



**UNION TOWNSHIP BOARD OF ZONING APPEALS  
AUGUST 1<sup>ST</sup>, 2024 MEETING**

**VARIANCE REQUEST**

**ANTHONY RIVERS, Applicant  
4063 GLEN ESTE-WITHAMSVILLE ROAD**



***Staff Report: CASE # 4-24-A***

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**NATURE OF REQUEST**

*The Applicant is requesting that the Union Township Board of Zoning Appeals consider a Variance request to create up to 2 buildable lots (for single-family dwellings) that may be less than the required 20,000 sq. ft. minimum in a Single Family Detached Structure Residential Zone (R-1)—pursuant to Article 6, Sections 602 (Figure 1) and 621 of the Zoning Resolution. \*Please refer to the Applicant's statements, plans, and other application enclosures.*

**LOCATION**

The subject property, owned by B & P Builders LLC, is located approximately 90 feet to the north of the Gleneste-Withamsville Road and Loda Drive intersection, on Parcel #413217A098.

**ZONING**

The subject property is zoned Single Family Detached Structure Residential Zone (R-1), with Single Family Detached Structure Residential Zone (R-1) zoning also adjacent to the north, south, east, and west of the property (approximately 500 feet+ in all directions).

## **BACKGROUND**

The Owner purchased the subject property in September of 2023. The Owner purchased the property with the goals of: 1) rehabilitating the existing single-family residence; and 2) adding a new, second single-family residential structure. At the time that the property was purchased, the Owner was unaware that a “Parcel Cut-Up” plat that he was provided (dated July 11, 2023)—which showed the 0.86-acre property split into 2 equal lots of 0.4317 acres—had not actually been recorded / executed. Since the property was acquired, the Owner has demolished an accessory structure on the property and has been actively working to remodel the existing house, which was built in 1934.

In June of 2024, the Applicant attempted to start the application process to acquire a zoning certificate for a new (second) single-family detached residential structure on the property. At that time, the Owner became aware that the property had not been split, as shown in the aforementioned “cut-up” plat—and became aware of the fact that property could not be split into 2 separate buildable tracts without a Variance, based on the required minimum lot size.

## **STAFF COMMENTS:**

After reviewing the proposed application in totality, please note:

- 1) Even if the property would be divided into equal parts, at most, the 2 resulting tracts would be 18,805 square feet—which is 1,195 square feet less than the minimum 20,000 square foot requirement set forth in Article 6, Sections 602 (Figure 1) and 621 of the Zoning Resolution.
  - a. The proposed use to establish a detached, single-family dwelling unit is a permitted use within an R-1 Zoning District, provided that it is located on a conforming buildable tract, or on a tract that has received the necessary Variance.
  - b. Although the Applicant has submitted a concept for the proposed land division, he appears to be amenable to reconfiguring the land in another manner. *No matter how a proposed split could be reconfigured, a Variance for lot size would be required for at least one tract.*
- 2) With respect to the conceptual site plan submittal, the Applicant has demonstrated that the required front, side, and rear setbacks can be achieved.
  - a. The Applicant is willing to adjust the width of the additional residential structure, if needed.
  - b. The Applicant has indicated that it is his intention to build the proposed, new residential structure to resemble the character and architectural form of the existing housing on the surrounding/adjacent properties.
- 3) 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.

4) 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.
- 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.
- 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.
- 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.

#### **ACTION REQUIRED**

In accordance with Article 4, Sections 430-431 and Article 6, Sections 602 (Figure 1) and 621 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 request to create up to 2 buildable lots (for single-family dwellings) that may be less than the required 20,000 sq. ft. minimum in a Single Family Detached Structure Residential Zone (R-1)

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

Variance Application  
UNION TOWNSHIP  
BOARD OF ZONING APPEALS  
4350 Aicholtz Road  
Cincinnati, OH 45245  
(513) 753-2300

Case# 4-24-204  
Date 6-27-2024

PLEASE PROVIDE SIX COPIES OF THIS FORM AND ALL MATERIALS (original set + 5)

Re: Property located at: 4063 CLEVESTE WITHAMSVILLE Rd  
Property Identification Number from Auditor's Tax Bill 41 321 74098

I. APPLICANT INFORMATION

A. Name ANTHONY RIVERS  
Mailing Address 4791 TEALTOWN Rd  
MILFORD OHIO 45150 Phone 513-266-7462

B. Property Owner(s) B+P BUILDERS  
Mailing Address 651 GARVEY Rd  
WINCHESTER OHIO 45697 Phone 513-617-7796

C. Contact Person ANTHONY RIVERS  
Mailing Address 4791 TEALTOWN Rd  
MILFORD OHIO 45150 Phone 513-266-7462

II. VARIANCE INFORMATION

A. I hereby request the Board of Zoning Appeals to grant a variance(s) from Section(s)  
602 - 621  
of the Union Township Zoning Resolution.

B. Please describe generally each variance requested.

BUILD NEW HOME on 18,804.85 SQ.FT. LOT

C. Please state the zoning district(s) of the property: R-1

- 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.

Cliff Hiler  
\_\_\_\_\_  
Applicant

STATE OF OHIO  
COUNTY OF Clermont

Subscribed and sworn to before me this 26 day of June, 2024.

Lucas Hiler  
\_\_\_\_\_  
Notary Public

My commission expires 11/22/2026.



LUCAS HILER  
Notary Public, State of Ohio  
My Commission Expires  
November 22, 2026  
COMMISSION: 2021-RE-840758

## EXHIBIT B

### ADJACENT PROPERTY OWNERS

**Adjacent properties include those across streets and touching the property in any manner.**  
A printout from the county auditor stating this information may substituted for this page.

The following are the individuals, firms, or corporations and their mailing addresses as they appear in the county auditor's tax list as owners of property adjacent to the subject property.

1. Name HAGGARD TERRI LEE Parcel ID# 414206,043  
Mailing Address 828 JORDA DR
2. BREUENIG MICHAEL TRUSTEE Parcel ID# 413217A242  
4067 GLEN ESTE WITHTAMSVILLE Rd
3. LAUER RICHARD J Parcel ID# 414206,042  
824 JORDA DR
4. HORNISCHEN MEIER Parcel ID# 413217B006  
4064 GLEN ESTE WITHTAMSVILLE Rd
5. MAG LARRY W & GAIL A Parcel ID# 413217B212  
4060 GLEN ESTE WITHTAMSVILLE Rd
6. \_\_\_\_\_ Parcel ID# \_\_\_\_\_
7. \_\_\_\_\_ Parcel ID# \_\_\_\_\_
8. \_\_\_\_\_ Parcel ID# \_\_\_\_\_
9. \_\_\_\_\_ Parcel ID# \_\_\_\_\_
10. \_\_\_\_\_ Parcel ID# \_\_\_\_\_
11. \_\_\_\_\_ Parcel ID# \_\_\_\_\_
12. \_\_\_\_\_ Parcel ID# \_\_\_\_\_

## 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: 602 - 621

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.

BOTH HOUSES STILL MAINTAIN THE REQUIRED FRONT-REAR + SIDES REQUIRED SET BACKS

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.

BUILDING NEW HOUSE ON TRACT (A)

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.

WANTED TO REHAB (1900) TIMBER FRAME HOUSE AND BUILD NEW ONE NEXT TO IT

(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.

BOUGHT HOUSE TO REHAB + BUILD NEW HOME  
NEXT TO IT NEED VARIANCE TO DO SO

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.

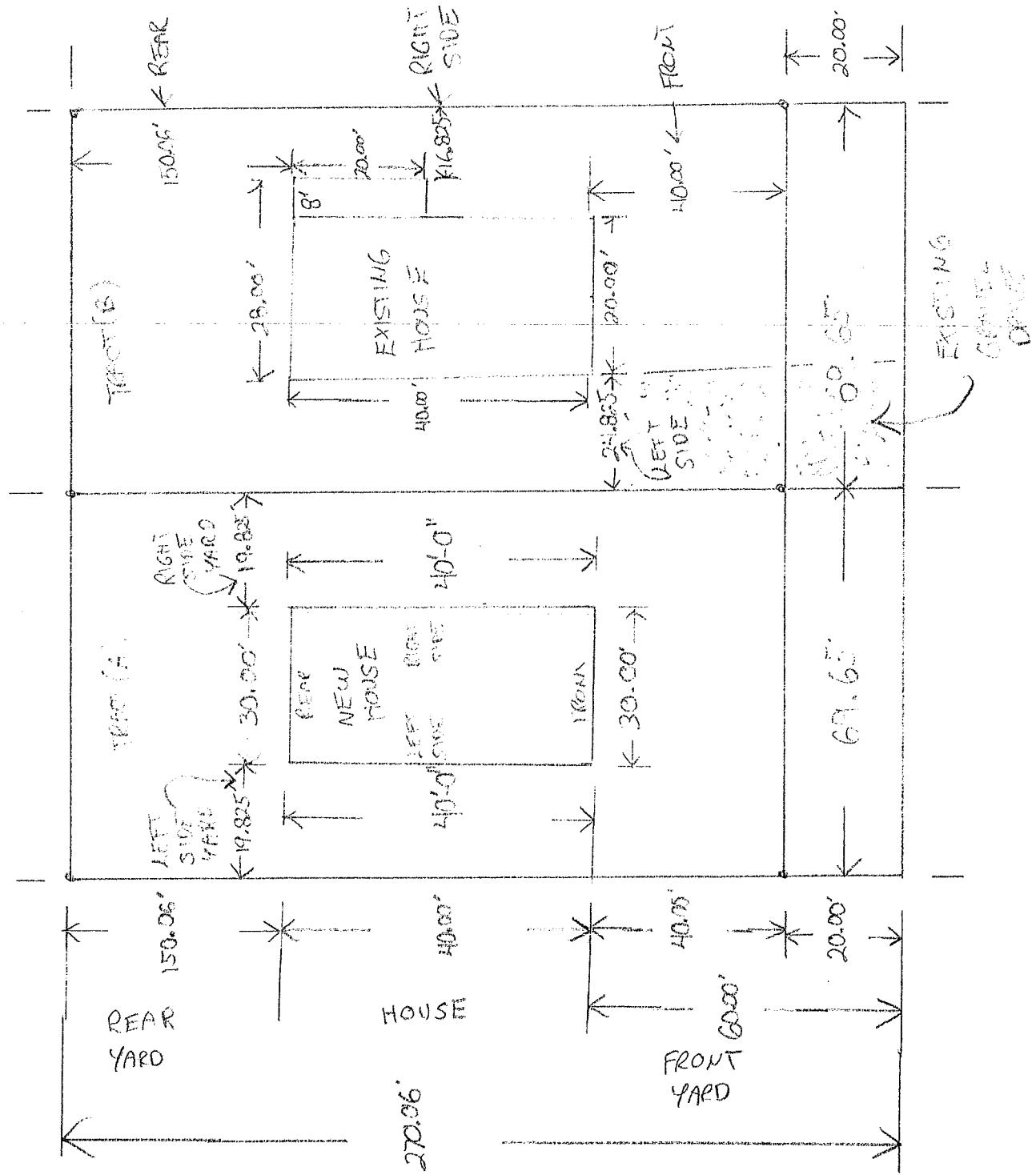
LOT IS UNDER 20,000 SQ. FT  
CAN FIT SMALLER WIDTH HOUSE ON LOT

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.

HOUSE IS VERY SIMILAR TO SURROUNDING HOMES  
NO SIDE LIGHTS ON NEIGHBOR'S BOTH SIDES  
WILL MEET SET BACKS

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.

BOUGHT HOUSE + LOT NOT KNOWING IT NEEDED 20,000 SQ. FT.  
TO BUILD NEW HOME (WILL NOT HAPPEN AGAIN)



[Auditor Home](#)

## EXISTING HOUSE ON TRACT (B)

[Profile](#)

[Sales/Transfers](#)

[Residential](#)

[Commercial](#)

[Outbuildings](#)

[Permits](#)

[Values](#)

[Value History](#)

[Tax Summary](#)

[Tax Detail](#)

[Current Tax](#)

[Distribution 2023](#)

[Tax History](#)

[Payment History](#)

[Assessment](#)

[Proposed Levies for](#)

[March 19, 2024](#)

[Election](#)

[New Levies for 2023](#)

[Manufactured Home](#)

[Sketch](#)

[Photos](#)

[Tax Map](#)

[Pictometry](#)

[Surveys](#)

[Property Recap Report](#)

[Plat Viewer](#)



413217A098. 11/13/2018



## CLIENTE WITH SERVICE

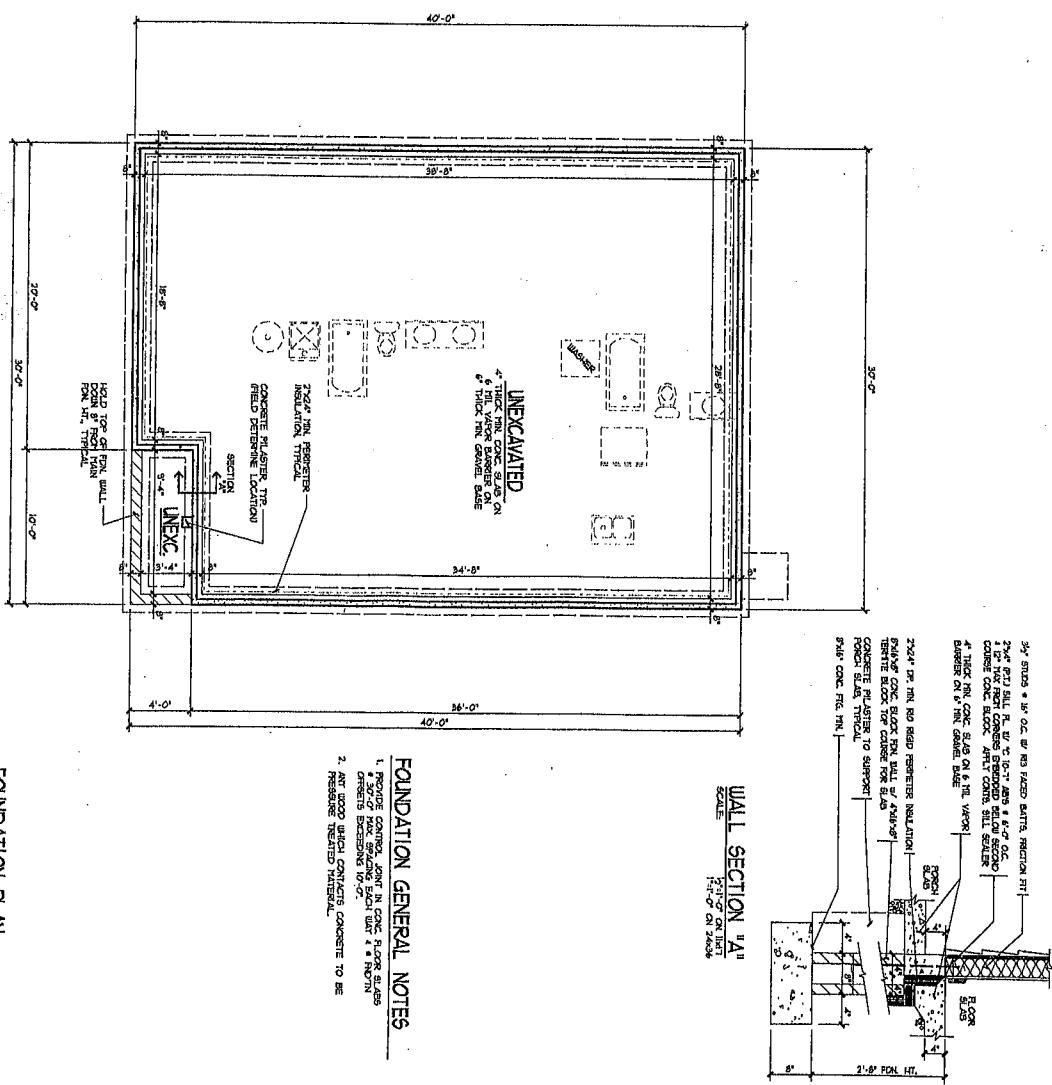
100

CLÉMÉSTE WITH ANGUS WILSON









FOUNDATION PLAN  
SCALE: 1/8"=1'-0"

14'-0" MAX WALLS  
14'-0" PORCH WALLS  
15'-0" FOOTERS

**MADDOX  
DEVELOPMENT CO.  
4026 Bach Buxton Rd.**

PROPOSED RESIDENCE FOR:  
MARKET HOME  
LOT 247A WILLOW STREET  
WILLIAMSBURG, OHIO 45176



**Superior Designs**  
6152 Primrose Lane  
Fairfield, Ohio 45014



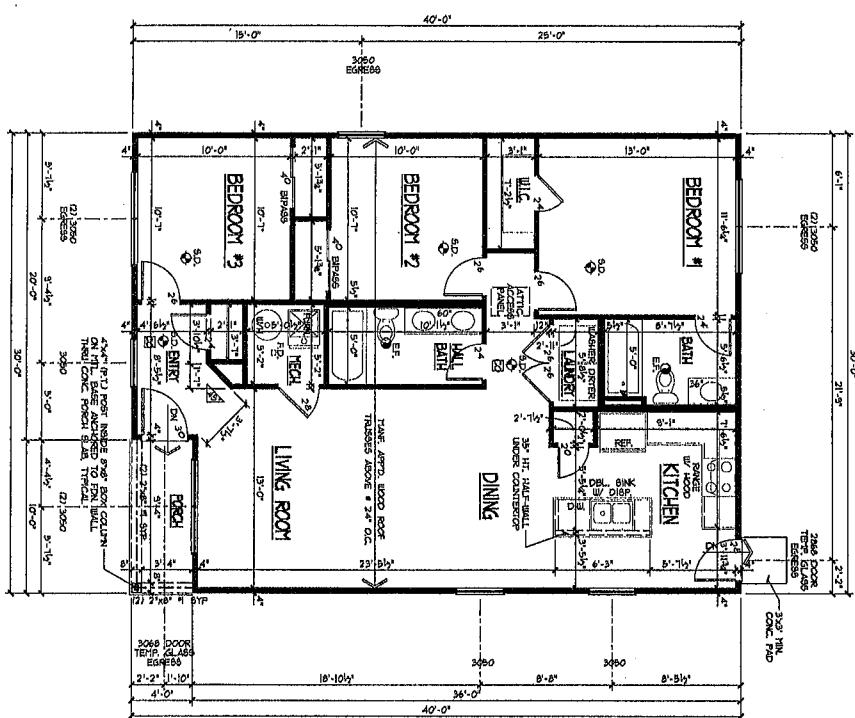
1

11

104

14

## REVISIONS



## FLOOR PLAN GENERAL NOTES

**MADDOX  
DEVELOPMENT CO.  
4026 Bach Buxton Rd.**

PROPOSED RESIDENCE FOR:  
MARKET HOME  
LOT 247A WILLOW STREET  
WILLIAMSBURG, OHIO 45176

**Superior Designs**  
6152 Primrose Lane  
Fairfield, Ohio 45014  
Phone: (513) 939-0035



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**REVISIONS**

