



# Variance Request

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

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CLEARCREEK TOWNSHIP  
ZONING DEPT.

Case #: 17-BZA-010

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

Name of Applicant:

Roger C. Eckert

Mailing address of Applicant:

3000 Beal Road, Franklin, Ohio 45005

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

See drawing

Property fronts on the following road(s):

Beal Road

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

Roger C. Eckert and Linda L. Eckert

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

same

The property is presently zoned:

SR-1

The current use of the property:

vacant, agricultural

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**Reason(s) for the application:**

To obtain approval for two legal connections between Beal Road and a 13.063 acre tract of old growth woods along the shore of Clear Creek. These connections also facilitate a shared vehicular access to the woods and 3 future parcels. This variance is requested to reduce the financial hardship created by 1) conforming to the essential character of the neighborhood, and 2) maintaining access to a spectacular tract of old growth woods along Clear Creek for possible future conveyance to the Township or another public agency as a preserve for biological study, and 3) meet the County Engineer's curb cut limitations. The greater parcel is very deep and landlocked, and minor variances from the zoning resolution are necessary for its logical development. The variance requested is 1) to allow the first 500 feet of the lot to be 50' in width, which is in excess of the 40' limitation, 2) to allow the narrow portion of the lot to be approximately 1400' long overall, as shown, and 3) to find that the access to the eastern lot is not "stacking."

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:

It is nearly impossible to remove all profitable use from land. The Eckerts have lived on this farm for 48 years, restoring the original 1825 quaker farmhouse and raising three children. This variance request must be considered in the context of the owners' intention to maintain the low-density character of the neighborhood despite zoning that allows for one-acre lot development. The owners intend to transfer the two parcels of old growth woods to a public agency for perpetual use as a biological reserve at such time that they determine that they will not need to sell them during their lifetimes. The property from which these parcels are to be subdivided extends for approximately 2000 feet from Beal Road. Maintaining two legal connections to Beal Road is necessary to make the sale of the old growth woods feasible in the event that the Eckerts cannot afford to give it away. All vehicular access to Beal Road will follow a shared easement that will include the narrow portions of the two lots for which this variance is sought.

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

The parcel which includes the old growth woods is landlocked by Clear Creek to the North, Beal Road to the South, the Eckert residence and grounds to the West and established residential development along Weidner Road to the East. The development plan is specifically intended to preserve the character of the neighborhood, including the Eckerts' homestead.

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

The Development plan is intentionally designed to preserve and enhance the essential character of the neighborhood.

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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 variance is necessary to reduce the hardship created by the Zoning Code, which in this case has the effect of requiring the creation of useless parcels along the road frontage to serve land remotely located.

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

Jason Fisher of the Warren County Engineer's office has stated that only one additional curb cut will be allowed to serve the larger property due to sight distance limitations. This requires that four parcels share a common vehicular access to Beal Road. The proposed plan is the least deviation from the zoning resolution that will place the shared curb cut in an acceptable location. If the old growth woods is later conveyed to a public agency, the two parcels given the variance would be combined and thereby satisfy all zoning requirements.

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

The Eckerts acquired the property without knowlwdge of the zoning restriction.

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

This variance is in the public interest because it reduces density of development, there reducing the demand for public services. It also makes possible a future waterside nature preserve that is unlike any other in the community.

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

The remnant of old growth woods included in the parcels identified is too fragile to become a park, but it is so unique that it deserves to be made accessible to the public for study purposes. The development plan was designed to facilitate this purpose, and all sales have followed this plan. The BZA's assistance is needed to make the joint access drive work as planned.

***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, Township and Range Information, Parcel Number and Subdivision Lot Number
  - D. The exact boundaries and dimension of subject property
  - E. Identification of right-of-way dimensions
  - F. Identification of all recorded easements
  - G. Identification of area dedicated to the leach field as well as area dedicated to the replacement leach field
  - H. Identification of location of well, cistern or spring
  - I. The dimension(s) and location(s) of all existing structure(s), including setback(s) to all property lines
  - J. The dimension(s) and location(s) of all proposed structure(s), including setback(s) to all property lines

Of which:

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

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

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

Of which:

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

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

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

It is the responsibility of the applicant to also supply the tax mailing addresses of all owners of property located contiguous to, directly across the street from and within five hundred (500) feet of any part of the subject property being considered for a Variance. This information is found at the Warren County Auditor's Office, Warren County Engineer's Map Room and at [www.co.warren.oh.us/Auditor/property\\_search](http://www.co.warren.oh.us/Auditor/property_search).

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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.

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

Applicant Signature

Date

9/13/17

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

08181020090  
DAVIS HERBERT W JR & MARLA L  
6964 QUARTERHORSE DR  
SPRINGBORO, OH 45066

08183510020  
HARVEST ASSOCIATES LTD  
50 DEER TRAIL DR  
SPRINGBORO, OH 45066

08183510071  
HENDERSON R TODD  
2969 BEAL RD  
FRANKLIN, OH 45005

08183260160  
MATHES GARY C  
6435 WEIDNER RD  
SPRINGBORO, OH 45066

08242000050  
HENDERSON R TODD  
2969 BEAL RD  
FRANKLIN, OH 45005

08183260130  
OUSLEY BRUCE M & FAULKNER MELISSA  
6417 WEIDNER RD  
SPRINGBORO, OH 45066

08242000061  
CITY OF SPRINGBORO  
320 W CENTRAL AVE  
SPRINGBORO, OH 45066

08183510072  
HENDERSON R TODD  
2969 BEAL RD  
FRANKLIN, OH 45005

08181510021  
ECKERT ROGER C & LINDA L  
3000 BEAL RD  
FRANKLIN, OH 45005

08181760200  
BARHORST MATTHEW A & HILARY  
6567 WEIDNER RD  
SPRINGBORO, OH 45066

08181020150  
MC NEIL STEPHEN J & DOLORES  
75 N WOODWARD AVE  
#8000  
TALLAHASSEE, FL 32313

08181010160  
SMITH TIM R & LISA C  
6775 QUARTERHORSE DR  
SPRINGBORO, OH 45066

08181760160  
FELDKAMP THOMAS J JR  
6505 WEIDNER RD  
SPRINGBORO, OH 45066

08181020160  
DEVANY VIOLA L & FELTZ GLENN  
6792 QUARTERHORSE DR  
SPRINGBORO, OH 45066

08181020170  
STRADER JEFFREY SCOTT  
6774 QUARTERHORSE DR  
SPRINGBORO, OH 45066

08181760190  
FELDKAMP THOMAS J JR  
6505 WEIDNER RD  
SPRINGBORO, OH 45066

08244000050  
ECKERT ROGER C & LINDA L  
3000 BEAL RD  
FRANKLIN, OH 45005

08181510022  
ECKERT ROGER C & LINDA L  
3000 BEAL RD  
FRANKLIN, OH 45005

08183260010  
PATRICK SAMUEL JR  
110 WHISPERING PINES  
SPRINGBORO, OH 45066

08183260170  
CRAWFORD ERIC & ROBYN  
6453 WEIDNER RD  
SPRINGBORO, OH 45066

08181760110  
DIEMUNSCH DAVID J & DEBRA S  
6615 WEIDNER RD  
SPRINGBORO, OH 45066

08181510070  
ECKERT ROGER C & LINDA L  
3000 BEAL RD  
FRANKLIN, OH 45005

08183010010  
ECKERT ROGER C  
3000 BEAL RD  
FRANKLIN, OH 45005

08183260180  
PEIRSON NATHAN  
2784 BEAL RD  
FRANKLIN, OH 45005

08183260190  
NEESE WILLIAM  
2788 BEAL RD  
FRANKLIN, OH 45005

08183260200  
WHITE EDWARD L & ANGELA D  
2824 BEAL RD  
FRANKLIN, OH 45005

08183260210  
NEESE WILLIAM & LINDSEY  
2788 BEAL ROAD  
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