



UNION TOWNSHIP BOARD OF ZONING APPEALS
AUGUST 1ST, 2024 MEETING

VARIANCE REQUEST

ANTHONY RIVERS, Applicant
4063 GLEN ESTE-WITHAMSVILLE ROAD



Staff Report: CASE # 4-24-A

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#	<u>4-24-2024</u>
Date	<u>6-27-2024</u>

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 4132174098 -

I. APPLICANT INFORMATION

- A. Name ANTHONY RIVERS
Mailing Address 4791 TEAL TOWN RD
MILFORD OHIO 45150 Phone 513-266-7462
- B. Property Owner(s) R+P BUILDERS
Mailing Address 657 GARVEY RD
WINCHESTER OHIO 45697 Phone 513-617-7996
- C. Contact Person ANTHONY RIVERS
Mailing Address 4791 TEAL TOWN 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.
DOING 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.

Christy Nier
Applicant

STATE OF OHIO
COUNTY OF Clermont

Subscribed and sworn to before me this 26 day of June, 2021.

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 LODA DR
2. BRUENWIG MICHAEL TRUSTEE Parcel ID# 413217A242.
4067 GLENESTE WITHAMSVILLE RD
3. LAUER RICHARD J Parcel ID# 414206.042
824 LODA DR
4. HORNSCHEMIEIER Parcel ID# 413217B006.
4064 GLENESTE WITHAMSVILLE RD
5. MAY LARRY W & GAIL A Parcel ID# 413217B212.
4060 GLENESTE WITHAMSVILLE 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.

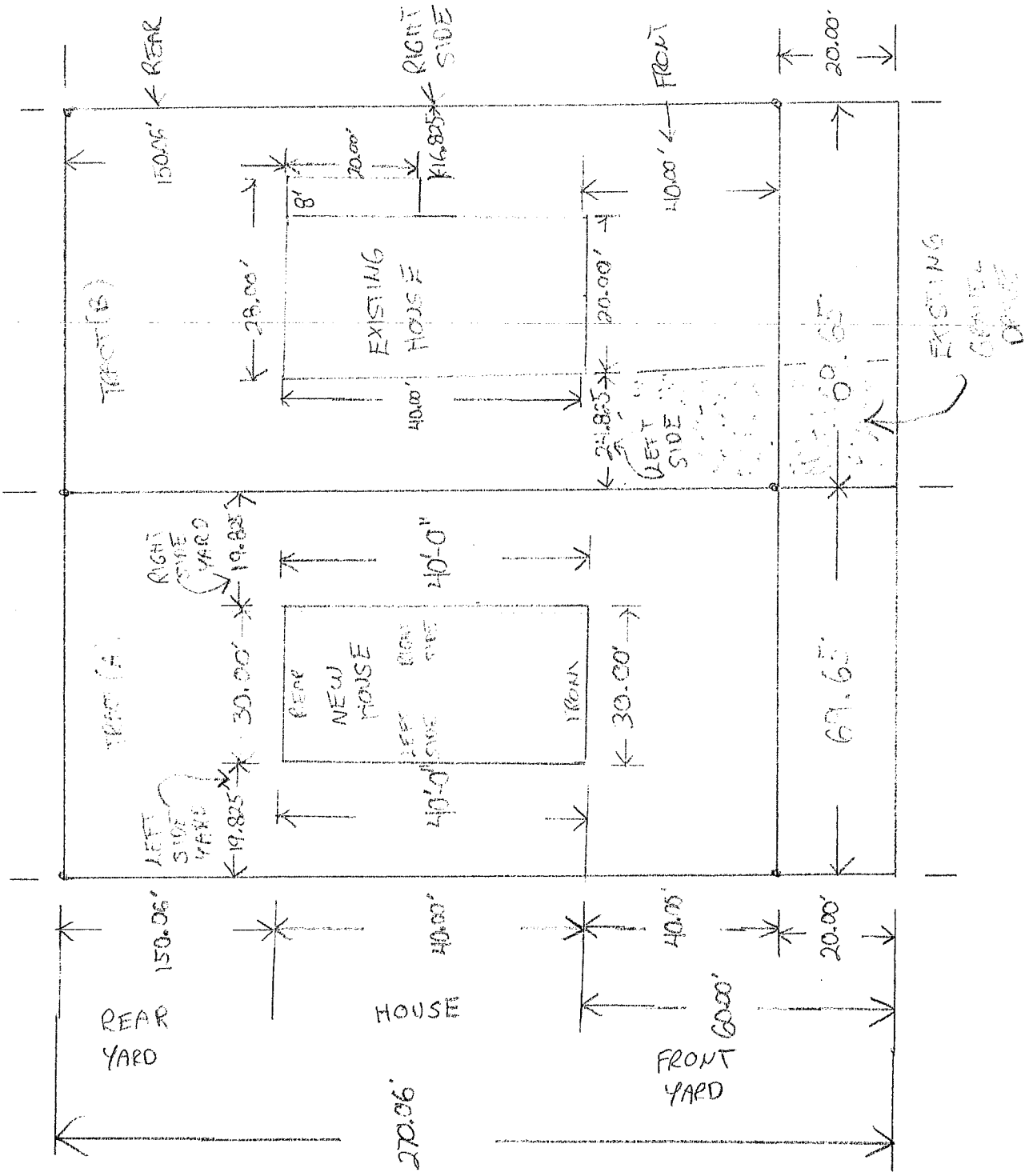
LOT IS UNDER 20,000 SQ. FT.
CAN FIT SMALLER WIDTH HOUSE ON LOT

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



UNION TWP

172



4063

CIENESTE WITHAMSVILLE RD

172

EXISTING HOUSE ON TRACT (B)

HOUSE 960 SQ FT.

Auditor Home

Profile

PARID: 413217A098.
R & P BUILDER'S LLC

4063 GLENESTE WITHAMSVILLE RD.

Sales/Transfers

Residential

Commercial

Outbuildings

Permits

Values

Value History

Tax Summary

Tax Detail

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Distribution 2023

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Proposed Levies for

March 19, 2024

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New Levies for 2023

Manufactured Home

Photos

Photos

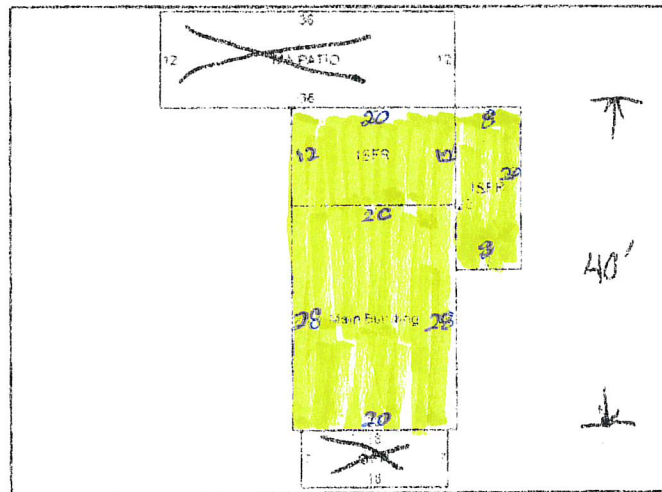
Tax Map

Pictometry

Surveys

Property Recap Report

Plot Viewer

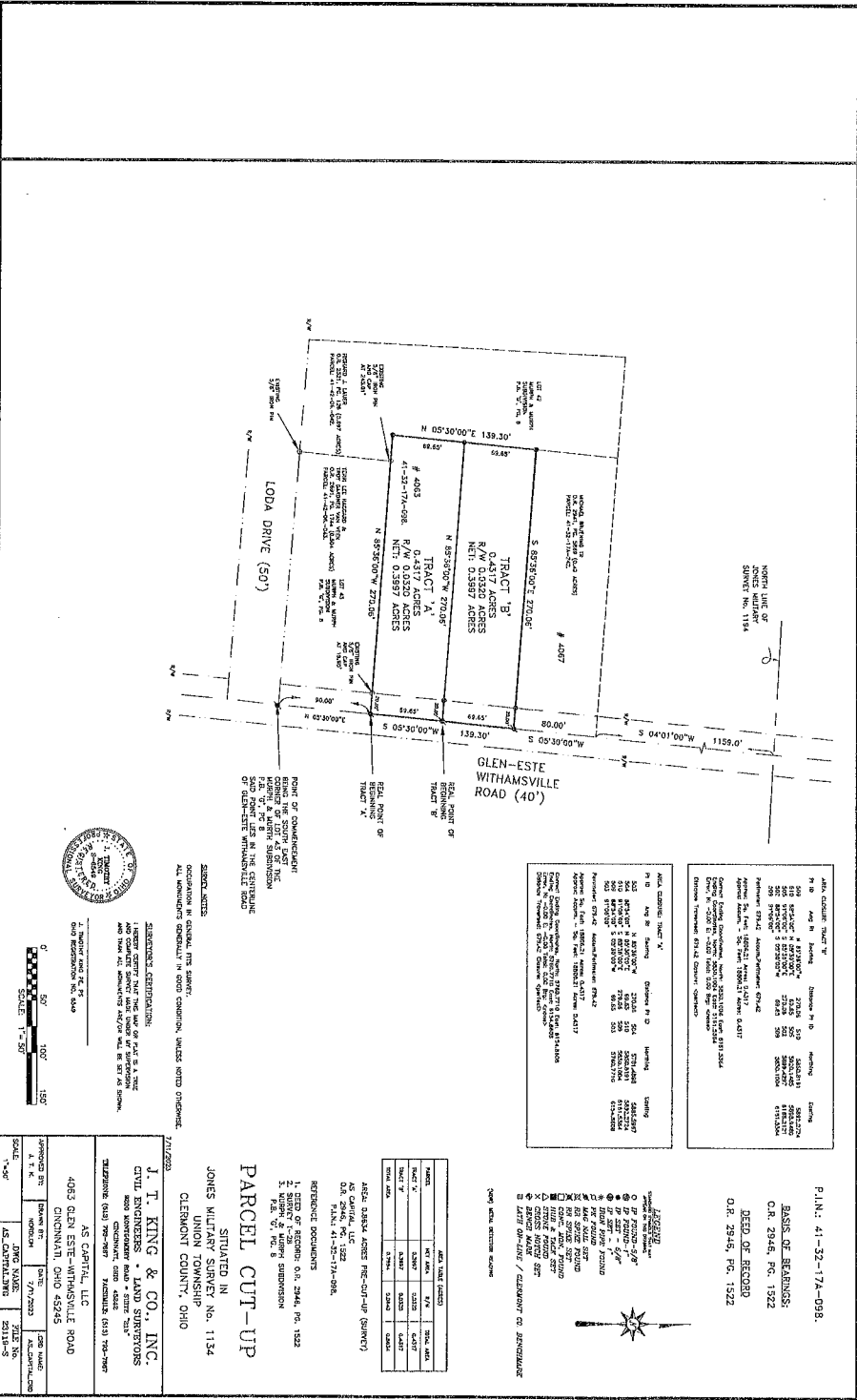


Options

20' - 18'

Type	Line #	Item	Area
Dwelling	0	Main Building	560
Dwelling	1	OFF - 11'00' OPEN FRAME PORCH	126
Dwelling	2	ISFR - 10' 18' FR FRAME	180
Dwelling	3	ISFR - 10' 18' FR FRAME	240
Dwelling	4	MA PATIO - 12' 36' PT CONC/MAZ-PAV'D	432
Outbuilding	5	1-FRAME UTILITY SHED	300

Click on an item to display it independently



AREA, GLEN-ESTE TRACT 'B'

PT	TO	BEARING	DISTANCE	PT	TO	BEARING	DISTANCE
1	2	N 89°30'00" E	270.00	1	2	N 89°30'00" E	270.00
2	3	S 89°30'00" W	270.00	2	3	S 89°30'00" W	270.00
3	4	N 89°30'00" E	270.00	3	4	N 89°30'00" E	270.00
4	1	S 89°30'00" W	270.00	4	1	S 89°30'00" W	270.00

AREA, GLEN-ESTE TRACT 'A'

PT	TO	BEARING	DISTANCE	PT	TO	BEARING	DISTANCE
1	2	N 89°30'00" E	270.00	1	2	N 89°30'00" E	270.00
2	3	S 89°30'00" W	270.00	2	3	S 89°30'00" W	270.00
3	4	N 89°30'00" E	270.00	3	4	N 89°30'00" E	270.00
4	1	S 89°30'00" W	270.00	4	1	S 89°30'00" W	270.00

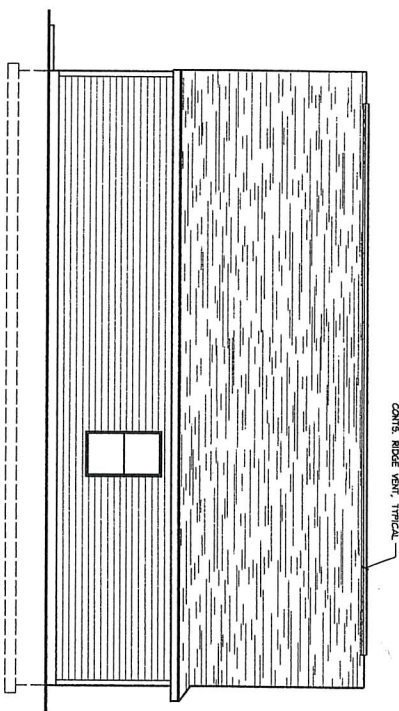
AREA DATA ACRES (NET-CUT-UP SURVEY)

TRACT	NET AREA	GROSS AREA	TOTAL AREA
TRACT 'A'	0.0350	0.0350	0.0350
TRACT 'B'	0.0350	0.0350	0.0350
TOTAL AREA	0.0700	0.0700	0.0700

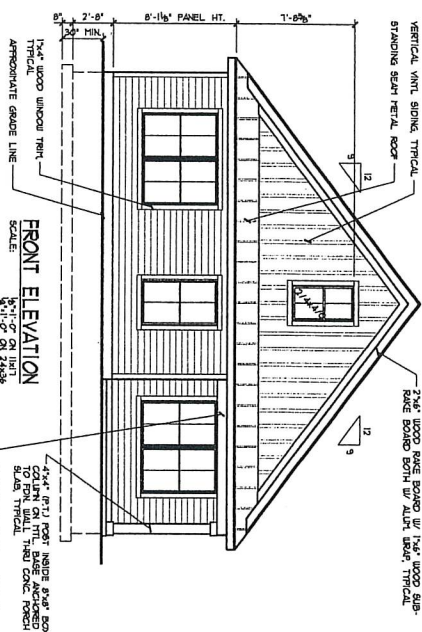
AS CAPITAL, LLC
CIVIL ENGINEERS & LAND SURVEYORS
1000 CHURCH STREET, SUITE 200
CINCINNATI, OHIO 45202
TELEPHONE: (513) 763-7897 FAX: (513) 763-7897
J.T. KING & CO., INC.
CIVIL ENGINEERS & LAND SURVEYORS
1000 CHURCH STREET, SUITE 200
CINCINNATI, OHIO 45202
TELEPHONE: (513) 763-7897 FAX: (513) 763-7897

7/1/2023
J.T. KING & CO., INC.
CIVIL ENGINEERS & LAND SURVEYORS
1000 CHURCH STREET, SUITE 200
CINCINNATI, OHIO 45202
TELEPHONE: (513) 763-7897 FAX: (513) 763-7897
4083 GLEN-ESTE-WITHAMSVILLE ROAD
CINCINNATI, OHIO 45245
AS CAPITAL, LLC
CIVIL ENGINEERS & LAND SURVEYORS
1000 CHURCH STREET, SUITE 200
CINCINNATI, OHIO 45202
TELEPHONE: (513) 763-7897 FAX: (513) 763-7897

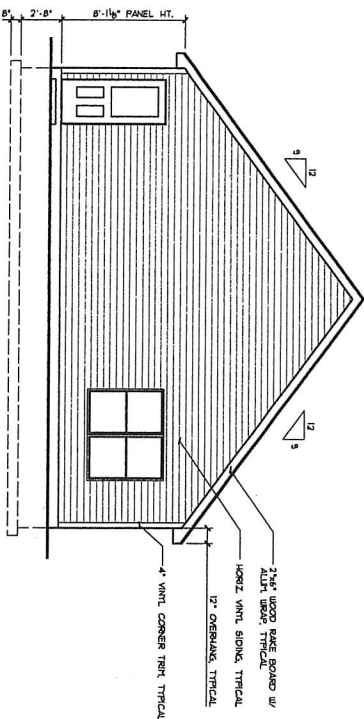
PROPOSED NEW HOME ON TRACT (A)



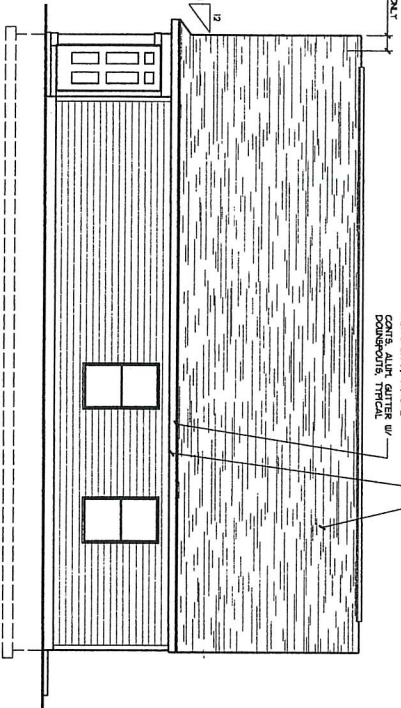
LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0" ON 2436



FRONT ELEVATION
SCALE: 1/8" = 1'-0" ON 2436



REAR ELEVATION
SCALE: 1/8" = 1'-0" ON 2436



RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0" ON 2436

THE PLANS HAVE BEEN DRAWN TO THE 2019 RESIDENTIAL CODE OF OHIO & THE OHIO HOME BUILDERS ASSOCIATION (OHBA) ALTERNATIVE ENERGY CODE OPTION, COMPLIANCE PATH #2.

1200 TOTAL SQ. FT.
MARKET HOME
LOT 247A WILLOW STREET

DRAWING INDEX	
SHEET #	DESCRIPTION
1	FOUNDATION
2	GENERAL NOTES
3	FIRST FLOOR PLAN
4	SECOND FLOOR PLAN
5	THIRD FLOOR PLAN
6	ATTACHED GARAGE
7	SCREENED PORCH
8	DECK
9	LANDSCAPE
10	GENERAL NOTES
11	GENERAL NOTES
12	GENERAL NOTES
13	GENERAL NOTES
14	GENERAL NOTES
15	GENERAL NOTES
16	GENERAL NOTES
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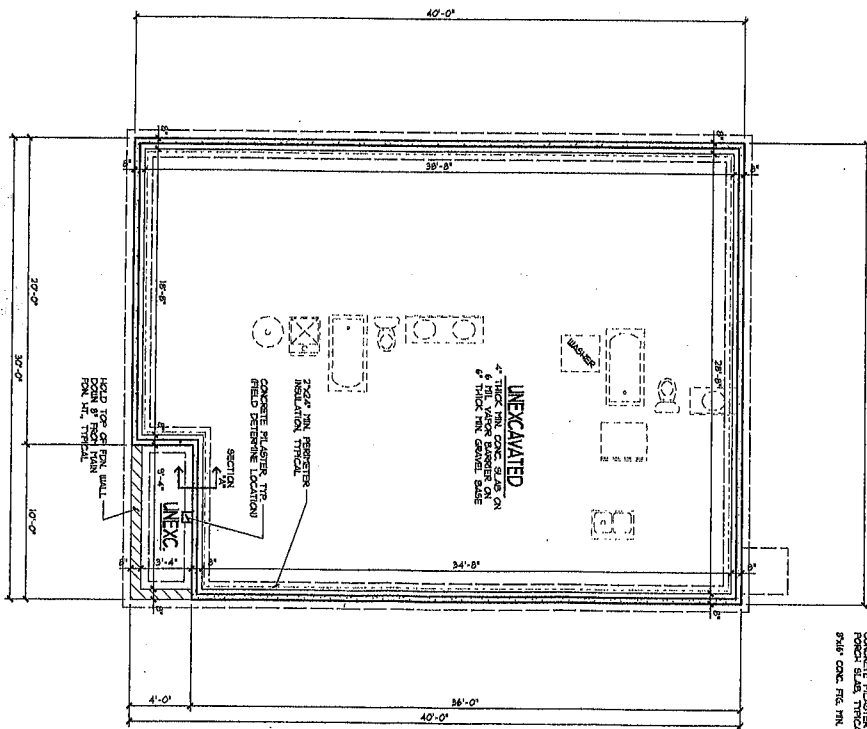
MADDOX DEVELOPMENT CO.
4026 Bach Buxton Rd.

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

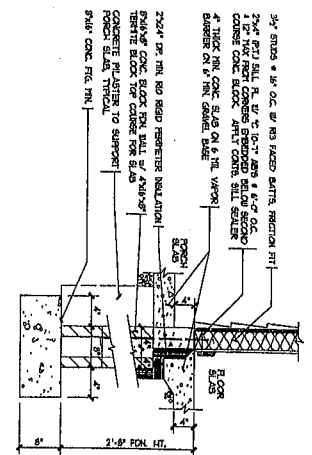
Superior Designs
6152 Primrose Lane
Fairfield, Ohio 45014
Phone: (513) 939-0035

REVISIONS	
NO.	DESCRIPTION
1	REVISION
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97	REVISION
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99	REVISION
100	REVISION

1 of 4



WALL SECTION "A-A"
SCALE: 1/4" = 1'-0"



- FOUNDATION GENERAL NOTES**
1. PROVIDE CONTROL JOINT IN CONC. FLOOR SLABS
 2. AIR DOOR WHICH CONTACTS CONCRETE TO BE PRESURE TREATED MATERIAL

FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

DESIGNER	DATE	JOB #	SHEET #
MD/02/2003	3/10/23		2 OF 4

MADDOX DEVELOPMENT CO.
4026 Bach Buxton Rd.

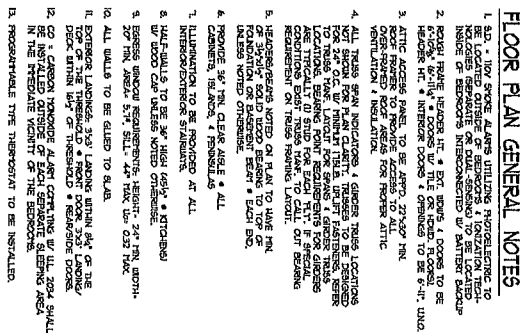
PROPOSED RESIDENCE FOR:
MARKET HOME
LOT 247A WILLOW STREET
WILLIAMSBURG, OHIO 45176

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

Simply better home plans

ABD **FBA**

REVISIONS
N/A

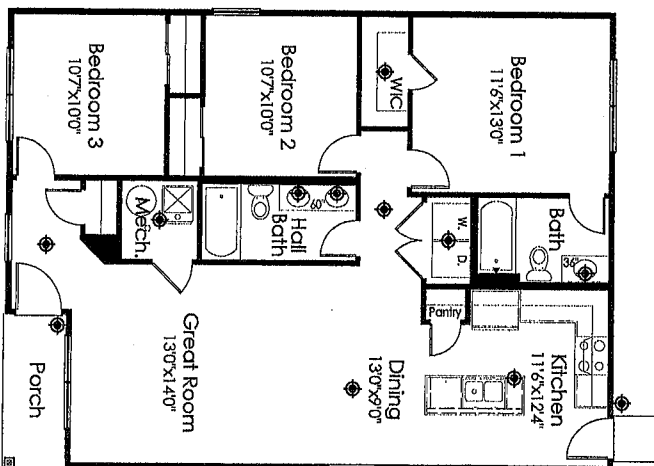










LOW "E" WINDOWS

Source	Year	Accession Number
18-11-0	ON 1101	
12-11-0	ON 24036	

REVISIONS	
Rev#	
DATE	
BY	
REASON	

 = LIGHT FIXTURE LOCATION

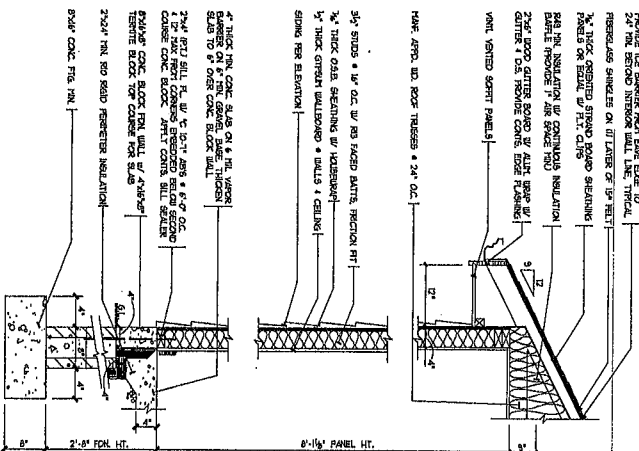


ELECTRICAL SYMBOLS	
	LIGHT
	CAN LIGHT
	PROJECT LIGHT
	UNDER CONNECTOR
	STANDARD 110V OUTLET
	CATS JACK
	PHONE/FAX JACK
	CABLE JACK

GENERAL NOTES

- [illegible]

TYPICAL WALL SECTION
SCALE: 1/4" = 1'-0" ON 11/17



PORCH BEAM DETAIL
SCALE: 1/4" = 1'-0" ON 11/16"

