



# Union Township

Only Township Nationally Accredited in Police • Fire • Service

4350 Aicholtz Rd. • Union Township, Ohio 45245 • (513) 752-1741 • (513) 752-5732 Fax • [www.union-township.oh.us](http://www.union-township.oh.us)



## BOARD OF ZONING APPEALS AGENDA

Thursday, October 5<sup>th</sup>, 2023

7:00 P.M.

**\*Location:** Trustee Meeting Hall; Union Township Civic Center

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

**D. ACTION ON MINUTES**

**E. OLD BUSINESS – NONE TO BE RE-OPENED**

**F. NEW BUSINESS**

1. Item:

**CASE# 4-23-A**

**Variances from Section 711 of the Union Township**

**Zoning Resolution:** 1) to construct an accessory structure without the principle structure being built (first); and 2) to increase an accessory building size allowance from 1,000 sf. to 1,564 sf. on an R-1 zoned lot.

Owner / Applicant:	Christopher Partin
Site Location:	935 Shayler Road
Parcel #s	413217D261.
Existing Zoning:	Single Family Detached Structure Residential (R-1)

**G. ADMINISTRATIVE**

# RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Union Township Board of Zoning Appeals Held _____	July 6, 2023
--	--------------

The July 6, 2023 meeting of the Union Township Board of Zoning Appeals was called to order, at 7:00 PM by Chairman, Brain Ford with the invitation to join in the Pledge of Allegiance. Mr. Ford took this moment to approve the meeting minutes. Members, Ben Joehnk, Robert Mcadams and Vice Chairman Scott Cangro were in attendance. Craig Flaute, Planning & Zoning Manager, represented the Zoning and Planning Department.

Once read and agreed upon, Mr. Cangro called for the approval of the minutes as distributed from the November 4, 2021 meeting. A motion was made to approve the minutes by Mr. Wulker and second by Mr. Joehnk. Mr. Cangro called for a vote, and minutes were approved unanimously, as distributed.

Chairman, Mr. Ford recognized Mr. Flaute to introduce the application in Case #3-23-A, filed by Suzanne Simon for property at 4088 Gleneste Withamsville Road. The applicant is requesting that the Union Township Board of Zoning Appeals grant variances & relief from the provisions of Sections 711.6 of the Zoning Resolution in order to construct a 36X24 (864 Square feet) accessory building to be located in the front yard of the home in the R-1 single family district. The desired structure is to be a carport located in the front yard of the home, in the R-1 Single Family Residential District.

1. No accessory structure shall be located within the front yard. (**SECTION 711.6**)

The subject property (PIN 413217B367.) is located along the eastern side of Gleneste Withamsville Road off of a panhandle lot.

The applicant desires to construct a garage accessory within the designated front yard, on a panhandle lot. The applicant states that the proposed building is need to provide space to park his truck, lawn equipment and various items to maintain their lot. The home sits roughly on 0.705 acres off of a 350 +/- foot panhandle, surrounded by vegetation along the East, West and North property lines. The applicant has an irregular shaped lot resulting in the garage orating towards the designated front yard.

After reviewing the proposed variance requests submitted by the applicant, the following observations can be made:

- ❖ *The proposed structure will not impede light or air to adjoining residential properties, nor will the structure adversely impact the adjoining properties.*
- ❖ *The proposed structure is oriented as such that it allows for the best location, while limiting visibility to the adjoining neighbors.*
- ❖ *The granting of the requested variance would not result in the establishment of the use not otherwise permitted within the R-1 Residential District.*
- ❖ *It does appear that the variance request is the minimum amount required to achieve the applicant's stated goals and objectives.*

To approve, modify, or deny the applicant's request for Variance to Section 711.6 of the Zoning Resolution, in order to allow for the construction of a 36'x24' accessory building (garage) in the designated front yard, based on the evidence, testimony, and findings of fact.

Mr. Ford called for anyone in favor of the application, and applicant Suzanne Simon was sworn in to testify on his own behalf. She stated that she believes her designated front yard is the best location for the building. Mr. McAdams asked if they were running a business out of the building, Suzanne stated they have a large truck for personal use. Mr. McAdams states the applicants house is hidden and pushed back from the road and asks what the garage will look like. Mr. Ford called for anyone in opposition, and there were none.

# RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014B

Held Union Township Board of Zoning Appeals

July 6, 20 23

Discussion of the board began with Mr. Joehnk's motion to approve the applicants request for variance in section 711.6 of the zoning resolution in order to allow for the construction of a 36' x 24' accessory building in the designated front yard based on evidence, testimony and finding a fact. Mr. McAdams seconded the motion. With no further discussion, Mr. Ford called for roll call.

Roll Call: Mr. Joenk, aye; Mr. McAdams, aye; Mr. Congro, aye; Mr. Ford, aye. The motion carried.

The motion was approved. With no further business to come before the Board, the meeting was adjourned by acclamation at 7:09 PM.

APPROVED BY:

\_\_\_\_\_  
Scott Cangro, Chairman



# Union Township

Only Township Nationally Accredited in Police • Fire • Service

4350 Aicholtz Rd. • Union Township, Ohio 45245 • (513) 752-1741 • (513) 752-5732 Fax • [www.union-township.oh.us](http://www.union-township.oh.us)



*Trustees*

Michael J. Logue  
Joe Dills  
John Becker

*Fiscal Officer*

Ronald B. Campbell

*Administrator*

Susan Ayers

*Law Director*

Brodi J. Conover

UNION TOWNSHIP BOARD OF ZONING APPEALS

BZA CASE # 4-23-A

CHRISTOPHER PARTIN, APPLICANT

935 SHAYLER ROAD

VARIANCE REQUEST

STAFF REPORT

OCTOBER 5, 2023 BZA MEETING

**APPLICANT**

Christopher Partin  
9 Eagle Court  
Amelia, OH 45102

**ACTION REQUESTED**

The Applicant is requesting that the Union Township Board of Zoning Appeals grant a Variance and relief from the provision of Section 711, including Section 711.1, of the Union Township Zoning Resolution—to construct an accessory building before the principle structure with an increase in the maximum accessory building allowance from 1,000 sf. to 1,564 sf. in the R-1 District.

1. Per Section 711 of the Zoning Resolution, permission to construct an accessory structure without the principle structure being built (first).
2. Per Section 711.1 of the Zoning Resolution, permission to increase an accessory building size allowance from the maximum 1,000 sf. to 1,564 sf. on a lot in the R-1 Zoning District.

**LOCATION**

The subject property (PIN 413217D261.) is located on the south side of Shayler Road.

**BACKGROUND INFORMATION**

The Applicant's property is zoned R-1 Single Family Detached Structure Residential and totals 0.9987 acres. The site will be accessed off of a 225' +/- panhandle lot that is currently gravel. The property is cleared for the construction of the new homesite with existing vegetation on the side and rear property lines. The Applicant wishes to construct a 34' x 46' (1,564 sq. ft.) The location of the proposed structure is to be at the rear of the property with a 40' rear setback and a 15' side yard setback (at the closet points). The Applicant is seeking to build the accessory structure before the house to be able to store much, if not all, of the equipment needed for construction. With the Variance, the Applicant will be able to store his equipment out of the weather and out of sight—reducing the risk of theft, trespass, etc.



# Union Township

Only Township Nationally Accredited in Police • Fire • Service

4350 Aicholtz Rd. • Union Township, Ohio 45245 • (513) 752-1741 • (513) 752-5732 Fax • [www.union-township.oh.us](http://www.union-township.oh.us)



## Trustees

Michael J. Logue  
Joe Dills  
John Becker

## Fiscal Officer

Ronald B. Campbell

## Administrator

Susan Ayers

## Law Director

Brodi J. Conover

## STAFF COMMENTS:

After reviewing the proposed Variance application, the following observations can be made:

- ❖ *Per Section 434 of the Zoning Resolution, Variances may be made to increase the maximum gross floor area, but generally not more than 25%. The current proposal is larger than that for an R-1 Residential lot, but with the proposed changes to the Zoning Resolution currently underway this request is deemed to be reasonable.*
- ❖ *The lot is larger in size, consisting of nearly one (1) acre. Generally, larger acre parcels are conducive to greater percentage increases in floor area for accessory buildings due to the ample lot area available and the ability to achieve greater setbacks to adjoining properties.*
- ❖ *The proposed accessory building would be situated over 400' from Shayler Road.*
- ❖ *The proposed Variance does not appear to encourage, or otherwise allow the establishment of, uses not otherwise permitted within the district.*
- ❖ *The construction of the pole barn before the home would allow for a smoother building process, increase safety and help lessen the visual impact(s) to the neighboring properties.*
- ❖ *The proposed rear and side setbacks meet the minimum distances required for principal structures and uses—so they are more than adequate for an accessory structure, once the primary structure is built.*
- ❖ *The proposed structure does not appear to impede light or air to surrounding properties, nor does it appear to cause significantly more runoff to the surrounding adjacent properties.*

## ACTION REQUIRED

In accordance with Section 711 (including 711.1) of the Zoning Resolution, the Board of Zoning Appeals' role in this process is to either enter a motion to approve, modify, or deny the Applicant's request for Variances—which in Case #4-23-A, consists involves allowing the construction of a 1,534 sq. ft. accessory building before the construction of the principle structure within the R-1 District—based on the evidence, testimony, and Findings of Fact.

## RECOMMENDED MODIFICATIONS

If the Board of Zoning Appeals should choose to grant favorable consideration to this Variance application, staff recommends that these additional items be modified and / or otherwise be adequately addressed prior to final Township action:

1. If the principle structure is not built by the expiration date of an approved permit, the accessory building is to be removed from the property.

Variance Application  
UNION TOWNSHIP  
BOARD OF ZONING APPEALS  
4312 Glen Este-Withamsville Road  
Cincinnati, OH 45245  
(513) 753-2300

Case# 4-R3-A  
Date 9-1-23

PLEASE PROVIDE SIX COPIES OF THIS FORM AND ALL MATERIALS

Re: Property located at: 935 Shayler rd., Cincinnati Ohio 45245  
Property Identification Number from Auditor's Tax Bill 41 - 32 - 17D - 261.

I. APPLICANT INFORMATION

A. Name Christopher M. Partin  
Mailing Address 9 Eagle Ct  
Amelia, Ohio 45102 Phone Redacted

B. Property Owner(s) "Same as above"  
Mailing Address \_\_\_\_\_  
Phone " "

C. Contact Person Christopher M. Partin  
Mailing Address "Same as above"  
Phone " "

II. VARIANCE INFORMATION

A. I hereby request the Board of Zoning Appeals to grant a variance(s) from Section(s)  
711  
of the Union Township Zoning Resolution.

B. Please describe generally each variance requested.

I am requesting a stand alone pole barn over the  
allowed square footage of 1,000 Sq ft. prior to building  
home for storage of housing + equipment purposes. To make  
sure supplies + equipment are safe and secure. I am  
requesting an allowance of 34' x 46' 1,564 square feet.

C. Please state the zoning district(s) of the property: R1

D. For each variance requested, please complete the attached form "Exhibit A," which is incorporated into this application.

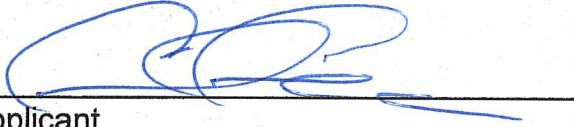
E. Please provide six copies of the following, which are incorporated into this application:

1. List of adjacent property owners (see attached form "Exhibit B")
2. Tax map with subject property highlighted.
3. Legal description of the property.
4. Site plan showing the parcel and proposed use of the property.

F. Please enclose application fee.

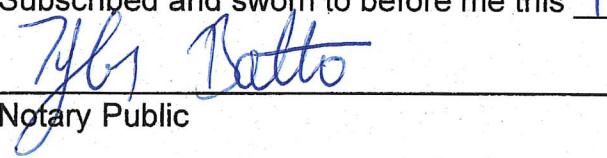
### III. AFFIDAVIT

I hereby depose and affirm that I have familiarized myself with the rules and regulations of the Union Township Zoning Resolution in preparing this application. I certify that I have read the foregoing document and supplements attached thereto, and hereby attest to the truth and exactness of the information supplied herewith.

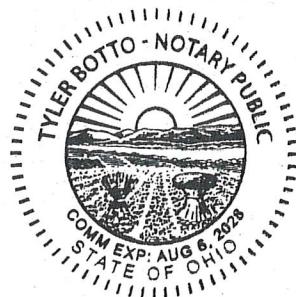
  
\_\_\_\_\_  
Applicant

STATE OF OHIO  
COUNTY OF Clermont

Subscribed and sworn to before me this 19<sup>th</sup> day of August, 2023.

  
\_\_\_\_\_  
Notary Public

My commission expires 8/6/2028



## EXHIBIT A

Please describe how the variance requested conforms to standards stated in Section 431.5(a-g) set forth below (a response to each of the subsections 431.5 (a-g) must be provided for each variance requested; additional sheets and/or additional copies of this page may be used).

Section to which a variance is requested: 711

431.5.a. Please describe how the granting of the variance is consistent with the general purpose and intent of the regulations imposed by this Resolution on the district in which it is located, and is not injurious to the area or otherwise detrimental to the public welfare.

The granting of the proposed variance would be consistent with general purpose as it would be used for storage of valuable items during building + prep phase of the land.

431.5.b. Please describe how the granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.

As a land owner, I would need to follow the guidelines as residential zoning, regardless of variance acceptance.

431.5.c. Please describe the special circumstances or conditions, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.

The variance to increase the allowable size would allow the ability to store my valuables while the building process takes place.

(Ex. A continued)

431.5.d. Please describe the proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Resolution; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.

The hardship would be consistently take time to haul equipment to and from property any time work is being performed, which lessens the amount of time I am able to work on property, due to having a full time job 50-60 hrs a week. Also, it creates uncertainty of feeling that all valuables must be removed from premises before leaving as I have nowhere to store items.

431.5.e. Please describe why the granting of the variance is necessary for the reasonable use of the land or building, and why the variance requested is the minimum variance that will accomplish this purpose.

It would be necessary and within reason as explained above. To have the ability to safely store materials, tools, equipment each day & night of work performed on property. Also, being able to safely store housing materials when building process takes place.

431.5.f. Please describe how the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

In which the proposed building variance would sit roughly 400 feet off the road & back in the woods. Not easily seen from the street. No direct light to any surrounding neighbors. The building would also increase land value.

431.5.g. Please describe why the granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

The request for variance would not show privilege in any sort as it's within reasonable matter to protect valuables during land improvement







202200021027

Filed for Record in Clermont County, Ohio

Deborah Hall Clepper, Recorder

08/16/2022 10:36 AM Recording Fees: \$34.00

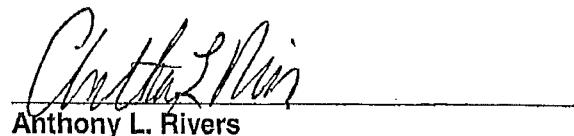
DEED OR 2926 / p5413 - p5414

## DEED

**ANTHONY L. RIVERS**, an unmarried man, of Clermont County, Ohio, for valuable consideration pald, grants with warranty covenants, to **CHRISTOPHER M. PARTIN**, an unmarried man, whose tax mailing address is: 9 Eagle Court, Amelia, Ohio 45102, the following **REAL PROPERTY**: Situated in the County of Clermont, in the Township of Union:

SEE LEGAL DESCRIPTION  
ATTACHED HERETO AND MARKED EXHIBIT "A"

Prior Instrument Reference: Official Records Book 2920, Page 3965 of the Official Records of Clermont County, Ohio. Executed this 12<sup>th</sup> day of August, 2022.

  
\_\_\_\_\_  
Anthony L. Rivers

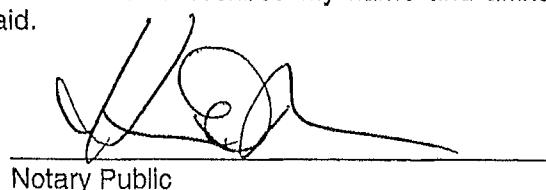
STATE OF OHIO, COUNTY OF CLERMONT) SS:

**BE IT REMEMBERED**, That on this 12<sup>th</sup> day of August, 2022, before me, the subscriber, a Notary Public in and for said county and state, personally came, **ANTHONY L. RIVERS**, an unmarried man, the Grantor in the foregoing deed, and acknowledged the signing thereof to be his voluntary act and deed.

**IN TESTIMONY THEREOF**, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



KEVIN DOUGLAS PLANK, Attorney at Law  
Notary Public, State Of Ohio  
My Commission has no expiration  
date. Section 147.03 O.R.C.

  
\_\_\_\_\_  
Notary Public

This instrument was prepared by Kevin D. Plank, Attorney At Law, of 741 Milford Hills Drive, Milford, Ohio 45150-1446. Ph: (513) 248-0317

202200021027

This conveyance has been examined and the  
Grantor has complied with Section 319.202  
of the Revised Code.  
Purchase Price \$ 50000.  
Transfer # 5425 Transfer Fee \$ .50  
Conveyance Fee \$ 200.00.  
Filed with the office of  
Linda L. Fraley  
Date 8/16/22 By: 14

CHRISTOPHER PARTIN  
9 EAGLE COURT  
AMELIA, OH 45102

Exhibit "A"  
Description of Property  
0.9987 Acre

Situated in Churchill Jones' Military Survey No. 1134, Union Township, Clermont County, Ohio, being more particularly described as follows:

Beginning at a set magnail, North 77°56'44" East, a distance of 104.65' from a set magnail at the intersection of the centerline of Shayler Road (40' RW) and the east line of Deena Estates Subdivision as shown in Plat Book "Q", Pages 8-9, (N-394438.30, E-1466304.41);

thence with said centerline of Shayler Road, North 77°56'44" East, a distance of 36.93' to a set magnail;

thence leaving said centerline, with the line of 2 parcels of Laura P. Cleaver for the following two (2) courses, South 4°49'50" West, passing a found 5/8" iron pin at a distance of 25.00', a total distance of 499.49' to a found 5/8" iron pin, corner to Cleaver;

thence North 85°55'05" West, a distance of 137.61' to a found 5/8" iron pin in the line of Lot 28 of said Deena Estates Subn;

thence with said Lot 28 and Lot 36 of said Deena Estates Subn, North 5°05'40" East, a distance of 255.71' to a set 5/8" iron pin;

thence on a severance line through the Grantor for the following two (2) courses, South 84°54'20" East, a distance of 100.00' to a set 5/8" iron pin;

thence North 5°05'40" East, passing a set 5/8" iron pin at a distance of 216.91', a total distance of 235.32' to the POINT OF BEGINNING;

containing 0.9987 acre of land, subject to all legal highways, easements and restrictions of record.

Being a part of the land of Anthony Rivers as described in O.R. Volume 2905, Page 5415 of the Clermont County Recorder's Office and being a part of Clermont County Auditor's Parcel No. 413217D115.

Bearings based upon Grid Bearing, Ohio State Plane Coordinate System, South Zone, NAD83 (1986).

The above described is a result of a field survey by Gary Phillip Nichols, Ohio Professional Surveyor No. 6657, as performed in February, 2022.

File CU1905(Rivers-0.99a).doc  
February 7, 2022

Parcel No.: 41-32-17D-261.  
Prior Deed: OR 2920 PG 3965

Legal Description  
**APPROVED** AUG 16 2022

Clermont County Engineer

Jeremy P. Evans, P.E., P.S.

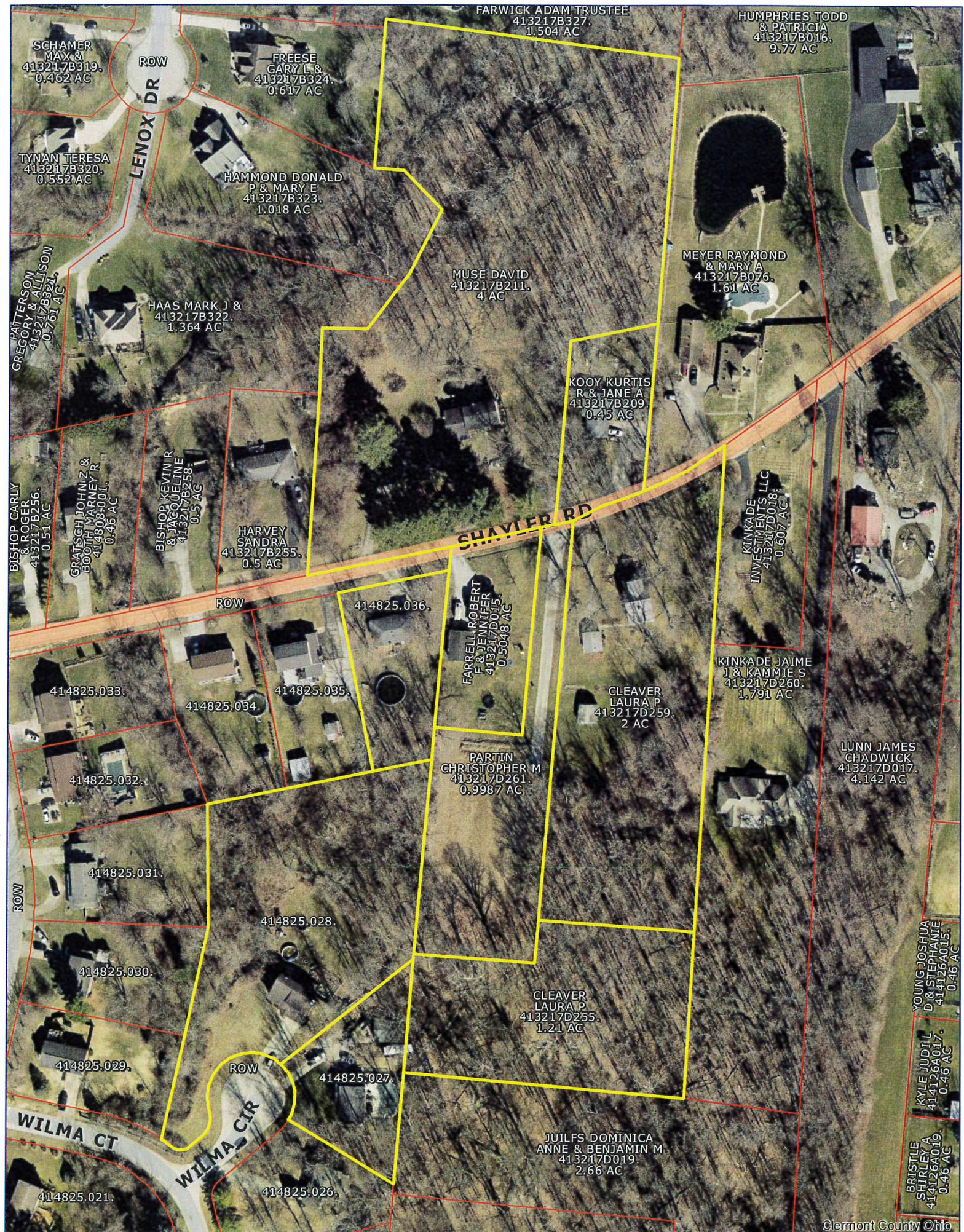
By:

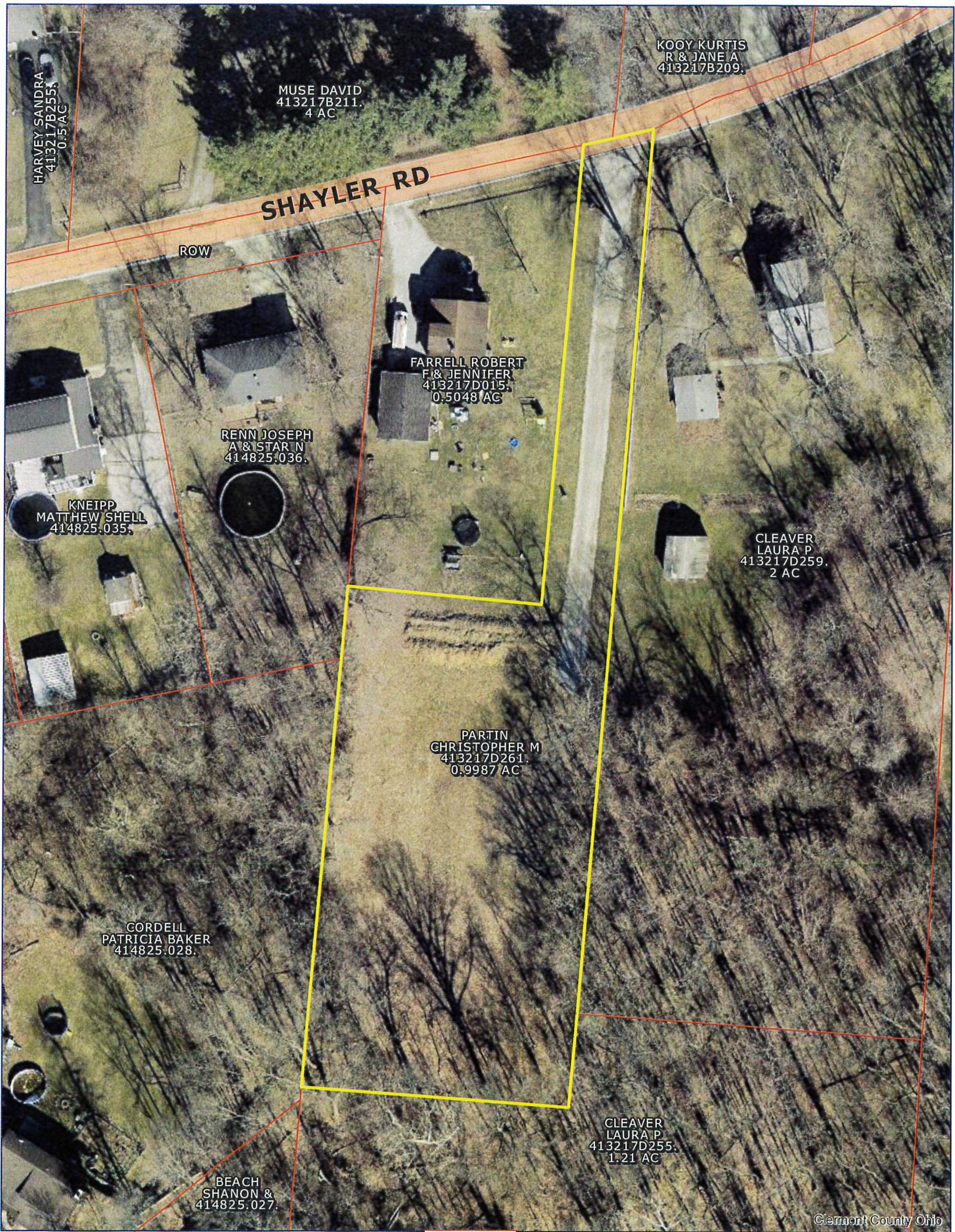
413217D261 - 0.9987 Ac.

GARY P. NICHOLS  
S.P.S.



TL 95-0561





Parcel ID	Owner	Mailing Address 1	Mailing Address 2	ACRES	Property Address
413217B209.	KOOY KURTIS R & JANE A	938 SHAYLER ROAD	CINCINNATI OH 45245	0.45	938 SHAYLER RD
413217B211.	MUSE DAVID	2811 SOMERSET DR APT 218	LAUDERDALE LAKES FL 33331	4	934 SHAYLER RD
413217D015.	FARRELL ROBERT F & JENNIFER	933 SHAYLER RD	CINCINNATI OH 45245	0.5048	933 SHAYLER RD
413217D255.	CLEAVER LAURA P	939 SHAYLER RD	CINCINNATI OH 45245	1.21	SHAYLER RD
413217D259.	CLEAVER LAURA P	939 SHAYLER RD	CINCINNATI OH 45245	2	939 SHAYLER RD
414825.027.	BEACH SHANON & STEVAN	915 WILMA CIRCLE	CINCINNATI OH 45245		915 WILMA CR
414825.028.	CORDELL PATRICIA BAKER	914 WILMA COURT	CINCINNATI OH 45245		914 WILMA CT
414825.036.	RENN JOSEPH A & STAR N	915 SHAYLER ROAD	CINCINNATI OH 45245		915 SHAYLER RD

Deena Estates Subdivision  
Plat Book "Q", Pages 8-

Löt 2

414825.028.  
Patricia Baker Corp  
OR Vol 2520, Pg 9

10

444826.036  
*Palhinia Gordonii*  
Carol. Fossil  
OR Vol. 27/1, Pg.

5.8°225  
4.79

End 1/2" Iron Pin

7D255.  
Oleaver  
11 Pg 814  
T2-233A

**15' Side Yard Set**

N 6° 05' 40"

460, 18°  
Sal 5/  
Iron P.

M 84 54 20 W 100.00

Hou

298

17

E:1466304.4107

Walls 12' feet TH  
Door 10' x 10' (3)

4132170259  
Laura P. Gleaves  
OR Vol. 1411 Pg.  
Survey T3-13

Vinyl Pickett fence

Find 3/8" Iron  
Pin @ 25.00!  
(Dungah)

ROAD 40

卷之三

14