



# Union Township

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## BOARD OF ZONING APPEALS AGENDA

Thursday, April 4<sup>th</sup>, 2024

7:00 P.M.

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

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

**D. ELECTION OF OFFICERS**

**E. ACTION ON MINUTES**

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

**G. NEW BUSINESS**

1. Item:

**CASE# 1-24-A**

**Appeal of the Zoning Director's Decision;  
Variances from Sections 506, 632, and 636 of the Union  
Township Zoning Resolution: 1) to allow a second  
residence on property; and 2) to allow for a 747 sq. ft. mobile  
home to be located on an R-2 zoned lot.**

Owner / Applicant:

Adele Rike Shields

Site Location:

4672 Shephard Road

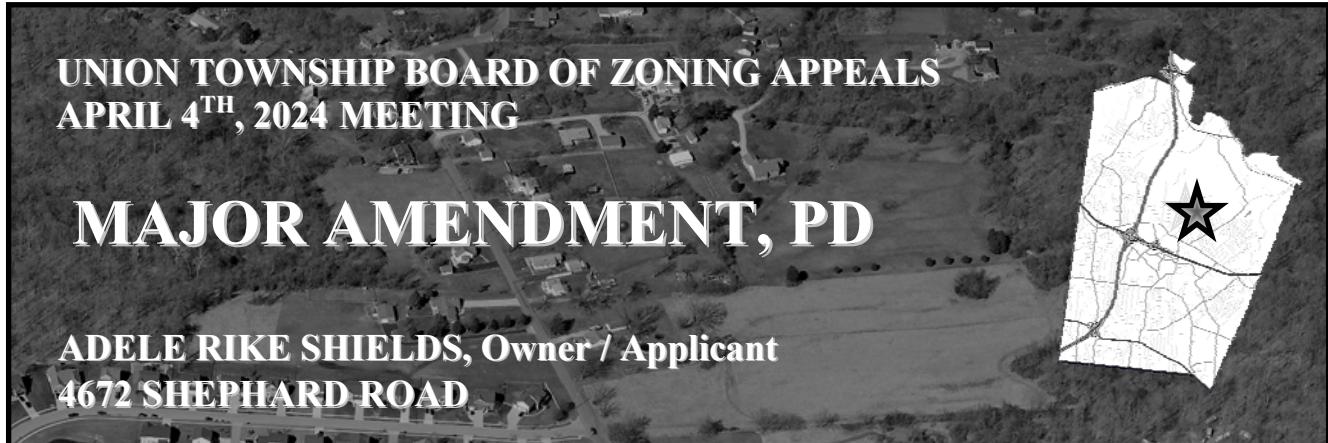
Parcel #s

413107A025.

Existing Zoning:

Single Family Detached Residential (R-2)

**H. ADMINISTRATIVE**



UNION TOWNSHIP BOARD OF ZONING APPEALS  
APRIL 4<sup>TH</sup>, 2024 MEETING

## MAJOR AMENDMENT, PD

ADELE RIKE SHIELDS, Owner / Applicant  
4672 SHEPHARD ROAD

*Staff Report: CASE # 1-24-A*

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### **NATURE OF REQUESTS**

*The Applicant is requesting hear an **Appeal** of the Zoning Director's decision, with respect to the intended, unauthorized use of an approved storage structure for residential purposes, as a second residence on property zoned a Single Family Detached Structure Residential (R-2)—pursuant to Article 4, Section 420 of the Zoning Resolution.*

*Additionally, the Applicant is requesting the Board to consider **Variance requests** to allow for a 747 sq. ft. manufactured home to be located as a second residence on property in a Single Family Detached Structure Residential (R-2) Zoning District. **Section 506 and Section 632.1** set forth that there may not be more than one residential unit (or principal building) upon any one (1) lot. **Section 636.1** establishes that the minimum residential floor area for single family detached dwellings must be one thousand (1,000) square feet for dwellings less than two (2) stories. \*Please refer to the Applicant's statements, plans, and other application enclosures.*

### **LOCATION**

The subject property, owned by Adele Rike Shields, is located approximately 340 feet to the northeast of the Shephard Road and Shephard Woods Court intersection, on Parcel #413107A025.

### **ZONING**

The subject property is zoned Single Family Detached Structure Residential (R-2), with Single Family Detached Structure Residential (R-2) zoning also adjacent to the north, south, east, west of the property (approximately 400 feet or more in all directions).

## **BACKGROUND**

The Owner / Applicant purchased the subject property in 2013. During that time, there was a principal residential structure on the property (built around 1940, according to the Auditor's Office records), which sits about 42 feet from Shephard Road. A second structure, which sat approximately 158 feet from Shephard Road, also appears to have been used as a residential structure for an unknown period of time (according to the Owner / Applicant)—with any / all residential use ceasing approximately 1.5 years ago, according to staff's verbal communications with the Applicant. *The second residential structure was demolished in October of 2023, per a permit issued by Clermont County.* In all of staff's research into this particular property, it was not able to verify that a second, separate residential unit was ever legally established on the property. Therefore, the Owner / Applicant's contention that there was / is a pre-existing, non-conforming use cannot be verified by staff—nor can staff confirm the timeframe that the second, separate residential unit has remained vacant.

In February of 2024, the Township Planning & Zoning staff received a complaint by phone that there were illegal uses on the property. The Zoning Director and Zoning Inspector subsequently inspected the property and a 15-day zoning citation letter was sent to the Owner / Applicant on February 7<sup>th</sup>, 2024 (see enclosures)—which acknowledged an unauthorized use and illegal structure on the property at that time. A 30-day violation letter was sent to the property owners on February 23<sup>rd</sup>, 2024. In the past month-and-a-half, the Owner / Applicant has been discussing the various manners to address the non-compliance issues on this property with Township staff, with the Owner / Applicant opting to Appeal the Zoning Director's decision and to seek the Variances noted earlier in this report to try to remedy this enforcement situation(s) that currently exists.

## **STAFF COMMENTS:**

After reviewing the proposed application in totality, please note:

- 1) As noted earlier in this report, this case originated as an enforcement action.
- 2) The Owner / Applicant submitted a Zoning Permit application on November 1<sup>st</sup>, 2023.
  - a. For this particular Zoning Permit application, the proposed improvements were identified on the application form as being a "Garage / Shed" with a Floor Area of 747 square feet.
  - b. The site plan associated with this Zoning Permit application identifies an "Accessory building / mobile home," which staff acknowledged to be the proposed "Garage / Shed" improvement.
  - c. After receiving the enforcement complaint, the Development Director (a.k.a. the Zoning Director) reviewed the permit documentation with the Zoning Inspector and both staff members concluded, after speaking with the Owner's / Applicant's spouse, that the intended use and type of improvement (the manufactured home) did not match the approved Zoning Permit.

- 3) Moving forward, in the current Appeal and Variance submittal, the Owner / Applicant has acknowledged that the proposed second, separate residential unit is for “*family use only, and will be the home for our grandmother... We would be open to trying to sell it once she is not around anymore.*” The Owner / Applicant also states that the existing, main house will soon house other family members: the parents of the Owner / Applicant or her spouse, who are retiring and can help with the care of the 85-year old grandmother.
- 4) The setbacks for the proposed structure—whether it would be considered a storage structure or a second, separate residential unit—are acceptable.
- 5) The Owner / Applicant would need the current Appeal request, as well as all current requests for Variances to (all) be approved by the Board, to be able to move forward with the proposed *747 sq. ft. manufactured home structure on this particular property as a second residence.*
  - a. The Owner / Applicant would also need to address any concerns and / or violations related to the Clermont County Water & Sewer District, Clermont County Building Department, ***the Ohio Department of Commerce***, and / or other regulatory agencies having jurisdiction over the proposed development prior to any final Township action, in this scenario.
  - b. The Owner / Applicant would also need to submit a new application and site plan for a new residential unit to be situated on the property, to obtain the proper Zoning Certificate.
- 6) Pursuant to Section 430 of the Township Zoning Resolution, to grant the necessary Variances, the Board would need to find that the literal enforcement or strict application of the provisions of the Zoning Resolution would result in an unnecessary hardship.
- 7) In accordance with Section 431, the Board would also need to find affirmatively on:
  - a. The granting of the Variances shall be in accord with the general purpose and intent of the regulations imposed by this Resolution on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
  - b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district. *Second, separate residential units / uses are not typically permitted in R-2 Zoning Districts.*
  - c. There must exist special circumstances or conditions, fully described in the findings, 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. *This item does not appear to be applicable to this particular case—*involving special circumstances or conditions which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, etc.**

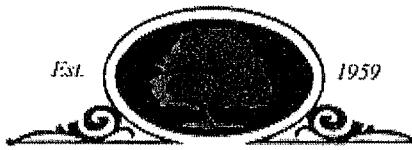
- d. There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis 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 conditions necessitating the Variances have been self-created, at least in part, by the Owner / Applicant—who apparently did not have knowledge of the Zoning Resolution and its restrictions, or the Dept. of Commerce’s codes and procedures.*
- e. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
- f. 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.
- g. 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. *In staff’s review of the surrounding area, there does not appear another property that contains a second, separate residential structure on the same property. Also, as noted earlier, the minimum residential floor area for single-family detached dwellings is one thousand (1,000 sq. ft.) square feet for dwelling units less than two (2) stories in an R-2 Zoning District.*

### **ACTION REQUIRED**

In accordance with Section 420 of the Township Zoning Resolution, the Board of Zoning Appeals' role is to either enter a motion to approve, modify, or deny the Owner / Applicant's request for an **Appeal** of the Zoning Director's decision, with respect to the intended, unauthorized use of an approved storage structure for residential purposes, as a second residence on property zoned a Single Family Detached Structure Residential (R-2).

In accordance with Sections 430-431 and Sections 506, Section 632.1, and Section 636.1 of the Zoning Resolution, the Board of Zoning Appeals' role in the **Variance** process is to either enter a motion to approve, modify, or deny the Owner / Applicant's requests to allow for a 747 sq. ft. manufactured home to be located as a second residence on property in a Single Family Detached Structure Residential (R-2) Zoning District.

*\*\*Please note that these decisions must be based on the evidence, testimony, and Findings of Fact related to the various requests.*



Certificate Number: 13454  
Receipt No: 9548  
Date: 11/06/2023

Department Of Planning & Zoning  
Union Township, Clermont County, Ohio

## Zoning Certificate

ADDRESS: 4672 Shephard Road

PARCEL: 413107A025.

ZONING DISTRICT: B-1

SUBDIVISION:

PROJECT: 747

LOT #:

ISSUED TO: Adele Shields  
2130 Heather Hill Blvd. S  
Cincinnati, OH, 45244

PERMIT TYPE: Accessory Structure - Garage/Shed

DIMENSIONS: 56X13

ISSUE DATE: 11/01/2023 CASE NOTES:

EXPIRATION DATE: 10/31/2025

PROJECT DETAILS: Replacing Storage Shed

### SPECIAL CONDITIONS:

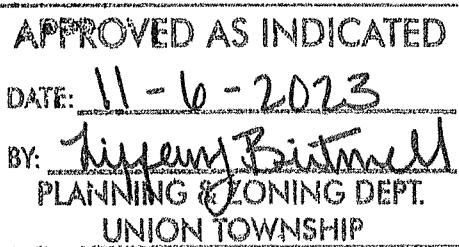
It is hereby certified that the above use as shown on the plats and plans submitted with the application conforms with all applicable provisions of the Union Township Zoning Resolution. The issuance of this certificate does not authorize violation of the Union Township Zoning Resolution. Failure to abide by approved plans shall result in revocation of this permit. All work subject to final inspection and approval. Zoning Certificates shall expire in accordance with Section 214 of the Union Township Zoning Resolution.

### NOTES:

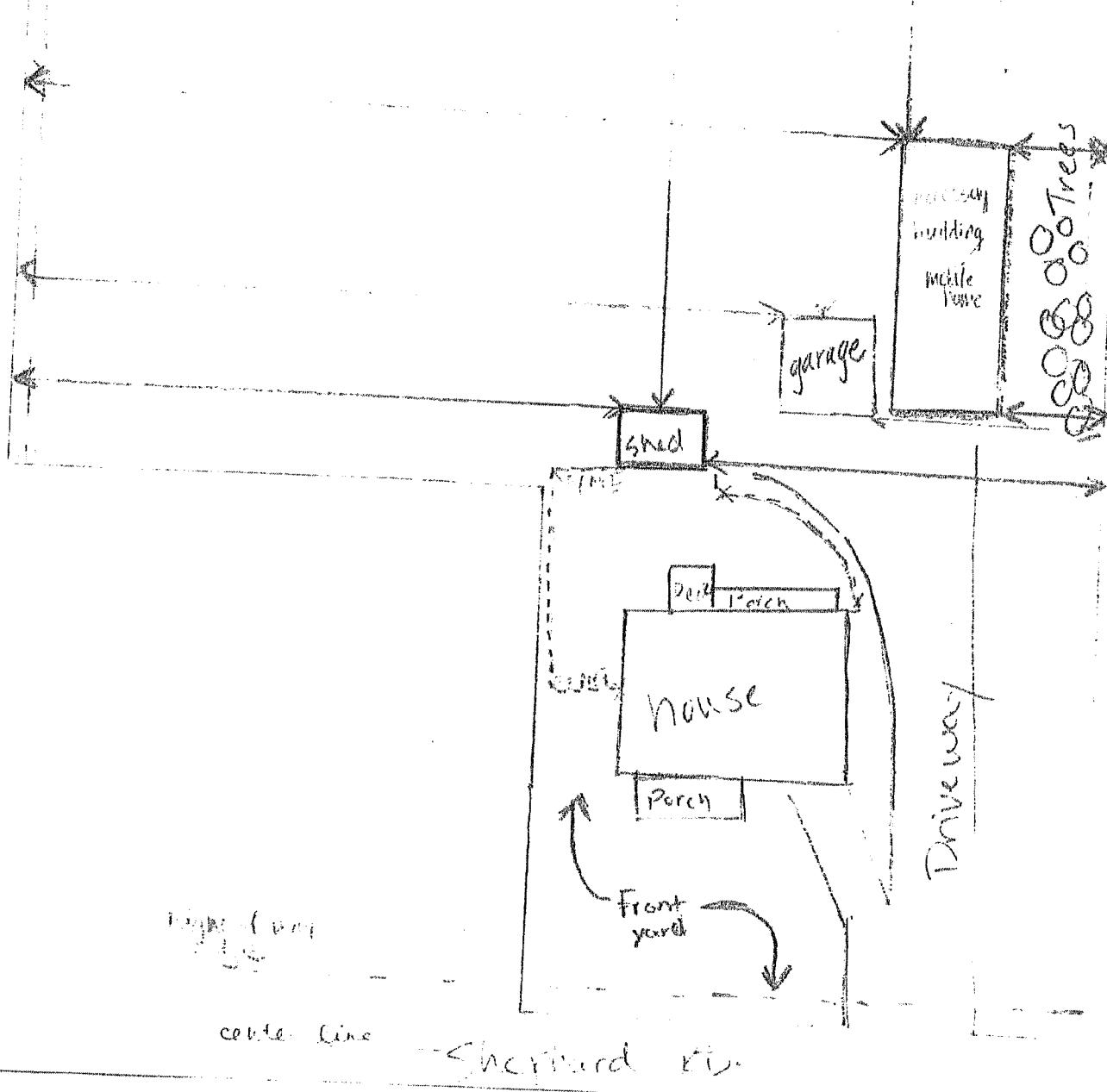
#### APPROVED BY:

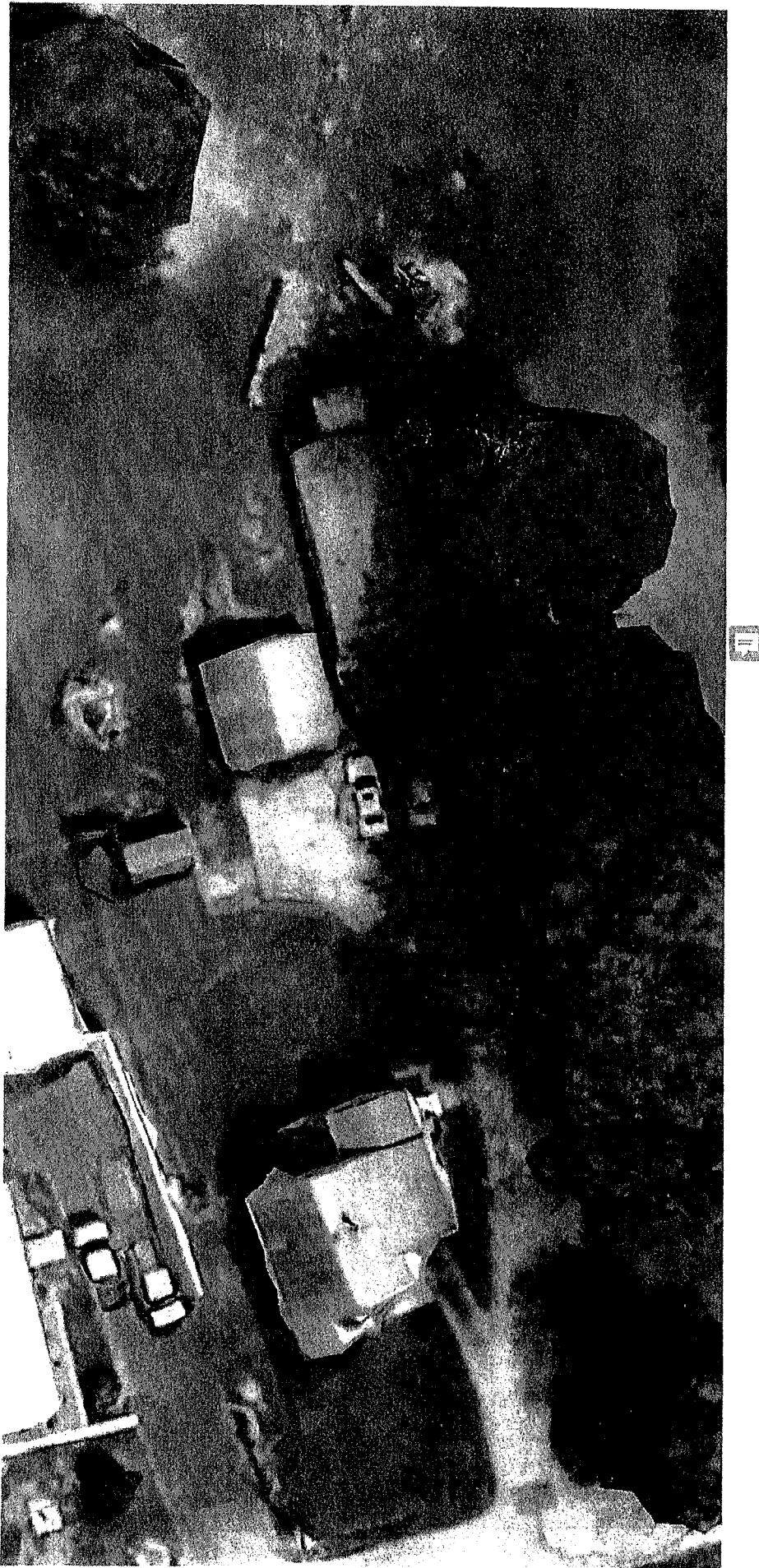


Tiffany Britnell  
Union Township Planning & Zoning Department  
4350 Aicholtz Road  
Cincinnati, OH 45245  
Phone: (513) 753-2300  
Fax: (513) 753-2697



Field







# Union Township Planning & Zoning Department

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February 7, 2024

*Trustees*

John Becker  
Joe Dills  
Michael J. Logue

*Administrator*

Cory Wm. Wright

*Zoning Commission*

Daniel Campbell  
Eric Louis  
Michael Outrich  
Bill Shannon  
Robert Wing, II

*Board of Zoning Appeals*

Scott Cangro  
Brian K. Ford  
Robert McAdams  
Ben Joehnk  
Randall Wulker

Adele Rike Shields  
4672 Shephard Road  
Batavia, Ohio 45103

Dear Ms. Shields,

It has come to the attention of the Planning & Zoning Department that your property located at 4672 Shephard Road in Union Township, Clermont County, is not in compliance with the Union Township Zoning Resolution (UTZR), specifically Sections 260, 632.1, 635.1 & 711.4. To view these sections, you can access the UTZR through the web at [www.union-township.oh.us](http://www.union-township.oh.us) or stop into the zoning office.

On November 2, 2023, a permit (#13454) was issued to you for a 747 sq. ft. detached accessory structure. Upon inspection on February 5, 2024 the township found that the “accessory structure” was actually a mobile home with the intent to be a second separate dwelling. The Township does not allow multiple dwellings on R-2 single family parcels, nor does this mobile home meet any of the requirements for a residence, even if it was on a lot of its own. You are required to remove the mobile home or convert it into the approved accessory storage structure.

Please take appropriate action to correct this problem by February 22, 2024. If you have not corrected the problems by that date, further legal action may be taken.

Sincerely,

Scott Burkey  
Union Township Zoning Inspector

41-31-07A-025



# Union Township Planning & Zoning Department

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## *Trustees*

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Bill Shannon  
Robert Wing, II

## *Board of Zoning Appeals*

Scott Cangro  
Brian K. Ford  
Robert McAdams  
Ben Joehnk  
Randall Wulker

## FINAL NOTICE OF ZONING VIOLATION

February 23, 2024

Adele Rike Shields  
4672 Shephard Road  
Batavia, Ohio 45103

Dear Ms. Shields,

Inspection of your property, located at 4672 Shephard Road, in Union Township, Clermont County (parcel 41-31-07A-025) on February 22, 2024 and a previous inspection on February 5, 2024, has disclosed that the premise is in violation of the Union Township Zoning Resolution (UTZR) in the following respects:

### Section 260-Penalties and Fines

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Resolution or any amendment thereto. Any person, firm or corporation who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than the maximum amount established by the Ohio Revised Code and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, building, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

**Violation:** Permit was issued for a 56'x13' Accessory Structure, not an illegal manufactured home.

**Remedy:** Remove the illegal structure

### Section 632.1-Principal Permitted Uses

Single family detached dwellings such that there shall be a restriction of one (1) single family detached dwelling unit per lot, and lot area shall be a minimum of ten thousand (10,000 sq. ft.) square feet.

**Violation:** Added an additional dwelling on property.

**Remedy:** Remove the added illegal structure.

### Section 635.1-Prohibited Uses.

Any use which is not specifically permitted is prohibited.

**Violation:** Permit was issued for a 56'x13' Accessory Structure, not an illegal manufactured home.

**Remedy:** Remove the illegal structure

### Section 636.1-General Provisions.

The minimum residential floor area for single family detached dwelling shall be one thousand (1,000 sq. ft.) square feet for dwelling units less than two (2) stories and one thousand two hundred (1,200 sq. ft.) square feet for dwelling units two (2) stories or more.

**Violation:** Illegal Pre-manufactured homes is only 747 sq. ft. and is the second dwelling installed on this R-2 residential zoned property

**Remedy:** Remove the unpermitted/illegal structure.

### Section 711.4-Accessory Structures

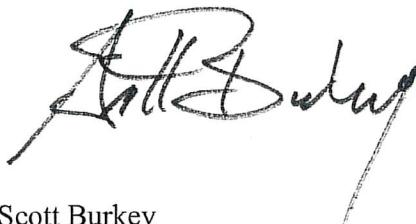
Accessory structures in residential zones shall not contain or be used as dwelling units, home occupations, or for commercial or industrial purposes.

**Violation:** The structure is a manufactured home.

**Remedy:** Convert into the approved detached accessory structure or remove the manufactured home from your property.

This letter serves as the final notification that will be sent to you to correct the above-mentioned violations. You are required to remove the manufactured home from your property; otherwise this matter will be referred to the Union Township Law Director for further legal action. You are hereby notified to correct the above-mentioned violations by March 24, 2024. Each day's continuation of these violations may be deemed a separate offense with fines of \$500.00 per day per violation.

Sincerely,



Scott Burkey  
Union Township Zoning Inspector

41-31-07A-025

This Notice of Zoning Violation Letter shall constitute a final decision and determination of the Zoning Director regarding the interpretation, administration, and enforcement of the *Union Township Zoning Resolution*. This determination and the interpretation and/or administration of the *Union Township Zoning Resolution* may be appealed to the Union Township Board of Zoning Appeals, pursuant to Chapter 4, Section 420 of the *Union Township Zoning Resolution*, provided said appeal is filed not more than twenty (20) calendar days from the date of issuance of this notice of violation.”

# VIOLATION FORM

TAX ID NO. 41-31-07A-025

DATE: February 5, 2024

**Property Location:** 4672 Shephard Road \_\_\_\_\_ **Zoned R-2** \_\_\_\_\_

**Property Owner:** Adele Rike Shields \_\_\_\_\_

**Mailing Address:** 4672 Shephard Road \_\_\_\_\_  
Batavia, Ohio \_\_\_\_\_ **ZIP:** 45103 \_\_\_\_\_

**If Rental Property, Resident's Name:** \_\_\_\_\_

**Complainant Name:** Administration \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Alleged Zoning Violation:** Illegal installation of a second dwelling which is an unapproved mobile home. \_\_\_\_\_

**INSPECTION RESULTS:** **2/05/24**-Upon inspection I found, along with Cory Wright, Ron Campbell & Mark McCormack, that a mobile home had been placed in the rear of the property. Met with the home owner, he indicated that he had obtained a permit, which he did, however the approval was for a detached accessory structure and his site plan indicated an accessory building with mobile home wrote underneath the accessory building. Administration indicated that they would respond back with the property owner within 48 hours on their determination of the infraction. Mr. Shields did say he obtained the required permits from Clermont County for the structure. \_\_\_\_\_

**2/05/24**-Telephone Clermont County Permit Central spoke with Rachel, she indicated that the only permit that had been obtained for the above-mentioned address was issued on 9/22/23 for demolition of a structure, no other permits had been issued. \_\_\_\_\_

**2/05/24**-Faxied a complaint to the Clermont County Building Department. \_\_\_\_\_

**2/07/24**-Sent 15-day letter via US Mail & Certified mail. \_\_\_\_\_

**Action Taken:**

\_\_\_\_\_ *Resolved no further action required*

\_\_\_\_\_ *Warning Citation (DEADLINE \_\_\_\_\_)*

\_\_\_\_\_ *2/07/24 Send Noncompliance Letter (DEADLINE \_\_\_\_\_ February 22, 2024 \_\_\_\_\_)*

\_\_\_\_\_ *2/23/24 Send Violation Letter (DEADLINE \_\_\_\_\_ March 24, 2024 \_\_\_\_\_)*

\_\_\_\_\_ **SEND COPY OF FILE TO TOWNSHIP ATTORNEY**

**Citing for Violation of Section(s) of the UTZR:** 260, 632.1, 635.1, 636.1, 711.4 **71586**

**Citing for Violation of Section (s) of the ORC:** \_\_\_\_\_

## VIOLATION FORM

PAGE 2

**Inspection Results Continued: 2/07/24**-File a complaint with the Ohio Department of Commerce. Mo Nusbaum, 614-644-5594. \_\_\_\_\_

2/07/24-Email from Mark.

**2/20/24**-Reponds of complaint from Ohio Department of Commerce.

**2/22/24**-Upon reinspection I found no changes to the property and the Zoning staff has not received any communications from the property owner.

**2/22/24**-Left message for Bryant Hill, Program Admin for the Manfactured Homes program, of the Ohio Department of Commerce (614-644-2622), requesting what action they took or are going to take.

**2/22/24**-Received a message back from Mr. Hill, he indicated that they have sent the property owner what they had sent me, and if nothing has been started with them within 30-days that they would take the next legal step.

**2/23/24**-Sent 30-day Violation letter via regular and certified mail to property owner.

**2/28/24**-Received a call from Bryant Hillman of the Ohio Dept. of Commerce (937-631-4184), he indicated that the above-mentioned property owner has contacted their department trying to obtain a permit. I explained to Mr. Hillman, that our zoning code does not allow for multiple residential dwellings on single parcels of records, we also require that single story housing be at the minimum of 1000 sq. ft and that manufactured homes are required to be affix to a permanent foundation. I also indicated to him that the home owner was going to apply for a variance for this additional dwelling. I indicated to him that I would keep him updated.

**3/06/24-Property Owner submit for a variance, case number 1-24-A.**

**3/13/24**-Upon inspection I found Duke Energy preparing to hook-up and supply power to the illegal Manufactured home, even though it had been explained to property owner to do nothing further until the matter has been resolved. Duke Energy stopped with any connection on my request.

**3/15/24-Place Zoning Hearing sign on the above-mentioned property.**

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## 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: #506 and #636 (1)

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.

These requested variances are consistent with intent of regulations and are not injurious to the area or otherwise detrimental to public welfare because the new structure (manufactured home) exactly replaces a pre-existing structure (secondary home/cabin/cottage/shotgun house). All utilities were already hooked up and available to prior structure. If anything, there is less clutter and it looks nicer because it is a new structure as opposed to an old and run down structure. Color of new manufactured home is consistent with the primary house and other structures on property, unlike the prior structure which was green and chipping paint. Size is consistent with prior structure and it sits on same concrete foundation so size variance should be granted.

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.

There is no new use granted by this variance. The prior existing secondary home structure was replaced by this new manufactured home structure within 3 months (October 2023 demolition of prior home structure under Clermont County demolition permit and January 2024 new manufactured home arrived under Union Township zoning permit (although turned out to be incorrect). The new manufactured home is safer for our 85 year old grandmother to live. This will be her home and that is why it was purchased and being her home is how it will be used for family only.

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.

Due to being given the information by Clermont County that our pre-existing secondary home structure could be replaced with a new manufactured structure led us to take the necessary steps of permits and hence demolition of prior secondary home structure which was to be home for our grandmother to move her from multi-level primary home to the secondary single level home. Safety and approved site plan pushed us to replace structure as opposed to our alternate plan to renovate the pre-existing home structure. Not allowing this variance would deprive us of proper care and welfare of our grandmother and deprive our grandmother of her home that she is to live next to her daughter and son in law and within 10 minutes of us (her grandson and granddaughter-in-law: owners of property).

(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.

Proof of hardship is that our 85 year old grandmother Jerry Lou Loudin, will be without her home, a home that needs to be small and compact so that she can live comfortably and safe, a home size of 747 sq. ft and single level floor plan with everything that she needs. Proof of hardship is that all the money available to provide a home for her was put into the purchase of the \$55,000 manufactured home and this was done with an approved site plan from Union Township in hand. She has no other option. There is no intention of any profit from this manufactured home and granting of this variance. This will be family use only and will be the home for our grandmother Jerry Lou Loudin. We would be open to trying to sell it once she is not around anymore.

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.

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The granting of these 2 variances is necessary so that we can utilize the manufactured home as a home for our grandmother as intended and not just as a storage unit. The 2 variances requested are the minimum variances necessary to allow for us and the Township to accomplish not only allowing her to live in her home, but also allowing the us (the owners) to keep the property as it was previously with 2 dwelling structures.

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.

The proposed variances will not impair any supply of light or air to the adjacent property as it takes up the same space (and likely less space than prior home structure). It will not increase congestion on public streets because our grandmother does not drive and does not have a vehicle. It will not increase danger of fire nor endanger public safety nor diminish or impair property values of adjacent areas because again this is actually a much nicer and a new home structure as compared to the run down structure previously in that location which had a lot of debris and garbage around. This new manufactured home makes the area and the property look cleaner and nicer.

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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 granting of this variance will not confer any special privilege that is denied others since we already had a preexisting secondary home structure on the property in same location that was grandfathered in due to it's likely longstanding existence. The new manufactured home changes nothing about those around us and does not stop anyone else from making any type of variance request.

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## Attachment 1: Union Township Zoning Variance Requests and Description

### Reasons for Requesting Variances

Included are pictures of our house and property. The main house on the property is in the front at the road and this is where our grandmother, Jerry Lou Loudin, currently lives (and has lived for over 10 years). We provided this home for her to live when she moved here to help us raise our children. She will be moving into the manufactured home. This will be her home for her remaining life. We bought it only for her so that she had a one floor home that was safe and easy to navigate. In the pictures that follow, the garage is back behind the main house and toward the left side and the new manufactured home (mobile home) is back behind the main house and toward the right of the garage in the exact location as the previous secondary home (as you will see in the before and after pictures provided). Included is a picture currently as seen from the road with the manufactured home in place. This manufactured home replaced the secondary home structure which was a shotgun house/cottage/cabin that was in the exact location prior to its demolition (under approved demolition permit from Clermont County at end of October 2023). Pictures of the old secondary house are shown below in the same location as the new manufactured home next to garage to show an exact.

Some background on our reason for updating the old secondary home with the new home are as follows. Our parents currently living in Washington County, PA are retiring and moving from Pennsylvania to live in the main house so that we can make sure they have a home to live in and are taken care of in their retirement. Our mother, Vicki Shields, is on chronic oxygen after her recovery from breast cancer. Our grandmother Jerry Lou (Vicki's mother) will be moving from the primary 2 story home into her own single level home in the new manufactured home, so that she is safely on one level and so that we all can contribute to taking care of her as she ages. Due to the steps to the basement where the laundry room is located and the steps to the upper-level room, the main home is no longer reasonable for her as she needs everything on one level. Additionally, she experienced a fall in the bathtub about a year ago in the main home and she was not found for almost 2 days as she was stuck and could not get herself out. So, we also special ordered the bathroom in the manufactured home to include a stand-up shower with a shower seat and support bars.

The old secondary home was demolished at end of October 2023 and the new manufactured home was delivered and placed on same concrete pad at end of January 2024 (within 3 months). Installation is almost complete except for electrical and the underpinning. Installation permit was applied for as soon as we were informed by Union Township that it was required and our credit card information was given to our inspector with Cincinnatus Inspection Services. Upon processing the permit, she discovered that the permit and inspections had to be put on hold until the zoning variances are approved. She spoke to Union Township zoning office regarding this. She provided us with a pending permit notice to place in front window and a copy is including in last page of this packet. We will complete the Ohio Dept of Commerce required inspections as soon as we have approval to proceed.

We have tried to do everything right from the very beginning, including even getting the demolition permit as well as the appropriate zoning permit (applied for online in good faith of doing it correctly) and have made immediate corrective actions by applying for these variances and the installation permit as soon as we were made aware. We thought we took all the correct steps to replace the secondary home structure. We are sorry that there was confusion about the zoning permit application, but a stamped and approved site plan that included this new accessory structure/mobile home was identified in the location where it currently sits and where this replaced the prior structure. We were not informed that we needed any different permit during the process and we filled out the permit as we thought was accurate by choosing accessory structure (>120 sq ft) with a detailed site plan and even provided an aerial view showing the home and all structures including prior structure along tree line which was torn down. Our Site plan with all the setbacks and the aerial view from Clermont County website that shows all structures identified is included with this application.

## **Variances Requested:**

### **Variance: Article 5 Union Township Zoning Resolution, #506 Principal Building Per Lot**

Proposal that a second principal structure/home be on the same property since this manufactured home is replacing an already pre-existing secondary home structure on the lot that already came with all utility hookups which was likely grandfathered in for this lot. See pictures of previous secondary home/cottage/cabin next to garage which was torn down under a Clermont County demolition permit with replacement of current manufactured home in the exact same location. See pictures of prior secondary home structure and current manufactured home which replaced prior structure. Our Intention was to provide a home for owner's family (in-laws) who are moving into primary home and the existing 10-year resident of primary home (owner's 85-year-old grandmother-in-law, Jerry Lou Loudin) who can no longer navigate multiple floors of the primary home and who would live in the new single level manufactured home on property. A new manufactured home structure was strongly preferred due to grandma's safety as opposed to the alternate plan of renovating the pre-existing old secondary home which had water damage and likely mold. A detailed site plan with the accessory structure identified clearly as a mobile home was stamped and approved by the Union Township office. This site plan shows the parcel and property and exactly the proposed use of the property including the new accessory structure/mobile home and this site plan was approved. With approval in hand, we proceeded forward with the purchase of the manufactured home and preparation of the property including the demolition of the previous secondary home and cleanup work of the property. Once we realized from Union township that we made errors on the permit application and that we also needed an installation permit, we now have that from Ohio Dept of Commerce and are working towards electrical and final inspection with a certified manufactured home inspector and we immediately took steps to apply for these variances.

### **Variance: Article 6 Union Township Zoning Resolution, #636 (1) Minimum residential floor area for single family detached dwellings shall be 1,000 sq ft for dwelling units less than 2 stories**

Proposal that this secondary structure/manufactured home be 747 sq. ft and not 1000 sq ft due to needing a condensed size home of one floor and only essentials for our elderly grandmother who will be residing here. Also, this size is the exact size of prior structure and of the concrete pad in which the prior structure sat and was demolished for this structure to replace. There was no intention to enhance any pre-existing square footage. There is no change in structure size. We simply replaced the secondary home structure with a similar size structure, but that was appropriate for our grandmother to live in once complete.



**CURRENT VIEW**  
from the road. View of primary home, driveway, garage and manufactured home from the road (Shephard Road)



**BEFORE VIEW:**  
Old secondary  
home structure  
that we  
demolished Oct  
2023 under  
Clermont County  
permit



**CURRENT VIEW:**  
New secondary  
home structure  
manufactured  
home that we  
replaced the  
prior structure  
Jan 2024

\*\*Of note, this will not be what it looks like when it is done because the underpinning still needs to be installed. All work was stopped on the home at the request of UT Zoning and our installation permit and inspections are also stalled until our variances are approved. We have submitted our application for inspections and the inspector is ready to do the inspections as soon as we have zoning approval. Our inspector is Tammy Thieman with Cincinnatus Inspections phone #513-696-9728. This home will have matching underpinning and also the yard will be regrassed in Spring to fix up the work site once complete.



**BEFORE Side-View**  
from Shephard road of old secondary home structure that we demolished Oct 2023



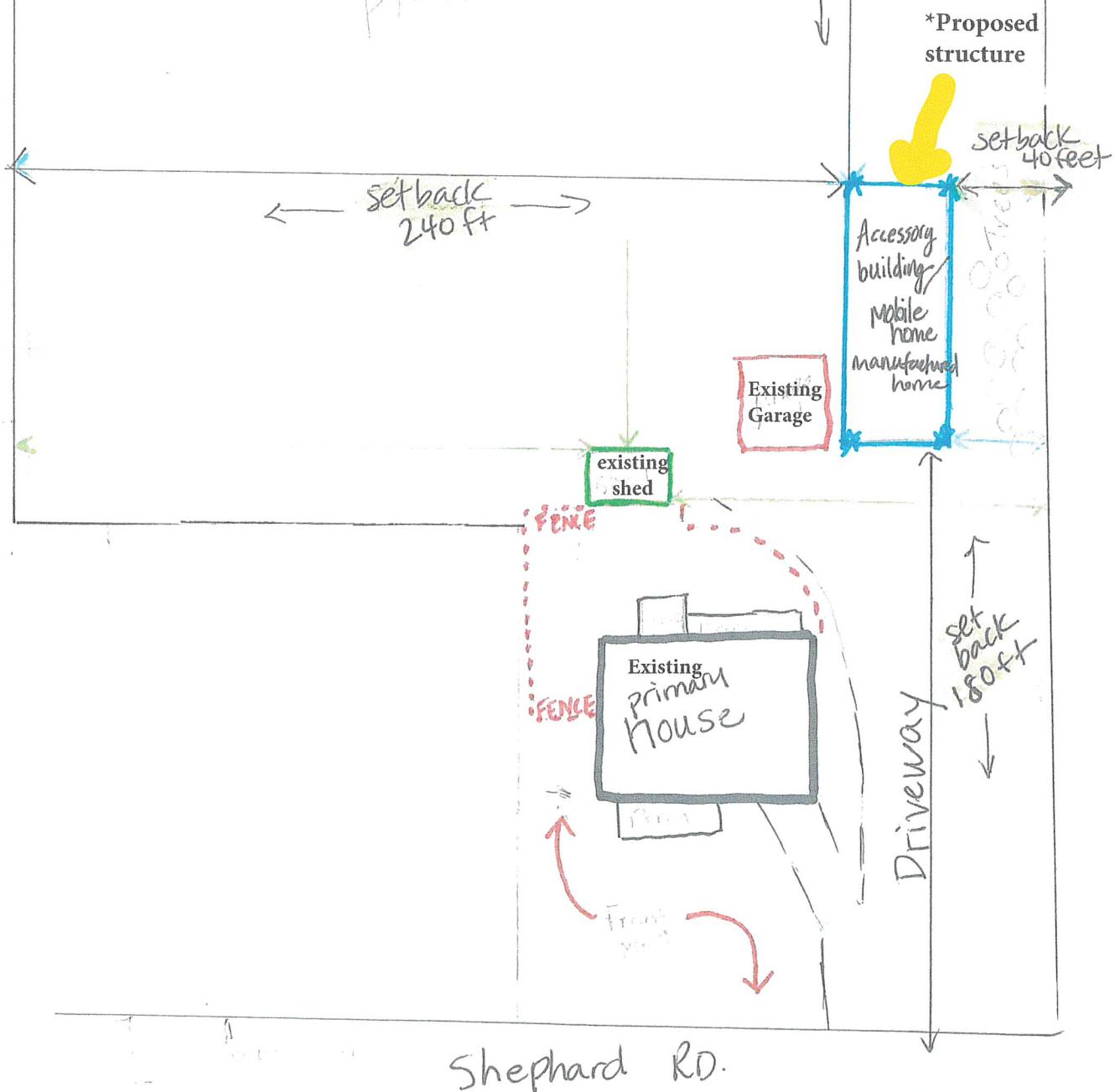
**CURRENT Side-View**  
from Shephard road. View of primary home, driveway, garage and manufactured home from coming down the road Jan/Feb 2024

APPROVED AS INDICATED

DATE: 11-6-2023

BY: Tiffani Butwell  
PLANNING & ZONING DEPT.  
UNION TOWNSHIP

Fig. 1d



Shephard Rd.

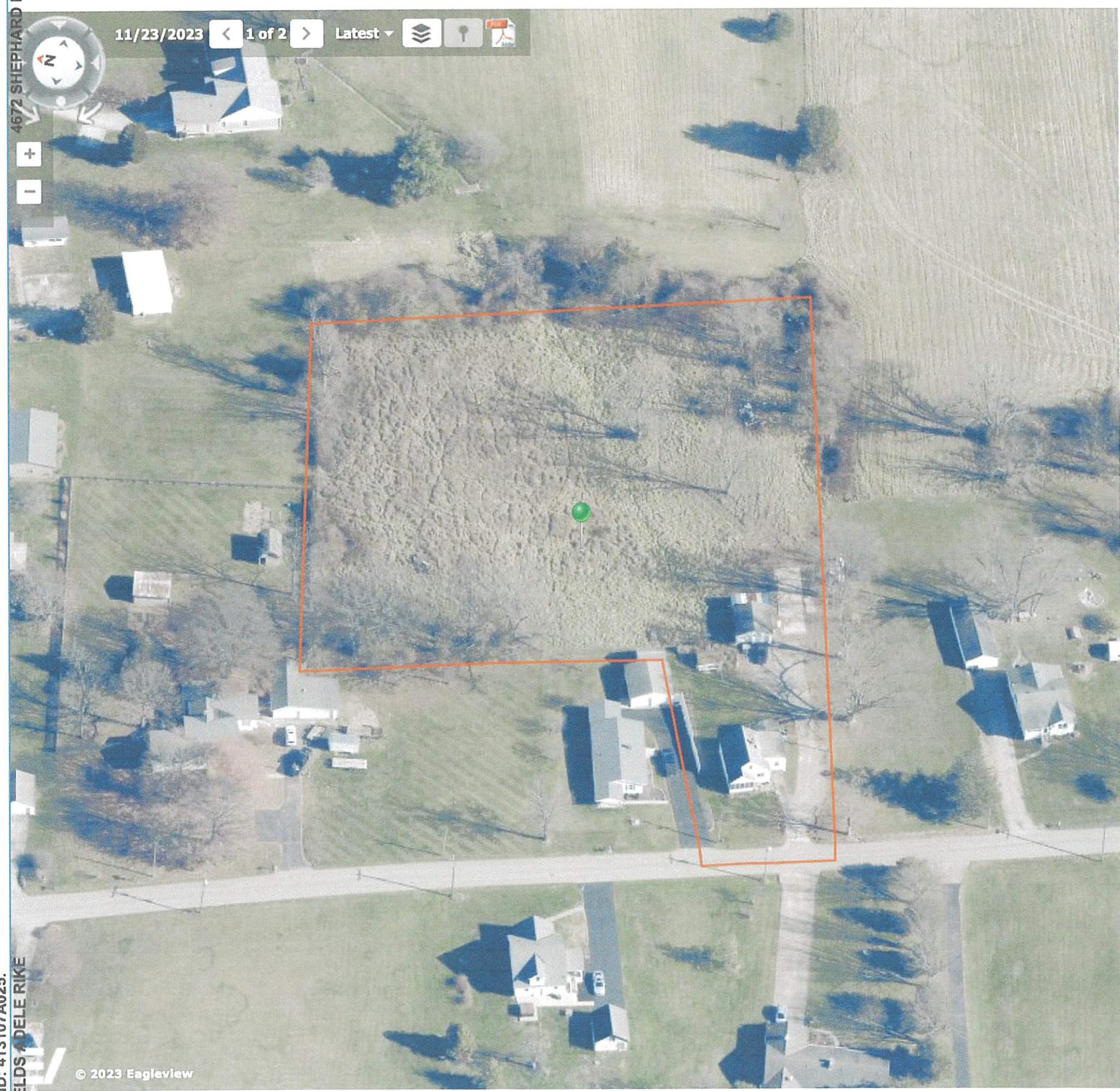
Aerial View of the Property in Feb 2023 showing the old secondary home structure on the property as printed from the Clermont County Auditor Website

4672 SHEPHERD RD

PARID: 413107A025.  
SHIELDS ADELE RIKE



Aerial VieW on 11/23/23 after old secondary home Was demolished and you can see concrete pad ready for new structure; printed from Clermont County Auditor website

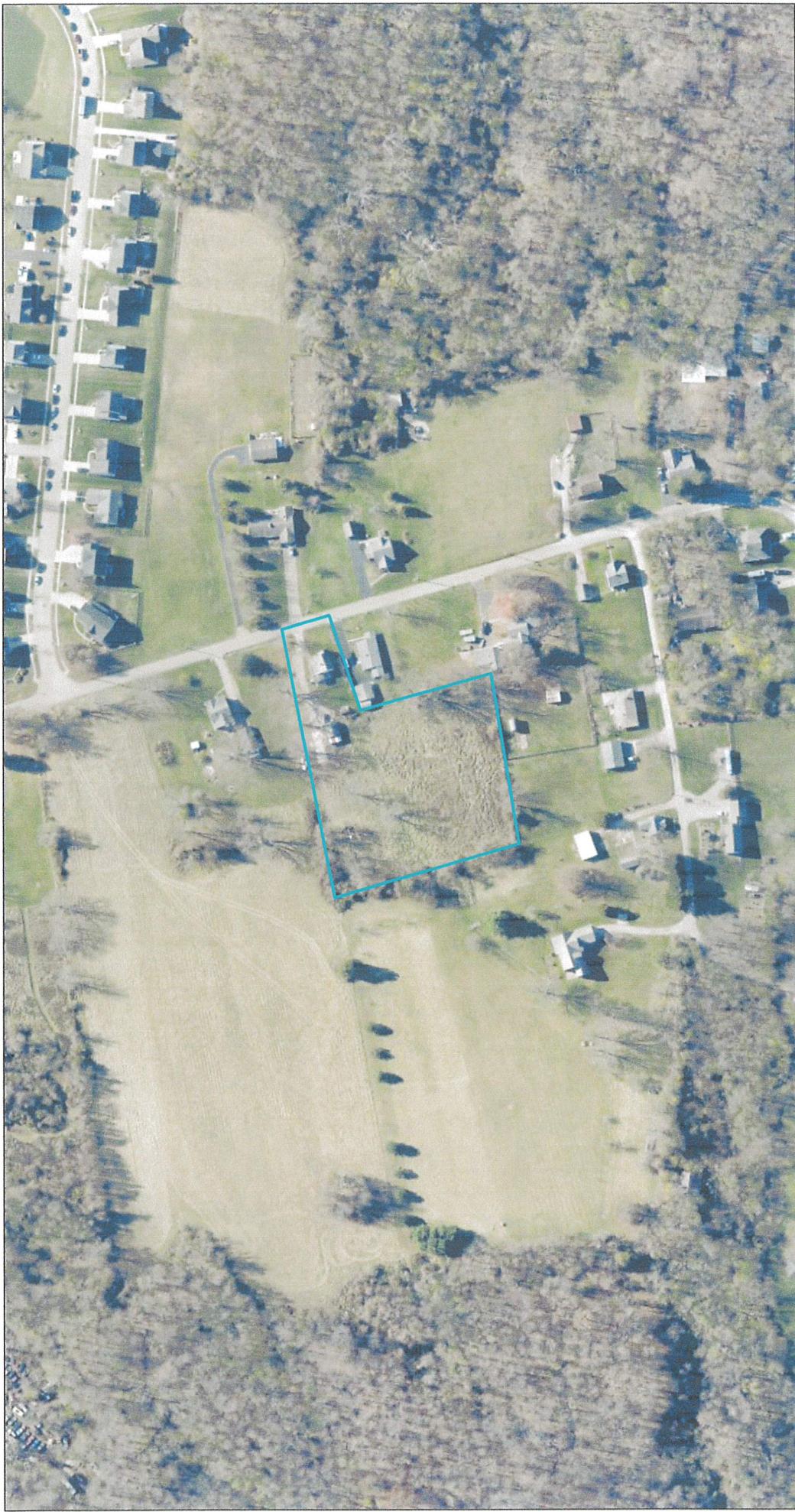


Aerial VieW Of the prOperty On 12/19/2005 shOWing the Old secOndary hOme structure was present as far back as provided On the clermOnt cOunty AuditOr website

RD



# TAX MAP Printed from Clermont County Auditor Website: 413107A025



Clermont County, Ohio, Clermont County

201300026990  
FILED FOR RECORD IN  
CLERMONT COUNTY, OH.  
DEBORAH HALL CLEPPER, COUNTY RECORDER  
09-04-2013 At 01:51 PM  
Dkt# 28-00  
OR Book 2478 Page 54 - 55



BK: 2478 PG: 54

Parcel No. 413107A025,  
File No. 13SCC0949  
Shields

GENERAL WARRANTY DEED

Thomas A. Schneider, unmarried, for valuable consideration paid, grants, with general warranty covenants, to Adele Riko Shields, her heirs and assigns forever, whose tax mailing address is 4672 Shephard Road, Batavia, Ohio 45103, the following described real property (the "Property"):

See Attached Legal Description  
Exhibit "A".

There are excepted from the warranty covenants set forth herein, matters of zoning, conditions and restrictions, and easements of record.

Prior Instrument Reference: Official Record Book 694, Page 355 of the Clermont County, Ohio Records.

The Property is conveyed subject to and there are excepted from the general warranty covenants, the following: 1) Easements, covenants and restrictions of record; 2) Taxes and assessments not yet due and payable; and 3) Legal highways and rights of way.

Thomas A. Schneider has executed this deed as of August 27, 2013.

  
Thomas A. Schneider

State of Ohio:  
County of Hamilton:

The foregoing instrument was acknowledged before me on August 27, 2013, by Thomas A. Schneider.

  
Pamela McGuire  
Notary Public

This instrument was prepared by:  
Michael C. Fletcher, Esq.  
Griffin Fletcher & Herndon, LLP  
3500 Red Bank Road  
Cincinnati, Ohio 45227



PAMELA G. McGuire  
Notary Public  
State of Ohio  
My Commission Expires  
August 10, 2018  
2018 PM

## EXHIBIT "A"

Legal Description  
 For File: 13SCC0949  
 Borrower: Shields

Being situated in Heron's Military Survey No. 3814, in the Township of Union, in the County of Clermont, in the State of Ohio and bounded and described as follows:

Beginning at a reference point at a railroad spike set at the intersection of the centerlines of Schuster Road and Shephard Road No. T-249; thence with said Shephard Road in a Southerly direction a distance of 493.68 feet to a 1/4 spike set in the centerline of said Shephard Road and a corner to a 0.31 acre of Bruce E. Metz as recorded in O.R. 620, Page 241 and being the real point of beginning; thence with said Metz's line, N. 72° 06' 03" E. passing a 5/8" iron pin set at 15.01 feet, a distance of 157.42 feet to a 5/8" iron pin set; thence with said Metz's line and the line of a 1.90 acres of Marion and Judy Waltz as recorded Volume 487, Page 332, N. 15° 55' 02" W. a distance of 214.48 feet to a 5/8" iron pin set; thence with said Waltz's line, N. 81° 38' 30" E. a distance of 263.82 feet to a 5/8" iron pin set and a corner to a 12.00 acres of Harold Landis' as recorded in Volume 580, Page 167; thence with said Landis' line, S. 16° 01' 13" E. a distance of 298.40 feet to a 5/8" iron pin set in the line of a 17.50 acres of Elmer Grisby as recorded in O.R. 412, Page 718; thence with said Grisby's line, S. 79° 03' 39" W., passing a 5/8" iron pin set at 407.80 feet, a distance of 422.88 feet to a 1/4" spike set in the centerline of the aforementioned Shephard Road; thence with said centerline, N. 16° 00' 00" W. a distance of 76.75 feet to the beginning, containing 2.155 acres more or less, being a corrected description of the original 2.02 acres to the premises transferred to, Daniel Slater and Vickie Slater as recorded in Volume 648, Page 145 and subject to all legal highways, easements and restrictions and being identified as Parcel No. 41-31-07A-025. Bearings are magnetic and based upon the N. 16° 00' 00" W. line along the centerline of Shephard Road.

A survey of this property was made by Robert E. Satterfield, Surveyor No. 4238, West Union, Ohio on September 19, 1995.

413107A025.

This conveyance has been examined and the Grantor has complied with Section 319.202 of the Revised Code.	
Purchase Price \$	71,440.00
Transfer #	30313
Fee \$	281.00
Filed with the office of Linda L. Fraley	
Date	9-3-13
By: <i>[Signature]</i>	

AUG 30 2013  
 APPROVED  
 FOR TRANSFER  
 PATRICK J. MANGIN  
 COUNTY ENGINEER  
 CLERMONT COUNTY, OH  
 BY: *[Signature]*

ID 41 0K31 PG 07A 41025-2155AC  
*TL-93*

**PERMIT PENDING**

**3/4/24**

**TO ADELE SHIELDS**



## **Installation Permit / Inspection Card**

**Permit Issue Date:**

**Issued to:**

**Address:**

**Permit #:**

**Seal #:**

### **INSPECTIONS COMPLETED**

**FOOTER/FOUNDATION:**

**Date:**  
**ELECTRICAL:**  
**FINAL:**

**Date:**  
**Date:**  
**Date:**

**PERMITTING AGENCY:** Cincinnatus Inspection Services (513) 696-9728

47817-09(1)—Place this permit in the front door or window visible from front of home

**PERMIT EXPIRES 6 MONTHS FROM ISSUE DATE**