

Non-Conformance Hearing

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

RECEIVED

Case #: 24-1874-003

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 \$200.00 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 Appeal 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 current board membership and that 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 A. Centers Mailing address of Applicant: 5385 N State Route 48 Lebanon, OH 45036 Identify the Legal Description of Property to be Considered or Attach Metes and Bounds Description: Legal Description attached Property fronts on the following road(s): Access lane / driveway from State Route 48 The legal title to said property recorded in the name(s) of: Matthew & Shana Centers Tax mailing address of individual(s) with whom the legal title to said property is recorded: 5385 N State Route 48 Lebanon, OH 45036 The property is presently zoned: OSR-1 (Open Space Rural Residence Zone) The current use of the property:

Single Family Dwelling / Residencial Use

Reason(s)	for	the	app]	lication	n:
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Seeking approval to pursue an addition to existing footprint of the house, which will consist of 2 bedrooms, a full bath, a walk-in closet and a laundry room.

In determining if a non-conforming use shall expand, the following statements also require a response:

1. Nature of such use in relationship to the character of the adjacent uses:

Adjacent uses will not be influenced, harmed or interrupted in any way as a result of the proposed addition.

2. Lot size:

Current lot size is 6.094 acres which allows sufficient space for the proposed addition.

3. Set back lines:

The proposed addition will not encroach on any set back lines identified in the Clearcreek Township zoning code.

4. Traffic conditions:

Traffic condition will not be influenced, harmed, or interrupted in any way as a result of the proposed addition.

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5. Terrain:

Terrain is largely unaffected. The current structure has an exterior stairwell which will be removed as a result of the addition. Furthermore, the proposed addition has egress windows in lieu of an exterior stairwell, as recommended by the architect, due to grade restrictions.

6. Other factors that you consider important to the judgment of your case:

We purchased this property almost six years ago with the hope of someday pursuing an addition as our kids got older. We absolutely love the property, but would very much like to expand the overall square footage of our home to allow our daughter her own bathroom, and allow the boys to have their own rooms. In addition, we would love to have an office to have a dedicated space for homework and any virtual work that my wife and I should have to accomplish. In summary, we believe the areas addressed above would be unaffected by the proposed addition, and would be of great value to our family as we continue to raise our kids in this home.

MAR 1 5 ZUZ4 LEARCREEK TOWNSHIP

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, 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 locations(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) plot plan shall be submitted on paper measuring 24" by 36" for display during the public hearing

One (1) plot plan 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

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 Non-Conformance Hearing. This information is found at the Warren County Auditor's Office, Warren County Engineer's Map Room and a https://www.wcauditor.org/Property Search/.

1. Parcel#:0202088 Acres/Lot#:5 Tax Name: Morgan Trust Address, City, State, Zip: 5387 N State Route 48 Lebanon, OH 45036 2. Parcel#:0202096 Acres/Lot#:.83 Tax Name: Dawn L. Kilburn Address, City, State, Zip: 5383 N State Route 48 Lebanon, OH 45036 3. Parcel#:0200913 Acres/Lot#: 2.85 Tax Name: Patrick & Kimberly Sabelhaus Address, City, State, Zip: 5381 N State Route 48 Lebanon, OH 45036 4. Parcel#:0200174 Acres/Lot#: .902 Tax Name: Hatcher Family Trust Address, City, State, Zip: 5305 N State Route 48 Lebanon, OH 45036 5. Parcel#:0200921 Acres/Lot#: .851 Tax Name: Christopher W. Hatcher Address, City, State, Zip: 5327 N State Route 48 Lebanon, OH 45036 6. Parcel#:0200905 Acres/Lot#: .92 Tax Name: Robert and Dana Fisher Address, City, State, Zip: 5309 N State Route 48 Lebanon, OH 45036 7. Parcel#:0210037 Acres/Lot#:5 Tax Name: Andrew Hayden Address, City, State, Zip: 5267 N State Route 48 Lebanon, OH 45036 8. Parcel#:0204188 Acres/Lot#: 20.548 Tax Name: Earl W. Smith Address, City, State, Zip: 6730 OREGONIA RD OREGONIA OH 45054 9. Parcel#:0201618 Acres/Lot#: 35.233 Tax Name: Lynn Hammock Et Al Address, City, State, Zip: 5389 N State Route 48 Lebanon, OH 45036

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#:	B %
CD 3.1		
Address, City, State, Zip:		<u>Π</u> Ω
15. Parcel#:		
Tax Name:		
Address, City, State, Zip:		
16. Parcel#:	Acres/Lot#:	
Tax Name:		
Address, City, State, Zip:		
17. Parcel#:		
Tax Name:		
Address, City, State, Zip:		
18. Parcel#:	Acres/Lot#:	
Tax Name:		
Address, City, State, Zip:		
19. Parcel#:		
Tay Name		
Address, City, State, Zip:		
20. Parcel#:		
Tax Name:		
Address, City, State, Zip:		

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.

15 Mar 24

Applicant Signature

Date

* Legal Description (Pg. 4-47)

LINDA ODA WARREN COUNTY RECORDER

2020-051001

MTG 12/16/2020 08:57:49 AM REC FEE: 74.00 PGS: 7 PIN:

by EO 7pgs

After Recording Return To: ACS Title & Closing Services 232 High Street Hamilton, OH 45011 RECEIVED

MAR 15 2024

[Space Above This Line For Recording Data]

SHORT FORM MORTGAGE

File No. 3533-20

Parcel # 09-35-327-001

DEFINITIONS

Words used in multiple sections of this Security Instrument are defined below, in the "Definitions" Section of the Master Mortgage Form, and in Sections 3, 11, 13, 18, 20 and 21 of the Master Mortgage Form. Certain rules regarding the usage of words used in this Security Instrument are also provided in Section 16 of the Master Mortgage Form.

"Master Mortgage Form" means that certain Master Mortgage Form recorded in the Office of the County Recorder. See attached Exhibit for the Master Mortgage Form recording information.

- (A) "Security Instrument" means this document, which is dated December 7, 2020 together with all Riders to this document.
- (B) "Borrower" is Matthew A. Centers and Shana M. Centers, aka Shana Centers, husband and wife. Borrower is the mortgagor under this Security Instrument.
- (C) "Lender" is Union Savings Bank. Lender is a corporation organized and existing under the laws of the State of Ohio. Lender's address is 8534 E. Kemper Road, Cincinnati, Ohio 45249. Lender is the mortgagee under this Security Instrument.
- (D) "Note" means the promissory note signed by Borrower and dated December 7, 2020. The note states that Borrower owes Lender Two Rundred Ten Thousand and 00/100 (U.S. \$210,000.00) plus interest. Borrower has promised to pay this debt in regular Periodic Payments (as defined in the Master Mortgage Form) and to pay the debt in full not later than January 1, 2050.
- (E) "Property" means the property that is described below under the heading "Transfer of Rights in the Property."
- (F) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the Note, and all sums under this Security Instrument, plus interest.

OHIO-Single Family-Fanaie Mac/Freddie Mac SHORT FORM MORTGAGE Form 3036-SF 7/07 (page 1 of 3 pages)

(G)			instrument that are executed by Borrower Borrower [check box as applicable]:
	☐ Adjustable Rate Rider	□ Condominium Rider	☐ Second Home Rider

□ Balloon Rider □ Di-Weekly Payment Rider □ Legal Description □ Second Home Rider □ S

All references to section numbers in the Security Instrument that are contained in the Riders refer to these sections of the same number incorporated from the Master Form.

TRANSFER OF RIGHTS IN THE PROPERTY

This Security Instrument secures to Lender: (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note; and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and Note. For this purpose, Borrower does hereby mortgage, grant and convey to Lender the following described property located in the County of Warren, State of Ohio.

SEE ATTACHED EXHIBIT A

which currently has the address of 5385 N. Route 48, (Street)

Lebanon , Ohio 45036 ("Property Address"). (City) (Zip Code)

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to mortgage, grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and nonuniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

INCORPORATION OF MASTER MORTGAGE FORM PROVISIONS

Paragraph (H) through and including paragraph (P) of the "Definitions" Section of the Master Mortgage Form, and Section 1 through and including Section 24 of the Master Mortgage Form, are incorporated into this Security Instrument by reference. Paragraph (A) through and including Paragraph (G) of the "Definitions" Section of the Master Mortgage Form are not incorporated into this Security Agreement, as those terms are defined above. Borrower acknowledges having received a copy of the Master Mortgage Form prior to the execution of this Security Instrument and agrees to be bound by the Sections and paragraphs of the Master Mortgage Form incorporated into this Security Instrument.

OHIO-Single Family-Famile Mac/Freddle Mac SHORT FORM MORTGAGE Form 3036-SF 7/07 (page 2 of 3 pages)

BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Security Instrument (including those provisions of the Master Mortgage Form that are incorporated by reference) and in any Rider executed by Borrower and recorded with it.

Executed this 7th day of December, 2020.

Matthew A. Centers-Borrower

Shana M. Contone Borrower

STATE OF Ohio

) SS:

COUNTY OF Warren

This is an acknowledgment clause; no oath or affirmation was administered to the signers. The foregoing instrument was acknowledged before me this 7th day of December, 2020, by Matthew A. Centers and Shana M. Centers, husband and wife.

Notary Publi

Notary Public

Organization: Union Savings Bank

NMLSR ID #446047

Individual Loan Originator: Gregory George Halko

NMLSR ID #1659821

SALVATORE A GILENE
Afforney at Law
Notary Public, State of Ohio
My Commission Has no Exp. Date
O.R.C. Section 147.09

THIS INSTRUMENT PREPARED BY:

Union Savings Bank 8534 E. Kemper Road Cincinnati, OH 45249

OHIO-Single Family-Faunie Mac/Freddie Mac SHORT FORM MORTGAGE

Form 3036-SF 7/07 (page 3 of 3 pages)

MAR 15 2024 LEARCREEK TOWNSHIP

EXHIBIT "A" Legal Description

Situate in the County of Warren, in the State of Ohio, in the Township of Clearcreek, in Section 35, Town 4, Range 4, and bounded and described as follows; Beginning at the Southwest corner of Section 35, and running thence with the West line of said section North 0 deg. 45 min. West 25.285 chains to the Southwest corner of a 122.043 acre tract as per Deed Book 240, Page 579, and running thence with the South line of said 122.043 acre tract (1) South 82 deg. 05 min. East 1358.19 feet to a stone; (2) South 83 deg. 15 min. East 372.33 feet to an iron rod and real point of beginning for this conveyance. From said real point of beginning, running thence (1) North 6 deg. 05 min. East 707.18 feet to an iron rod; (2) South 61 deg. 39 min. East 38.13 feet to an iron rod; (3) North 33 deg. 08 min. East 51.85 feet to an iron rod; (4) South 61 deg. 37 min. East 108.46 feet to an iron rod; (5) South 66 deg. 14 min, East 269.25 feet to an iron rod; (6) South 65 deg. 33 min. East 234.09 feet to an iron rod; (7) South 62 deg. 52 min. East 309.45 feet to a point in the center of State Route #48, thence with the center of State Route #48, South 30 deg. 15 min. West 234.00 feet to a point; thence North 65 deg. 41 min. West 173.00 feet to an iron rod; thence North 81 deg. 02 min. West 75.90 feet to an iron rod; thence North 80 deg. 52 min. West 226.16 feet to an iron rod; thence South 2 deg. 22 min. West 304.34 feet to an iron rod; thence North 82 deg. 15 min. West 367.09 feet to the place of beginning containing 8.944 acres more or less.

The above-described 8.944 acre tract is also subject to an easement over a fifty (50) ft. wide strip of ground lying along, adjacent to and South of the North lines of said 8.944 acre tract. Said easement begins at course #3 of the above description and runs Southeasterly to State Route #48. For plat showing location of said easement see Warren Co. Surveyor's Record, Volume 8, Page 259, the above-described easement is for the joint use of owners of lands to the North and West of said 8.944 acre tract as a means of Ingress and Egress from State Route #48. Said easement shall be kept free and unobstructed.

Save and except from the above-described 8.944 acres, the following two tracts described as follows:

Tract 1: Situate in Clearcreek Township, Warren County, Ohio, Section #35, Town 4, Range 4, and bounded and described as follows: Beginning at a stake 200 feet Northwesterly from the center of State Route #48; thence running South 29 deg. 48 min. West 245.40 feet to a stake; thence North 80 deg. 31 min. West 48.90 feet to an iron rod; thence North 80 deg. 21 min. West 226.16 feet to an iron rod in a fence corner; thence North 25 deg. 59 min. East 325.5 feet to a stake; thence South 63 deg. 01 min. East 170.47 feet to an iron rod; thence South 63 deg. 55 min. East 109.45 feet to the point of beginning; the same containing 1.78 acres, more or less, subject to a 50 ft. wide easement along and adjacent to and South of the North line.

Tract II: Also situate in Clearcreek Township, Warren County, Ohio, Section 35, Town 4,

Range 4, and bounded and described as follows: Beginning at a point in the center of State Route #48, running thence North 65 deg. 10 min. West 173.00 feet to an iron rod; thence North 80 deg. 31 min. West 27.0 feet to a stake; thence North 29 deg. 48 min. East 245.10 feet to a stake; thence South 63 deg. 55 min. East 200.00 feet to a point in the center of State Route #48; thence South 20 deg. 15 min. West 234.00 feet along the centerline of said road to the point of beginning; the same containing 1.07 acres, more or less, subject to a 50 ft, wide easement along and adjacent to and South of the North line. In addition to the conveyance of the foregoing described real estate, Grantor also hereby conveys to Grantee, their heirs and assigns, as easement over the following described 50 feet right of way, to-wit; beginning at the Northeast corner of the tract hereby conveyed, and extending Southeastwardly over a 50 ft. wide strip of ground lying along, adjacent to, and South of the North line of that part of said 8.944 acre tract being this day obtained and excepted by Grantor herein, for means of Ingress and Egress, together with all of the parties now entitled to the use of same, from that real estate this day conveyed to the Grantee herein, to State Route #48, said easement to be kept free and unobstructed for the joint use of these Grantees and all other parties legally entitled to the use of same.

The total amount of acreage conveyed in the conveyance is 6.094 acres, more or less.

Parcel ID: 09-35-327-001

DWB

Centers

CLEARCREEK TOWNSHIP ZONING DEPT.

RECORDING INFORMATION MASTER MORTGAGE — OHIO COUNTIES UNION SAVINGS BANK Exhibit B

	Exhib			
County Recorder	Date Filed	Instrument / File Number	Book	Page
Adams	01/19/2017	201700000150	479	17
Allen	01/30/2017	201701300000943	2017	00943
Ashland	01/30/2017	201700000565	893	212
Ashtabula	02/15/2017	2017-00001545	630	860
Athens	01/27/2017	201700000412	528	1905
Auglaize	01/19/2017	201700000251	673	344
Belmont	01/30/2017	201700001048	664	577
Brown	01/30/2017	201700000487	467	858
Butler	01/30/2017	2017-00004072	-	
Carroll	01/19/2017	201700000233	121	1066
Champaign	01/31/2017	201700000535	547	1949
Clark	01/30/2017	201700001251	2107	397
Clermont	01/19/2017	201700001467	2685	2369
Clinton	01/19/2017	2017-00000270	964	50
Columbiana	01/19/2017	2017-00000746	2199	128
Coshocton	01/19/2017	201700000204	723	28
Crawford	01/31/2017	201700194110	1020	265
Cuyahoga	03/02/2017	201703020198	1020	203
Darke	01/30/2017	201700000696	504	2679
Defiance	01/30/2017	201700000462	401	
Delaware	01/19/2017	2017-00001962	1481	2525
Erie	02/15/2017	2017-00001962		1027
Fairfield	01/27/2017	201700001627	1720	1601
Favette			1730	1621
Franklin	01/20/2017	201700000185	208	2632
Fulton	01/23/2017	201701230011025	- 220	*
Gallia	01/20/2017	201700239416	338	3328
		17-0156	594	825
Geauga	01/30/2017	201700916931	2026	1765
Greene	01/30/2017	2017001571		
Guernsey	01/20/2017	201700000397	543	3154
Hemilton	02/23/2017		13360	585
Hancock	01/19/2017	201700000631	2513	46
Hardin	01/30/2017	201700088005	541	2053
Harrison	01/19/2017	201700000239	245	295
A DIG 5	01/30/2017	201700111133	305	1047
Highland	01/23/2017	201700000391	941	420
Hocking	01/30/2017	201700000283	591	758
Holmes	02/01/2017	201700103631	259	1375
Huron	01/30/2017	201701300000583		
Jackson	01/30/2017	201700000275	122	1469
Jefferson	01/19/2017		1225	329
Knox	01/30/2017	2017-00000761	1602	946
Lake	01/19/2017	2017R001657	- Z	
Lawrence	01/19/2017	2017-00000341	883	282
Licking	01/19/2017	201701190001367		V. 241
Logan	02/01/2017	201700000648	1250	392
Lorain	02/02/2017	2017-0617393	-	
Lucas	02/07/2017	20170207-0005067		
Madison	01/30/2017	201700000437	326	229
Mahoning	01/30/2017	201700002158	6214	413
Marion	01/30/2017	2017-00000617	1382	816
Medina	02/02/2017	2017QR002409	-	
Meigs	01/19/2017	201700000111	381	271
Mercer	01/27/2017	201700000424		
Miami	02/15/2017	2017OR-01960		:-
Monroe	01/30/2017	201700092430	350	87
Montgomery	01/30/2017	2017-00092430	330	07
Morgan	01/27/2017	201700062895	226	1775

County Recorder	Date Filed	Instrument / File Number	Book	Page
Могтом	01/19/2017	0000374140	887	74
Muskingum	01/27/2017	201700000917	2705	586
Noble	01/19/2017	201700073966	292	17
Ottawa	01/31/2017	201700264635	1619	956
Paulding	01/30/2017	201700000234	576	1115
Perry.	01/30/2017	201700000368	431	1732
Pickaway	01/30/2017	201700000770	734	2364
Pike	01/19/2017	201700000145	330	600
Portage	01/30/2017	201701518		750
Preble	01/19/2017	201700000319	368	68
Putnam	01/19/2017	201700000249	685	2441
Richland	01/30/2017	201700001365	2518	485
Ross	02/01/2017	201700000775	501	1232
Sandusky	02/15/2017	201700000877	181	2798
Scioto	01/19/2017	2017R-0354		
Seneca	02/15/2017	201700197608	385	1424
Shelby	01/30/2017	201700000598	2070	586
Stark	01/31/2017	201701310004752	1,20	
Summit	01/31/2017	56274453		
Trumbuil	01/30/2017	201701300001694	. ;	-
Tuscarawas	01/30/2017	201700000931	1523	1517
Union	01/30/2017	201701300000926		- 4
Van Wert	01/30/2017	201700000325	401	522
Vinton	01/30/2017	201700000113	163	1383
Warren	01/30/2017	2017-003334		
Washington	01/30/2017	201700000627	608	342
Wayne	02/21/2017	201700002144	848	2614
Williams	02/01/2017	201700041398	318	3727
Wood	02/02/2017	201701474	3506	359
Wyandot	01/20/2017	201700065788	243	1266