



Variance Request

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

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MAR 08 2017

CLEARCREEK TOWNSHIP
ZONING DEPT.

Case #: 17-BZA-003

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 \$500.00 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:

James K and Tara J. Luerss

Mailing address of Applicant:

1566 W. Pekin Rd. Lebanon, Ohio 45036

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

see attachment

Property fronts on the following road(s):

Pekin Rd.

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

James K and Tara J. Luerss

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

same as above

The property is presently zoned:

The current use of the property:

CAUV agriculture

Reason(s) for the application:

We (James and Tara Luers) propose to build a retirement house, to be occupied by us, on property we own adjacent to our present dwelling. We plan to build the house on the road side of the pond which is the only feasible and desirable place for the house. Presently the zoning regulations for this property require a house setback of 100 ft from the 20 ft easement that extends from the edge of Pekin road. With the existing pond and barn structures, a 100 ft. setback is impossible, since it would place the house in the pond. We request a variance for this property to permit a house to be built with a 50 ft. setback from the easement boundary which would result in a 70 ft. setback from the edge of Pekin road.. (see attached photo)

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:

A house could not be placed on the other side of the pond without serious modifications. It is not possible to but a driveway around either side of the pond.

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

We have owned the land since 1969. The pond was built in the 1970's and the barn in the 1800's. The hardship results because the zoning regulations were changed after the pond and barn were already in existence.

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

This is a rural neighborhood with houses unevenly spaced. For example our present home sits back 300 ft while our immediate neighbor's home to the east sits back about 100 ft.

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:

Putting a driveway bridge over the pond for building on the other side of the pond is not practical due to the topography of the land and the extent of the pond. Placing the house on the other side of the pond could result in difficulties for emergency vehicles to enter in severe weather.

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

Building of pond in the 1970's and the barn in the 1800's was prior to new zoning regulations.

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

Property was acquired in 1969-prior to zoning regulations. The property is CAUV agriculture and is used to grow Christmas Trees (Timberwind Tree Farm)

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

A variance would not affect the ambiance of the neighborhood.

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

James and Tara Luers are a retired couple that plan to build a senior friendly, single story home adjacent to their existing two-story home. The planned home (see attachment) would be about 1500 sq. ft. with an attached garage and basement. Presently two of their son's families live on properties adjacent to this property and a third son's family lives immediately across the street. It is James and Tara's desire to spend the rest of their lives living in close proximity to children of theirs.

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

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

Of which:

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

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

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

Of which:

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

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 www.co.warren.oh.us/Auditor/property_search.

1. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
2. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
3. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
4. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
5. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
6. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
7. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
8. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
9. Parcel#: _____ Acres/Lot#: _____
Tax Name: _____
Address, City, State, Zip: _____
10. Parcel#: _____ Acres/Lot#: _____

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.

To maintain proper alignment when printing set Page Scaling to None.

08103000140
BEIDLER ROBERT C & ELIZABETH J
1739 W PEKIN RD
LEBANON, OH 45036

08103000190
PHILLIPS MARK D & JAMEY W
1505 PEKIN RD
LEBANON, OH 45036

08104010070
WOOLUMS JAMES & JANICE
4475 BELLE TERRACE
LEBANON, OH 45036

08101000090
HENDERSON ROBERT T
2969 BEAL RD
FRANKLIN, OH 45005

08101000110
HENDERSON ROBERT T
2969 BEAL RD
FRANKLIN, OH 45005

08103000030
LUERS PATRICK & KELLY L
1585 W PEKIN RD
LEBANON, OH 45036

08101000070
NOLEN ZANE F & MARKETA B
1548 W PEKIN RD
LEBANON, OH 45036

08103000170
BOWMAN BENNY R & MARIAN E
3504 WADESMILL RD
WINCHESTER, KY 40391

08103000130
SWAIN RAYMOND & LORETTA M
1761 W PEKIN RD
LEBANON, OH 45036

08103000150
FELDKAMP ROBERT C & RUTH K
1699 W PEKIN RD
LEBANON, OH 45036

08103000160
SCOTHORN JUDITH F
1681 W PEKIN RD
LEBANON, OH 45036

08101000210
LUERS JAMES K & TARA J
1566 W PEKIN RD
LEBANON, OH 45036

08102150200
MOORE LINDA J & HOWELL THOMAS G
%BRANCH BANKING
PO BOX 7933
SPRINGFIELD, OH 45501

08102150210
MILLARD MICHAEL D & SUSAN
1486 MUSIC PLACE
LEBANON, OH 45036

08102000090
MILLER RUTH I TRUSTEE OF FRED W MILLER
1162 W PEKIN RD
LEBANON, OH 45036

08101000130
HENDERSON R TODD
2969 BEAL RD
FRANKLIN, OH 45005

08103000060
GILLUM LARRY E & NANCY J
1547 W PEKIN RD
LEBANON, OH 45036

08103000210
BEECHTOLD RONALD K JR & MARIA G
1545 W PEKIN RD
LEBANON, OH 45036

08103000180
FULTZ HOWARD
1523 W PEKIN RD
LEBANON, OH 45036

08101000220
LUERS CHRISTOPHER J
1668 W PEKIN RD
LEBANON, OH 45036

08101000160
LUERS JAMES K & TARA J
1566 W PEKIN RD
LEBANON, OH 45036

08101000180
LUERS JAMES K & TARA J
1566 W PEKIN RD
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