



Variance Request

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

RECEIVED

JUN 13 2024

CLEARCREEK TOWNSHIP
ZONING DEPT.

Case #: 24-BZA-004

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:

Matthew Chrisovergis

Mailing address of Applicant:

4629 Utica Rd. Waynesville, OH 45068

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

Residence

Property fronts on the following road(s):

Utica & Pekin

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

Radmedix 2

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

2510 Lance Dr. Moraine, OH 45409

The property is presently zoned:

Residential

The current use of the property:

Primary Residence

RECEIVED

JUN 13 2024

CLEARCREEK TOWNSHIP
ZONING DEPT.

Reason(s) for the application:

I received a notice of a streetscape buffer requirement for my property which wasn't disclosed to me by my contractor at the time of permit issuance. I am requesting that the board grant me a variance on the tree's needed for the streetscape buffer due to the existing tree's already on the property.

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 property is an open lot, providing a blank canvas for building. It features an existing tree screen, which enhances its appeal. With the variance granted to maintain the current tree screen, the property's value is significantly increased, as minimal clearing is required for construction.

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 property benefits from an ideal tree screen with 100% opacity, a feature that cannot be replicated by planting new trees. The challenge I face is that this existing screen cannot be relocated out of the utility easement. Planting new trees would not only be redundant but also fail to achieve the intended effect of the current screen.

RECEIVED

JUN 13 2024

CLEARCREEK TOWNSHIP
ZONING DEPT.

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

I am requesting the variance to preserve the existing natural deciduous tree screen, which is in harmony with the character of my neighbors' properties and the community.

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:

Relocating the trees would not only disrupt this natural screen but also impose an unnecessary hardship of planting, maintenance, and costs associated with replicating the current tree screen already in place.

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

The regulation does not account for the existing vegetation on my property. I am requesting that the board honor the variance, recognizing that the current tree screen fulfills the intention of the Streetscape Buffer Zoning Requirement. This existing vegetation already satisfies the intended purpose of the regulation

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

When I purchased the property in 2017, I was unaware of this zoning requirement, as it only became applicable when I decided to build on the property in 2023

RECEIVED

JUN 13 2024

CLEARCREEK TOWNSHIP
ZONING DEPT.

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

I firmly believe that granting this variance is in the public's interest, as it maintains the character of the neighborhood and satisfies the intent of the zoning requirement.

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

In addition to my request for a variance, I plan to allow a portion of the Pekin Road frontage (approximately 50' x 500') to grow naturally, with a maintained perimeter. This area, which already contains around 75 naturally growing pear trees of approximately 2' in height (Ref. Exhibit), will provide reassurance to Clearcreek Township. Should the township decide to widen the road and/or remove the existing buffer, this natural screen will continue to satisfy the zoning requirement.

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

RECEIVED

JUN 13 2024

**CLEARCREEK TOWNSHIP
ZONING DEPT.**

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

0928200016
HURT, DOUGLAS B.
4737 UTICA RD
WAYNESVILLE, OH 45068

0922100004
GEHRING, GEORGE & PATRICI
2063 PEKIN RD
WAYNESVILLE, OH 45068

0928200012
RADMEDIX2, INC.
2510 LANCE DR
DAYTON, OH 45409

0922100017
HERALD, EDDIE G.,II &
%CENFED FED CR UN 550 MAI...
CINCINNATI, OH 45202

0922100005
GEHRING, GEORGE & PATRICI
2063 PEKIN RD
WAYNESVILLE, OH 45068

0928400003
TALLGRASS MLP OPERATIONS;...
2424 RIDGE RD
ROCKWALL, TX 75087

0922100006
GEHRING, GEORGE & PATRICI
2063 PEKIN RD
WAYNESVILLE, OH 45068

0928200024
REEDY, CHARLES T. &; & KIMBE...
1670 W SR 122
LEBANON, OH 45036

0928200017
HURT, DOUGLAS B.
4737 UTICA RD
WAYNESVILLE, OH 45068

0922100016
RHODEN, DANIEL A. &
2096 E PEKIN RD
WAYNESVILLE, OH 45068

0922100008
SHETTERLY, ELIZABETH
2085 PEKIN RD
WAYNESVILLE, OH 45068

0928200013
WOOLEY, KOLLETT J.
1834 E PEKIN RD
LEBANON, OH 45036

0928200014
RADMEDIX2, INC.
2510 LANCE DR
DAYTON, OH 45409

0922100007
POHLENZ, ERIC LEE & SUSAN
4500 UTICA RD
LEBANON, OH 45036

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/.

RECEIVED

JUN 13 2024

CLEARCREEK TOWNSHIP
ZONING DEPT.

1. Parcel#: 0928200013 Acres/Lot#: 4.724 ACRES
Tax Name: WOOLEY, KOLLETT J.
Address, City, State, Zip: 1834 PEKIN RD LEBANON 45036
2. Parcel#: 0922100017 Acres/Lot#: 9.496 ACRES
Tax Name: HERALD, EDDIE G., II &
Address, City, State, Zip: 4700 UTICA RD WAYNESVILLE 45068
3. Parcel#: 0922100005 Acres/Lot#: 2.03 ACRES
Tax Name: GEHRING, GEORGE & PATRICI
Address, City, State, Zip: 2063 PEKIN RD WAYNESVILLE 45068
4. Parcel#: 0928400003 Acres/Lot#: 49.632 ACRES
Tax Name: TALLGRASS MLP OPERATIONS LLC
Address, City, State, Zip: 0 UTICA RD LEBANON 45036
5. Parcel#: 0928200017 Acres/Lot#: 5 ACRES
Tax Name: HURT, DOUGLAS B.
Address, City, State, Zip: 4737 UTICA RD WAYNESVILLE 45068
6. Parcel#: 0922100008 Acres/Lot#: 5.01 ACRES
Tax Name: SHETTERLY, ELIZABETH
Address, City, State, Zip: 2085 E PEKIN RD WAYNESVILLE 45068
7. Parcel#: 0922100007 Acres/Lot#: 3.13 ACRES
Tax Name: POHLENZ, ERIC LEE & SUSAN
Address, City, State, Zip: 4500 UTICA RD LEBANON 45036
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: _____

RECEIVED

JUN 13 2024

**CLEARCREEK TOWNSHIP
 ZONING DEPT.**

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.

Matt Chrisovergis

6/10/2024

Applicant Signature

Date

RECEIVED

JUN 13 2024

CLEARCREEK TOWNSHIP
ZONING DEPT.

Aug 10, 2017

EC 319.902 COMPLIED WITH
MATT NOLAN, Auditor
WARREN COUNTY, OH by BLS
Consideration: 258000.00
Conveyance Fee: \$774.00
Transfer Fee: \$1.00
Conveyance#: 5929

LINDA ODA
WARREN COUNTY RECORDER
2017-024318
DEED
08/10/2017 9:15:27 AM
REC FEE: 36.00 PGS: 3
PIN: 09-28-200-012,09-28-200-014

by SM - 2 pages

FILE NO. : 17017780

GENERAL WARRANTY DEED

Richard A. Borth, unmarried of the County of Warren, State of Ohio, for valuable consideration paid, grants, with general warranty covenants, to **RadmediX2 Inc., an Ohio limited liability company,**

whose tax mailing address is 10148 International Blvd., West Chester, Ohio 45246
the following Real Property:

See Exhibit "A" attached hereto and made a part hereof.


Parcel Nos. 09-28-200-12 & 09-28-200-14

Said premises are conveyed subject to all restrictions, conditions and covenants and to all legal highways and easements of record.

And, excepting taxes and assessments due and payable in January 2018, and thereafter.

Prior Instrument Reference: Document No. 2017-006007 and Book 4486, Page 31 of the Deed Records of Warren County, Ohio.

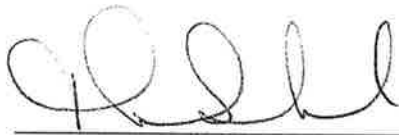
Signed and notarized this 9th day of August, 2017


Richard A. Borth

STATE OF OHIO COUNTY OF MONTGOMERY ss.

Be It Remembered, That on this August 9, 2017, before me, the subscriber, a Notary Public in and for said state, personally came **Richard A. Borth, unmarried,** the Grantor in the foregoing Deed, and acknowledged the signing thereof to be the voluntary act and deed of the above signed person(s)

In Testimony Thereof, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.



Notary Public



VICTORIA L. HEINRICH, Notary Public
In and for the State of Ohio
My Commission Expires Aug. 2, 2021

This instrument was prepared by Christopher J. Mantica, Attorney at Law

TG

EXHIBIT "A"

Parcel 1: 09-28-200-012

Situated in Section 28, Town 4, Range 4, Clearcreek Township, Warren County, Ohio and is a part of the 90.206 acre tract conveyed to Richard S. Rosell, Trustee, as described in Deed Book 423, Page 164, Warren County Recorder's Office.

Beginning at a nail in the centerline of Utica Road in the East line of said Section 28 and said 90.206 acre tract, said point bears S 2°09'47" W, as measured along said centerline a distance of 1646.29 feet from the Northeast corner of said Section 28 and said 90.206 acre tract; thence S 2°09'47" W, along the centerline of Utica Road a distance of 219.24 feet to a nail; thence S 78°53'00" W, along a line thru said 90.206 acre tract a distance of 1020.78 feet to an iron pipe in a Westerly line of said 90.206 acre tract; thence N 2°11'47" E, along said Westerly line a distance of 219.27 feet to an iron pipe; thence N 78°53'00" E, along a line thru said 90.206 acre tract a distance of 1020.65 feet to the place of beginning, containing 5.000 acres, more or less.

Parcel 2: 09-28-200-014

TG

Situate in Section 28, Town 4, Range 4, Clearcreek Township, Warren County, Ohio, and part of the 90.206 acre tract conveyed to Richard S. Rosell, Trustee, as described in Deed Book 423, Page 164, Warren County Recorder's Office:

Beginning at a nail in the centerline of Utica Road in the East line of said Section 28 and said 90.206 acre tract, said point bears S 2°09'47" W, as measured along said centerline a distance of 1,865.53 feet from the Northeast corner of said Section 28 and said 90.206 acre tract;

Thence S 2°09'47" W, along the centerline of Utica Road a distance of 418.03 feet to a nail in the centerline of Pekin Road at the Southeast corner of said 90.206 acre tract;

Thence S 77°58'59" W along the centerline of Pekin Road and South line of said 90.206 acre tract a distance of 531.92 feet to a nail;

Thence N 2°09'47" E along a line parallel to the centerline of Utica Road a distance of 426.62 feet to an iron pipe;

Thence N 78°53'00" E along a line thru said 90.206 acre tract a distance of 529.89 feet to the place of beginning, containing 5.000 acres, more or less.

TRANSFER NOT NECESSARY

Oct 26, 2023

MATT NOLAN, Auditor
WARREN COUNTY, OH by TP

LINDA ODA
WARREN COUNTY RECORDER
2023-023049

EASEMENT
10/26/2023 10:01:26 AM
REC FEE: 58.00 PGS: 5
PIN:

by EO 5pgs LR

Prepared by: Duke Energy Ohio, Inc.
Return to: Duke Energy Ohio, Inc.
Attn: Michelle Sechman
1000 E Main St
Mail Code: WP989
Plainfield, Indiana 46168

WCED
Tax Map Dep.
KW
Pt. Parcel # 0928200014
Easement

EASEMENT

State of Ohio
County of Warren

THIS EASEMENT ("**Easement**") is made this 20 day of OCTOBER, 2023, from **RADMEDIX2, INC.**, an Ohio corporation a/k/a Radmedix2 Inc., an Ohio limited liability company ("**Grantor**", whether one or more), to **DUKE ENERGY OHIO, INC.**, an Ohio corporation ("**Grantee**").

Grantor, for and in consideration of the sum of One and 00/100 Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto Grantee a perpetual and non-exclusive easement, to construct, reconstruct, operate, patrol, maintain, repair, replace, relocate, add to, modify, and remove electric and communication lines including, but not limited to, all necessary supporting structures, and all other appurtenant apparatus and equipment for the transmission and distribution of electrical energy, and for technological purposes related to the operation of the electric facilities and for the communication purposes of Incumbent Local Exchange Carriers (collectively, "**Facilities**").

Grantor is the owner of that certain property described in Section 28, Township 4, Range 4, Clearcreek Township, Warren County, State of Ohio; being a part of a tract as recorded in **Instrument Number 2017-024318**, in the Office of the Recorder of Warren County, Ohio ("**Property**").

The Facilities shall be underground, except as needed on or above the ground to support the underground Facilities, and located in, upon, along, under, through, and across a portion of the Property within an easement area described as follows:

For Grantee's Internal Use:
Work Order #: 51153966-20

Page 1 of 4

Easement being that area indicated, relative to landmarks and property lines, shown on a drawing marked Exhibit "A", attached hereto and becoming a part hereof (hereinafter referred to as the "Easement Area").

The rights granted herein include, but are not limited to, the following:

1. Grantee shall have the right of ingress and egress over the Easement Area, Property, and any adjoining lands now owned or hereinafter acquired by Grantor (using lanes, driveways, and adjoining public roads where practical as determined by Grantee).
2. Grantee shall have the right to trim, cut down, and remove from the Easement Area, at any time or times and using safe and generally accepted arboricultural practices, trees, limbs, undergrowth, other vegetation, and obstructions.
3. Grantee shall have the right to trim, cut down, and remove from the Property, at any time or times and using safe and generally accepted arboricultural practices, dead, diseased, weak, dying, or leaning trees or limbs, which, in the opinion of Grantee, might fall upon the Easement Area or interfere with the safe and reliable operation of the Facilities.
4. Grantee shall have the right to install necessary guy wires and anchors extending beyond the boundaries of the Easement Area.
5. Grantee shall have the right to relocate the Facilities and Easement Area on the Property to conform to any future highway or street relocation, widening, or alterations.
6. Grantor shall not place, or permit the placement of, any structures, improvements, facilities, or obstructions, within or adjacent to the Easement Area, which may interfere with the exercise of the rights granted herein to Grantee. Grantee shall have the right to remove any such structure, improvement, facility, or obstruction at the expense of Grantor.
7. Excluding the removal of vegetation, structures, improvements, facilities, and obstructions as provided herein, Grantee shall promptly repair or cause to be repaired any physical damage to the surface area of the Easement Area and Property resulting from the exercise of the rights granted herein to Grantee. Such repair shall be to a condition which is reasonably close to the condition prior to the damage, and shall only be to the extent such damage was caused by Grantee or its contractors or employees.
8. Grantor shall retain the right to use the Easement Area in any manner provided such use is not inconsistent with the rights granted herein to Grantee.
9. All other rights and privileges reasonably necessary, in Grantee's sole discretion, for the safe, reliable, and efficient installation, operation, and maintenance of the Facilities.

The terms Grantor and Grantee shall include the respective heirs, successors, and assigns of Grantor and Grantee. The failure of Grantee to exercise or continue to exercise or enforce any of the rights herein granted shall not be construed as a waiver or abandonment of the right thereafter at any time, or from time to time, to exercise any and all such rights.

TO HAVE AND TO HOLD said rights, privilege, and easement unto Grantee, its successors, licensees, and assigns, forever. Grantor warrants and covenants that Grantor has the full right and authority to convey to Grantee this perpetual Easement, and that Grantee shall have quiet and peaceful possession, use and enjoyment of the same.

For Grantee's Internal Use:
Work Order #: 51153966-20

Page 3 of 4

IN WITNESS WHEREOF, Grantor has signed this Easement under seal effective this 20 day of OCTOBER, 20 23.

RADMEDIX2, INC.
an Ohio corporation

[Signature]

Signed Name

MATT CHRISOVERGIS

Printed Name

MEMBER

Title

state OF Ohio

COUNTY OF Montgomery

This certificate relates to an acknowledgment in connection with which, no oath or affirmation was administered to the document signer.

The foregoing instrument was acknowledged before me, a notary public in the county and state written above this 20th day of OCT, 20 23 by Matt Chrisovergis, as member of RADMEDIX2, INC., a(n) corporation organized under the laws of Ohio, on behalf of such corporation.

SEAL:



CARRIE L GRIFFITH
Notary Public
State of Ohio
My Comm. Expires
May 13, 2026

Signed: Carrie L Griffith
Printed or Typed Name: CARRIE L GRIFFITH
Commission expires: MAY 13, 2026
My County of Residence: MONTGOMERY
My Commission Number: 2004-RE-831404

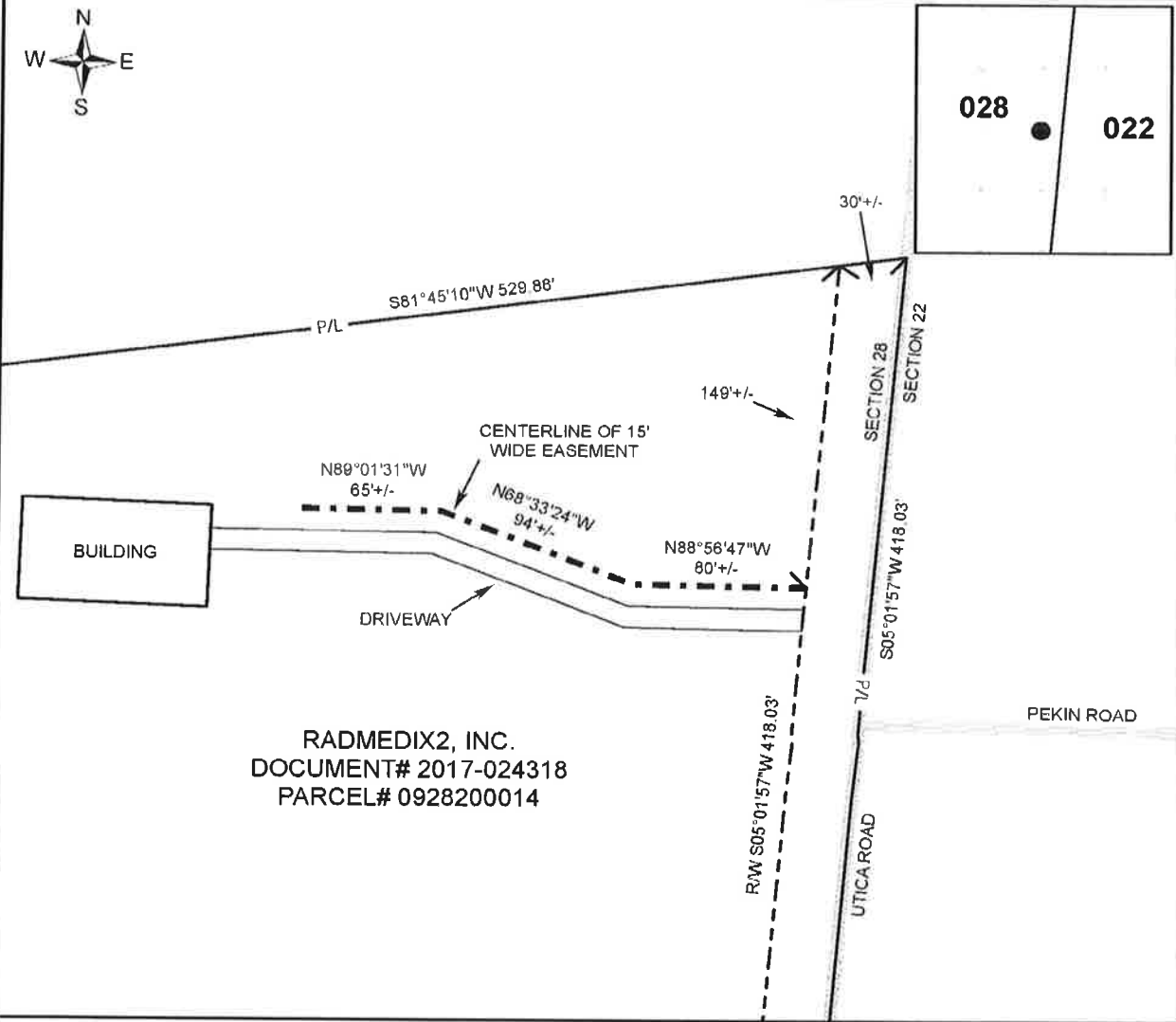
This instrument was prepared by Janice L. Walker, Attorney-at-Law, 139 E. 4th St., Cincinnati, OH 45202.

For Grantee's Internal Use:
Work Order #: 51153966-20

Page 4 of 4

EXHIBIT A

THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS



RADMEDIX2, INC.
DOCUMENT# 2017-024318
PARCEL# 0928200014

LOCATIONS SHOWN ARE APPROXIMATE

WARREN COUNTY, OHIO

SITE NAME: CLEARCREEK TOWNSHIP, SECTION 28, TOWNSHIP 4, RANGE 4

WO#	DR.	EXHIBIT MAP OF: EASEMENT
51153966-20	ORC	EXHIBIT MAP FOR:
	CK.	RADMEDIX2, INC.
	ORC	
	DATE:	LOCATION:
	10/25/2023	4629 UTICA RD, LEBANON, OH