



# Variance Request

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

Case #: 24-BZA-002

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MAR 13 2024

CLEARCREEK TOWNSHIP  
ZONING DEPT.

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:

Dorothy C. Logan

Mailing address of Applicant:

287 Binkley Lane Springboro, OH 45066

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

Parcel I.D. 0531300033, 0531300034, 0531300011 0531300014 (See attached Exhibit)

Property fronts on the following road(s):

Binkley Lane

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

Dorothy C. Logan

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

287 Binkley Lane Springboro, OH 45066

The property is presently zoned:

TR-1

The current use of the property:

Residential & Agriculture

Reason(s) for the application:

Applicant cannot meet requirements set forth in current TR-1 Zoning for the allowable length of Panhandle for residential use. We are requesting a variance to allow a panhandle to be established @ 1520 +/- feet to allow for a potential residential site; Lot "B" (See Exhibit). To stay compliant with current zoning, Lot "B" would split the existing pond and cabin; which is not the intent of the current owner Dorothy C. Logan. Upon death, the property would be evenly divided between existing children and grandchildren, per her wishes, for a total of three (3) buildable lots. The original tract had 3 residences and the intent is to never have more than 3 residences. The frontage on this tract would not support more than 3. In Addition, by granting this variance a corridor for existing utilities could be established along the panhandle to properly extend much needed county water and updated telecommunication to the existing residences. Currently the existing utilities run throughout the original tract and maintenance has become an issue.

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 intent in the future is for the existing resident (grandson on the 3.279 Ac tract) be granted Lot "C" as shown on the exhibit. This lot would include the existing cabin and pond. Lot "C" would stay as an agricultural lot and would be contiguous to his dwelling. To stay compliant with zoning, additional frontage would need to be added to Lot "B". The only way to achieve this is to separate the lake and cabin from Lot "C". Again, not the original intent or wishes of Mr. & Mrs. Logan. Utilities that run to the cabin would be on the wrong tract and cause billing and maintenance difficulties.

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

Due to site constraints, we are unable to reach rear Lot "B" w/o an extension of panhandle. Existing features such as existing barns, cabin, lake and various utilities prevent us from widening the frontage of Lot "B" to be compliant. It would not be feasible from a cost or maintenance aspect for the current owner or the Township to extend the Right of Way of Binkley Lane further into the property. The intent would still be for 3 residential lots and the current driveway is already functioning adequately. Asking for a variance to which OSR-1 would still not provide enough length to reach Lot "B".

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

As listed in #2. - The intent of the variance request would still provide for a maximum of 3 residential lots as it currently exists.

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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:

Limiting factor:

1. Still can't meet zoning by switching to another district. Ex OSR-1 is maximum 1200' panhandle. The applicant is requesting 1520 +/- linear feet panhandle to reach the northern portion of the site without impacting access to the pond and cabin for Lot "C"

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

Per Above...

1. To provide the option for a buildable site in the northern portion of the property Lot "B"
2. Allowing the cabin, pond and existing barns be part of Lot "C"

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

Mr. and Mrs. Logan were not aware that the configuration of the property and the surrounding features that they constructed over the years would cause hardship for the property to be divide per their wishes.

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

As previously stated, the original tract has supported 3 residences. The old original farmhouse has recently been razed and removed due to health and safety issues. The intent is to establish a pan handle and a buildable area for the north portion of the property. This area is heavily wooded around the perimeter and would cause no distress to the adjoined properties.

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

The purpose of this variance is to help Dororthy C. Loagan appropriately divide her estate upon death to her children and grandchildren as per the wishes of her and her deceased husband. Over the years, this estate has had barns, cabins and ponds built on the property. Not knowingly realizing the impact and hardship this could place on future generations. The intent is to provide approximately equal distribution among the siblings and to provide a total of three buildable lots, just as it currently exists today. If this variance is granted, the property would have a boundary and location survey performed in accordance with township and county standards. This will further define existing features of the property and the appropriate location for the panhandle to Lot "B"

Thank you for your consideration and help!!

*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

0936201021  
KELLAWAN, KARL K. & DIANE  
496 E LOWER SPRINGBORO R...  
SPRINGBORO, OH 45066

0531400005  
BAHUBALENDRUNI, SANKARA; ...  
647 E SR 73  
SPRINGBORO, OH 45066

0531300035  
MADAFFER, LINDA L.  
4011 STEARWATER DR  
COLUMBIA, MO 65203

0936101021  
SMITH, TIMOTHY S & FAITH  
89 BINKLEY LN  
SPRINGBORO, OH 45066

0531300007  
CASSEL, SAMUEL E. &  
136 BINKLEY LN  
SPRINGBORO, OH 45066

0531300006  
BOWLING, ROBERT L. & WILM  
132 BINKLEY LN  
SPRINGBORO, OH 45066

0936201022  
SCHARFF, DAVID R. & DIANA  
508 E LOWER SPRINGBORO R...  
SPRINGBORO, OH 45066

0531400001  
SCOUT RANCH LLC  
7550 PARAGON RD  
DAYTON, OH 45459

0531300015  
CLEARCREEK TWP TRUSTEES  
7593 BUNNELL HILL RD  
SPRINGBORO, OH 45066

0936126003  
CLINT FAMILY LIVING; TRUST D...  
454 LOWER SPRINGBORO  
SPRINGBORO, OH 45066

0936101008  
HAMRIC, DANIEL  
111 BINKLEY LN  
SPRINGBORO, OH 45066

0531300039  
METRO, LOUIS C. & KAREN M  
561 HICKORY PT  
SPRINGBORO, OH 45066

0936101003  
SMITH, TIMOTHY S & FAITH  
89 BINKLEY LN  
SPRINGBORO, OH 45066

0531300031  
ROSE'S ABODE, INC.  
215 E ST RT 73  
SPRINGBORO, OH 45066

0531300023  
ROSE'S ABODE, INC.  
215 E ST RT 73  
SPRINGBORO, OH 45066

0531300004  
HUTCHESON, JONATHAN  
%MERCHANTS NATL BANK PO ...  
HILLSBORO, OH 45133

0531300032  
JOHNSTON, JOSHUA L. & ELA  
285 BINKLEY LN  
SPRINGBORO, OH 45066

0531300020  
METRO, LOUIS C. & KAREN M  
561 HICKORY PT  
SPRINGBORO, OH 45066

0936101004  
HENDERSON, ZACH & BREANN...  
185 BRINKLEY LN  
SPRINGBORO, OH 45066

0531300033  
LOGAN, DOROTHY C.  
287 BINKLEY LN  
SPRINGBORO, OH 45066

0936126001  
MUTERSPAW, RICHARD L. & P  
210 E LOWER SPRINGBORO R...  
SPRINGBORO, OH 45066

0531300011  
LOGAN, DOROTHY C.  
287 BINKLEY LN  
SPRINGBORO, OH 45066

0531300034  
LOGAN, DOROTHY C.  
287 BINKLEY LN  
SPRINGBORO, OH 45066

0936101022  
SEIDENSCHMIDT, DAVID C. &  
60 E LOWER SPRINGBORO RD  
SPRINGBORO, OH 45066

0531400004  
SCOUT RANCH LLC  
7550 PARAGON RD  
DAYTON, OH 45459

0531300014  
LOGAN, DOROTHY C.  
287 BINKLEY LN  
SPRINGBORO, OH 45066

0936101009  
HAMRIC, DANIEL  
111 BINKLEY LN  
SPRINGBORO, OH 45066

0531300036  
ROSE'S ABODE, INC.  
215 E SR 73  
SPRINGBORO, OH 45066

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#:	_____	Acres/Lot#:	_____	<b>RECEIVED</b> <b>MAR 13 2024</b>
	Tax Name:	_____			
	Address, City, State, Zip:	_____			
2.	Parcel#:	_____	Acres/Lot#:	_____	<b>RECEIVED</b> <b>MAR 13 2024</b>
	Tax Name:	_____			
	Address, City, State, Zip:	_____			
3.	Parcel#:	_____	Acres/Lot#:	_____	<b>RECEIVED</b> <b>MAR 13 2024</b>
	Tax Name:	_____			
	Address, City, State, Zip:	_____			
4.	Parcel#:	_____	Acres/Lot#:	_____	<b>RECEIVED</b> <b>MAR 13 2024</b>
	Tax Name:	_____			
	Address, City, State, Zip:	_____			
5.	Parcel#:	_____	Acres/Lot#:	_____	<b>RECEIVED</b> <b>MAR 13 2024</b>
	Tax Name:	_____			
	Address, City, State, Zip:	_____			
6.	Parcel#:	_____	Acres/Lot#:	_____	<b>RECEIVED</b> <b>MAR 13 2024</b>
	Tax Name:	_____			
	Address, City, State, Zip:	_____			
7.	Parcel#:	_____	Acres/Lot#:	_____	<b>RECEIVED</b> <b>MAR 13 2024</b>
	Tax Name:	_____			
	Address, City, State, Zip:	_____			
8.	Parcel#:	_____	Acres/Lot#:	_____	<b>RECEIVED</b> <b>MAR 13 2024</b>
	Tax Name:	_____			
	Address, City, State, Zip:	_____			
9.	Parcel#:	_____	Acres/Lot#:	_____	<b>RECEIVED</b> <b>MAR 13 2024</b>
	Tax Name:	_____			
	Address, City, State, Zip:	_____			

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10. Parcel#: \_\_\_\_\_ Acres/Lot#: \_\_\_\_\_  
 Tax Name: \_\_\_\_\_  
 Address, City, State, Zip: \_\_\_\_\_

11. Parcel#: \_\_\_\_\_ Acres/Lot#: \_\_\_\_\_  
 Tax Name: \_\_\_\_\_  
 Address, City, State, Zip: \_\_\_\_\_

12. Parcel#: \_\_\_\_\_ Acres/Lot#: \_\_\_\_\_  
 Tax Name: \_\_\_\_\_  
 Address, City, State, Zip: \_\_\_\_\_

13. Parcel#: \_\_\_\_\_ Acres/Lot#: \_\_\_\_\_  
 Tax Name: \_\_\_\_\_  
 Address, City, State, Zip: \_\_\_\_\_

14. Parcel#: \_\_\_\_\_ Acres/Lot#: \_\_\_\_\_  
 Tax Name: \_\_\_\_\_  
 Address, City, State, Zip: \_\_\_\_\_

15. Parcel#: \_\_\_\_\_ Acres/Lot#: \_\_\_\_\_  
 Tax Name: \_\_\_\_\_  
 Address, City, State, Zip: \_\_\_\_\_

16. Parcel#: \_\_\_\_\_ Acres/Lot#: \_\_\_\_\_  
 Tax Name: \_\_\_\_\_  
 Address, City, State, Zip: \_\_\_\_\_

17. Parcel#: \_\_\_\_\_ Acres/Lot#: \_\_\_\_\_  
 Tax Name: \_\_\_\_\_  
 Address, City, State, Zip: \_\_\_\_\_

18. Parcel#: \_\_\_\_\_ Acres/Lot#: \_\_\_\_\_  
 Tax Name: \_\_\_\_\_  
 Address, City, State, Zip: \_\_\_\_\_

19. Parcel#: \_\_\_\_\_ Acres/Lot#: \_\_\_\_\_  
 Tax Name: \_\_\_\_\_  
 Address, City, State, Zip: \_\_\_\_\_

20. Parcel#: \_\_\_\_\_ Acres/Lot#: \_\_\_\_\_  
 Tax Name: \_\_\_\_\_  
 Address, City, State, Zip: \_\_\_\_\_

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4. If the applicant is not the property owner, an agent letter from the property owner(s) outlining the length and terms of the agent status must be submitted with this application.



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

*Amy Bloun POA*  
Applicant Signature

*3-13-24*  
Date

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March 13<sup>th</sup> 2024

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Re: Variance Request

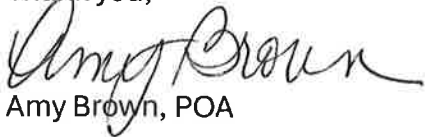
To the Board of Zoning Appeals

I am respectfully submitting this Variance Request for my Mother, Dorothy Logan. I am the Power of Attorney for this estate.

This is concerning parcels on Binkley Lane in Springboro.

Matt Pritchard has helped me prepare this variance request and will be representing me during this process.

Thank you,



Amy Brown, POA