



Variance Request

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

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CLEARCREEK TOWNSHIP
ZONING DEPT.

Case #: 17-BZA-012

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:

Donnie R. Hensley

Mailing address of Applicant:

656 Peach Orchard Dr., West Carrollton, Ohio 45449

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

4-4-33 9,573 acres Parcel ID 09331760111

Property fronts on the following road(s):

Crestview Ave., Lebanon, Ohio

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

Donnie R. Hensley

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

656 Peach Orchard Dr., West Carrollton, Ohio 45449

The property is presently zoned:

The current use of the property:

Horse Boarding Facility- not being used at this time.

Reason(s) for the application:

Unnecessary Hardship for the owner. Due to lack of road frontage the property is land locked. Half the dream of owning a horse farm has come though. We need a variance to make the other half come through to build a single family residence to make it a 100% working horse farm. Being on premise would greatly ease maintaining farm and maximize its existence.

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.

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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 lack of a residence on the property has become an obstacle to its use as a boarding/breeding/sales facility for horses. Each of the prospective buyers or renters have been unwilling to move their expensive horses onto the property without a permanent residence. Horse trainers/owners want a caretaker to be in residence where their animals are boarded in case of theft, malicious acts against their animals or vandalism when no one is on the property at night. Horse owners have repeatedly stated that they will not leave their expensive horses unattended all night. Since the only reasonable use for the property is equine breeding/boarding/sales, the final judgment of potential buyers or trainers who wish to lease the farm is that it is not suitable to leave the animals unattended at any point in a 24 hour period and a permanent residence is necessary for them to be able to consider a purchase or lease of the property.

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 neighbors live directly on Crestview Ave. The facility is located behind the subdivision, but all in residence in front of the property are aware that a horse facility was behind them and cars and horse trailers on the driveway in and out was a regular occurrence and not regarded negatively.

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

The building of single family home would not alter in anyway the tree-line perimeter. The home would be built to upscale standards, would not be a prefab or mobile home. The water and electric and mail box has been in for years, clearly marked for delivery's or finding boarding location. Nothing would change it been horse facility for years. Only addition is a single family residence in rear, no change to character of neighborhood.

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 unnecessary hardship is the inability to reside on the property to carry on boarding facility. Difficulty because horse owners for boarding require full time care on site.

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

When property purchased it has residence/ agriculture zoning. I assumed no problem to build,however i have approached 3 other land owners which touch sides of this property no one wants to sell it off of 48. Every resident on our street i approached , Crestview, did not object to the home being built.

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

No, I was a cash buyer and assumed since it was zoned as residence / agriculture it would not incur to be a problem to have a residence on property.

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

Since the neighborhood is all residential surrounding this property, except for this property, which has been a horse farm for many years now, its existence hasn't ever been questioned by any the neighbors. All neighbors have no problem with a residence going in.

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

This property from the start was in poor condition when purchased. Much work , over year an half, to bring it just back up into shape. Roughly 60k was spent on the renovations. No disruptions in any of the utility services , markings clear for EMS, mailbox clearly marked. Need get site developed for running horse boarding, and a residence would greatly enhance boarding facility and maintaining property.

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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

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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.

1. Parcel#: 09-33-177-001-0 Acres/Lot#: 17
Tax Name: Won Hwa Jones
Address, City, State, Zip: 3595 Crestview Ave. Lebanon, OH 45036
2. Parcel#: 09-33-176-008-0 Acres/Lot#: 18
Tax Name: Wm and Anita Chaney
Address, City, State, Zip: 3595 Crestview Ave. Lebanon, OH 45036
3. Parcel#: 09-33-176-007-0 Acres/Lot#: 19
Tax Name: John and Denise Sibey
Address, City, State, Zip: 3615 Crestview Ave. Lebanon, OH 45036
4. Parcel#: 09-33-176-006-0 Acres/Lot#: 20
Tax Name: Robert W. Peeler
Address, City, State, Zip: 423 Reading Rd., Mason, Oh 45040
5. Parcel#: 09-33-176-005-0 Acres/Lot#: 21
Tax Name: Kenneth E. Ledford
Address, City, State, Zip: 3653 Crestview Ave. Lebanon, OH 45036
6. Parcel#: 0933-176-004-0 Acres/Lot#: 22
Tax Name: John W. Mann
Address, City, State, Zip: 3671 Crestview Ave. Lebanon, OH 45036
7. Parcel#: 09-33-176-003-0 Acres/Lot#: 23
Tax Name: Danny L. Molla
Address, City, State, Zip: 3691 Crestview Ave. Lebanon, OH 45036
8. Parcel#: 09-33-176-002-0 Acres/Lot#: 24
Tax Name: William Thomas
Address, City, State, Zip: 3709 Crestview Ave. Lebanon, OH 45036
9. Parcel#: 09-33-126-004-0 Acres/Lot#: 25
Tax Name: Richard and Elizabeth Teubner
Address, City, State, Zip: 3725 Crestview Ave. Lebanon, OH 45036
10. Parcel#: 09-33-126-004-0 Acres/Lot#: 26

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Tax Name: Marilyn Sue Foster

Address, City, State, Zip: 3765 Crestview Ave. Lebanon, OH 45036

11. Parcel#: 09-33-163-023 Acres/Lot#: 20.316 ac

Tax Name: 2444 N. State Rt. 48, Lebanon, OH 45036

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.

Donnie Hensley 10/10/2017
Applicant Signature Date

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