Run Blvd Centerville OH 45458

The property is presently zoned:

Warren County R1APUD

The current use of the property:

Primary residence

Reason(s) for the application:

Seeking variance for attached back porch roof. 2 of 3 pillars that support the roof are currently encroaching on the rear property line. 1 by 2.48 ft, the 2nd by .95 ft and the 3rd is acceptable at 25.26 ft.

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The standard for approval of a variance is "Unnecessary Hardship". In determining whether or not unnecessary hardship exists, the Board of Zoning Appeals will consider the following factors. Please indicate below how this variance meets each standard.

1. The hardship must remove all profitable use from the land. It is not a sufficient hardship if the land would be more valuable with the variance, or less valuable without the variance. Instead, there must be evidence that the property is unsuitable to any of the permitted uses as zoned:

The rear of the property is backed by a neighborhood created storm drain and the neighborhoods "green space". The developer informed us of where our property line was located. Our recent site survey informed us otherwise.

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

Initially we were informed that the storm drain was not included as part of our property. We have a storm grate located on the rear left corner of the property that was not supposed to be a part of our property and the site survey now shows it is part of our property. According to our site surveyor, our property does not sit parallel to the road. That is why 1 of the pillars meet the requirement and the others do not. Due the property sitting askew, the site surveyor was unable to locate one of the corner property pins and had to manually place one.

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

We have an HOA approval already in place for the roof.

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4. It is not enough to show that the effects of a variance would be harmless. Real, unnecessary hardship must still be established by the applicant:

The encroachment does not affect either neighbor, it only affects the rear property line. 2 out of 3 of the pillars are out of compliance (reference box 1 for exact measurements). The roof is attached to the house, any modification would be very costly and time consuming.

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

The developers marked where our property line was when we initially purchased the house. According to the county measurements and the site survey, performed by CESO, the property lines laid out by the developer were inaccurate. We submitted all plans to our residential HOA and they were approved so we proceeded with the build.

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

We are a military family so we have moved around quite a bit. We have never encountered any zoning rules such as the ones that exist here in Clearcreek Township. The last property (Ryan Homes) that we owned in Warner Robins, GA had a back porch that was attached to the house. The property was also backed by a storm drain with green space and the property line was about 15ft from the back porch.

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

The roof does not impede on any other property line than the rear. The rear property line is back by a storm drain and green space owned and maintained by the neighborhood. The roof does not block access to anything. The whole property and its surroundings are accessible.

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

My wife and I are both disabled USAF veterans that suffer for severe PTSD. Both of us still serve in a civilian capacity at Wright Patterson AFB. We built this structure with the intent that it would be our place of peace. When we initially moved in, the land developers marked where our property line was so we built accordingly. Our neighbor even had a fence built where the proposed property line is located. After the site survey was performed, we have found that their fence is encroaching on our property by a foot. This structure was built during COVID lockdown times, materials and labor were incredibly high priced and communication with anyone was challenging or restricted. We have inquired on how much it would cost us to alter the build of this structure and it would be a minimum of \$5K. We followed the rules that were put in place by the neighborhood HOA, once we were approved by the HOA, they told us that we could proceed with building. We had 0 intent of breaking any rules or regulations enforced by anyone. This structure has been in place since July 2021. We were not made aware that we were breaking any rules/regulations till Nov 2022. We apologize for any hardship/headache that this has caused anyone.

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

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

Of which:

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

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

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

Of which:

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

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

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3. Tax Mailing Address Information shall be filled out below:

It is the responsibility of the applicant to also supply the tax mailing addresses of all owners of property located contiguous to, directly across the street from and within five hundred (500) feet of any part of the subject property being considered for a Variance. This information is found at the Warren County Auditor's Office, Warren County Engineer's Map Room and at https://www.wcauditor.org/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: _____

05274420071
GATES JUDSON & CHARLA *
9621 CROOKED CREEK
CENTERVILLE, OH 45458

05213100150
GAVER KEITH MICHAEL & *
1752 WANDERING STREAM WA...
CENTERVILLE, OH 45458

05274420072
GATES JUDSON & CHARLA *
884 PLEASANT PLAIN
SPRINGBORO, OH 45066

05274420081
UPPALAPATI KASI *
9625 CROOKED CREEK
CENTERVILLE, OH 45458

05213100140
COOPMAN FRANCES & *
1748 WANDERING STREAM WA...
CENTERVILLE, OH 45458

05216000032
WARREN CO. COMMISSIONER...
3601 RIGBY RD STE 300
MIAMISBURG, OH 45342

05213200140
PEAGLER VANESSA LEE
9626 CROOKED CREEK
CENTERVILLE, OH 45458

05213100190
DECKER JOHN & AMANDA
1776 WANDERING STREAM WA...
CENTERVILLE, OH 45458

05213000230
KELLOGG EQUITIES LLC
9526 VALDOSTA WAY
WAYNESVILLE, OH 45068

05274420092
DICKEY JASON & WEBER *
1725 WANDERING STREAM WA...
CENTERVILLE, OH 45458

05213100130
MUTH AARON & KAREN
1744 WANDERING STREAM WA...
CENTERVILLE, OH 45458

05213000090
MILTENBERGER M JONNY &
2074 E LYTTLE 5 PTS
DAYTON, OH 45458

05213200130
HUBER ANDREW & SARA
9630 CROOKED CREEK D
CENTERVILLE, OH 45458

05213100120
FOX NICOLE M.
1740 WANDERING STREAM WA...
CENTERVILLE, OH 45458

05213200150
JIMENEZ SHAWN & *
9622 CROOKED CREEK
CENTERVILLE, OH 45458

05213200120
KAYLOR JOSHUA R
1737 WANDERING STREAM WA...
CENTERVILLE, OH 45458

05213100110
HECK ALEXANDER C & *
1736 WANDERING STREAM WA...
CENTERVILLE, OH 45458

05213200010
VORHOLT KATHLEEN
9545 WHISPERING STREAM CT
DAYTON, OH 45458

05213200020
RANDOLPH JAMES DAVID & *
9549 WHISPERING STREAM CT
CENTERVILLE, OH 45458

05213100100
PITTMAN LUKE & RACHAEL
9644 CROOKED CREEK
CENTERVILLE, OH 45458

05213200070
MILLER ADAM CHRISTOPHER*
1757 WANDERING STREA WAY
CENTERVILLE, OH 45458

05213100170
BAKHT ALI JAVID & *
1764 WANDERING STREA WAY
CENTERVILLE, OH 45458

05213100060
HERMAN KYLE & KELLI
% NVR INC 884 PLEASANT VAL...
SPRINGBORO, OH 45066

05213200080
HARDY COLLEEN G.
1753 WANDERING STREAM WA...
CENTERVILLE, OH 45458

05213100160
BORON MATT JESSE
1756 WANDERING STREAM WA...
CENTERVILLE, OH 45458

05274420091
DICKEY JASON & WEBER *
1725 WANDERING STREAM WA...
CENTERVILLE, OH 45458

05213200090
CULBRETH MARY KATHERINE*
1749 WANDERING STREA
CENTERVILLE, OH 45458

05213100180
HUTCHINSON BRANDON D. & *
%NBKC BANK 8320 WARD PKW...
KANSAS CITY, MO 64114

05274420082
UPPALAPATI KASI *
9625 CROOKED CREEK
CENTERVILLE, OH 45458

05213200050
OUZIEL MICHAEL & *
1765 WANDERING STREA WAY
CENTERVILLE, OH 45458

05213200060
PRICE SHARMILA PEARL
1761 WANDERING STREAM WA...
CENTERVILLE, OH 45458

05213510040
REED DANIEL ARTHUR & *
9585 CROOKED CREEK
CENTERVILLE, OH 45458

05213650090
KIRNEC JULIE ANN & *
9602 CROOKED CREEK
CENTERVILLE, OH 45458

05213200040
MC DONALD PAUL JOSEPH & *
1769 WANDERING STREAM WA...
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05213650300
CHEN JULLIANA & STEPHEN
9491 WHISPERING STREAM CT
CENTERVILLE, OH 45458

05213650260
CASHEN CRAIG
9507 WHISPERING STREAM CT
DAYTON, OH 45458

05213200100
REGER SARA & MICHAEL
1745 WANDERING STREAM WA...
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05213650060
SHRESTHA ABHISHEK
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05213510010
OLMSTED DIANA L & *
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05213650250
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9511 WHISPERING STREAM CT
CENTERVILLE, OH 45458

05213200030
GUMP HOLLY A.
%RAPID MTG 7870 E KEMPER #...
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05213510030
LEE HSIEN-JIM & SIDNEY A
9593 CROOKED CREEK
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05213650100
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9606 CROOKED CREEK D
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05213650030
MITCHELL KEVIS LEANDREW*
9578 CROOKED CREEK
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05213650280
BEATY CODY WILSON & *
9499 WHISPERING STREAM CT
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05213600020
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3601 RIGBY RD STE 300
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05213650040
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9582 CROOKED CREEK
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05213650080
EMERSON DOUGLAS & XINA *
9598 CROOKED CREEK
CENTERVILLE, OH 45458

05213650110
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05213510050
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9581 CROOKED CREEK
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05213510020
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9597 CROOKED CREEK
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05213650050
MALTESE JOSEPH A & *
9586 CROOKED CREEK
CENTERVILLE, OH 45458

05213650270
LUONG GARY & JESSICA
%VETERANS UNITED 1400 VET...
COLUMBIA, MO 65203

05213650120
PALANKI RAJA SEKHARA
1795 WINDING RUN
CENTERVILLE, OH 45458

05213600030
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05213650220
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1835 WINDING RUN
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05213200210
GALENTINE JOINT *
1812 WINDING RUN
CENTERVILLE, OH 45458

05213650130
GRAY GARY G. & MELODY *
1799 WINDING RUN BLV
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05213200220
COLLINS REBECCA SHARON *
1816 WINDING RUN
CENTERVILLE, OH 45458

05213650140
DAVIS TIM & SHARON
1803 WINDING RUN
CENTERVILLE, OH 45458

05213650230
HAMMOND CHRISTOPHER & *
1839 WINDING RUN
CENTERVILLE, OH 45458

05213200230
STRAUSS ZACHARY & *
1820 WINDING RUN
CENTERVILLE, OH 45458

05213650150
MOORE ARMANDO G. & *
1807 WINDING RUN
CENTERVILLE, OH 45458

05274420302
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05213200240
PAGLIARINI LOUIS & NANCY
1824 WINDING RUN BLV
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05213650160
SHOUGH MEGAN E. & *
1811 WINDING RUN
CENTERVILLE, OH 45458

05213650240
PATEL AMIT B.
1843 WINDING RUN
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05213200250
LANGENBACH JUSTIN & DEMI
1828 WINDING RUN
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05213650170
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1815 WINDING RUN
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05213650180
CHANCEY GARY CLINTON & *
1819 WINDING RUN
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05213200170
HAYNES LAURA ANN & *
1796 WINDING RUN
CENTERVILLE, OH 45458

05213200270
OKELBERRY RYON & JONI
9537 WHISPERING STREAM CT
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05213650190
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05213200190
NEACE RACHEL & JAKE
1804 WINDING RUN
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05213200280
HARM KENNETH PAUL & *
9541 WHISPERING STREAM CT
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05213650210
COYLE ANDREW & KAREN
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05213200200
REYNOLDS JASON ALLEN & *
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The undersigned certifies that information herein along with all submitted exhibits are factual and correct.

Armando J Moore
Applicant Signature

8 Dec 2023
Date

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