



# PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON APRIL 25, 2023

**CASE NO.** B-04-23Z

**REPORT DATE:** 2023-04-24

**APPLICANT:**

Daron Farmer  
3647 State Route 222  
Batavia OH, 45103

**PROPERTY OWNER:**

Edward H. & Donna M. Kluba  
3648 State Route 222  
Batavia OH, 45103

**PARCEL ID:**

03-20-19D-195

**ADDRESS OF REQUEST:**

3638 State Route 222, Batavia, OH 45103

**REQUEST:**

Requesting to rezone a portion of parcel 032019D195 consisting of +/- 18.28 acres from Agricultural District to Estate Residential District.

**HISTORY:**

At the time of this report, no relevant history was found for the subject property involved in this petition for zoning map amendment.

**CONTENTS OF REPORT:**

- Attachment A: Township Application
- Attachment B: Owner's Consent
- Attachment C: Parcel Map
- Attachment D: Proposal Map

## **DEVELOPMENT PROPOSAL:**

Per the application, the applicant (Daron Farmer) requests to rezone a parcel 032019D195 consisting of +/- 18.28 acres from Agricultural District to Estate Residential District. The proposed purpose of the zone change would be to create nine, two acre lots subdivision with each lot having legal road frontage onto SR 222.

The proposed development is consistent with the surrounding zoning in the area, which consists of estate Residential District and low-density single family residential units. The proposed rezoning will also provide for additional housing options in the area, which has seen an increased demand for diverse housing options.

The proposed zone change will not adversely impact the surrounding area, as these proposed lots would be two acres or more. The development will be required to meet the requirements for ODOT approval and designed in a manner that is consistent with the character of the surrounding neighborhoods. The proposed site plan does not include details regarding how proposed stormwater management measures will be addressed.

## **RELATIONSHIP TO TOWNSHIP ZONING & FUTURE LAND USE:**

Batavia Township Future Land Use Plan displays the location of the subject site, which is situated on north/south corner SR 222 in Batavia Township. The area is designated as Existing Neighborhoods and Infill Area. Based on the provided information, the request appears to be consistent with the objectives outlined in Chapter 2 of the Township Land Use Plan.

### ***Existing Neighborhoods and Infill Area***

*The Existing Neighborhood and Infill Areas identify locations within the Township where existing subdivision-type residential development has occurred. This land use category also identifies Infill Areas, property adjacent to or in close proximity to existing subdivision-type neighborhoods. Future residential development in Batavia Township should be guided to the areas designated as Existing Neighborhood and Infill Area to take advantage of existing public services and roads, and to be compatible with the current subdivision pattern developing in these areas.*

*The Existing Neighborhood areas have developed based on a combination of residential zoning classifications over the years, and lot sizes vary. The predominant density of existing single family neighborhood development in these areas is generally between 2 and 3 lots per acre. There are locations within this land use area that include single family homes on parcels of land that are several acres in size, which are not within subdivisions. There are also some subdivisions that have developed with lot sizes larger than 1 acre under Agriculture District zoning regulations. However, the predominant development pattern in this concept area is subdivision-type neighborhoods.*

*This land use category includes some attached single family developments created as part of Planned Development zoning projects, and multiple family apartment developments, demonstrating that the residential density varies. There are several schools, churches and other public or institutional uses within these areas. Public water and sanitary sewer service is generally available within the areas designated for this land use category, although infrastructure improvements may be required to service future development.*

### ***Future Development Policies***

- *Allow residential development that is consistent with the densities of existing neighborhoods in the planning area – generally 2 to 3 dwelling units per acre for single family detached development and*

- 8 to 10 dwelling units per acre for multiple family or attached single family development in planned developments.*
- *Encourage use of planned development zoning regulations for residential development within the Existing Neighborhood and Infill Areas. The use of planned development regulations provide an opportunity to achieve superior site design within neighborhoods, while potentially protecting stream corridors, steep slope areas, and other sensitive terrain as part of protected open space within the neighborhood. The quality of the design, the amenities offered by the project, the amount and location of open space, and the protection of sensitive areas are all important elements for consideration when the Township evaluates planned development requests, and can be instrumental features when determining appropriate density levels.*
  - *Allow nonresidential uses that are compatible with neighborhood development, such as schools, churches and similar institutional uses.*
  - *Encourage development of a hike/bike trail system to coordinate access between neighborhoods and community facilities, and to integrate with neighborhood pedestrian walkways.*
  - *Require traffic impact studies in conjunction with the County Engineer's Office for proposed development to identify proposed improvements that may be required to mitigate the impacts of proposed development.*
  - *Encourage dedication of land for future park and recreational uses.*

**Batavia Township Zoning Resolution**

**Article 14: E-R Estate Residential District**

**14.01 PURPOSE**

*This district is designed to accommodate low density single-family residential development within urbanizing portions of the Township and within and adjacent to areas of similar development.*

**14.02 PRINCIPALLY PERMITTED USES**

*Principally permitted uses are as follows:*

- A. *Single-family dwellings.*
- B. *Agriculture; as per ORC 519.21 and as regulated in Section 7.31. (Under 5 Acres of land shall be limited to two head of livestock, excluding poultry).*
- C. *Type B Family Day Care Home.*
- D. *Adult Family Home or Small Residential Facility.*

**14.03 PERMITTED ACCESSORY USES**

*Permitted accessory uses are as follows, and in accordance with Article 7:*

- A. *Signs, as regulated by Article 40.*
- B. *Home occupations.*
- C. *Any use or structure customarily accessory and incidental to any of the permitted uses.*

**14.04 CONDITIONALLY PERMITTED USES**

*Conditionally permitted uses are as follows:*

- A. *Bed and Breakfast Facilities.*
- B. *Educational Institutions.*
- C. *Religious Places of Worship.*
- D. *Government Buildings.*
- E. *Non-Commercial Recreation Areas.*
- F. *Secondary Dwelling Units; as regulated in Article 7.*
- G. *Wireless Telecommunications Towers; as regulated in Section 7.12.*
- H. *Outdoor Stoves or Furnaces on lots three (3) acres or less; as regulated in Section 7.28.*
- I. *Small Wind Energy Conservation Systems on lots three (3) acres or less; as regulated in Section 7.29.*

**14.05 MINIMUM LOT AREA AND WIDTH**

The minimum lot area for properties in the E-R Estate Residential shall be one (1) acre and a width of not less than 150 feet at the building setback line.

**14.06 MINIMUM FRONT YARD SETBACK** The minimum front yard setback for properties in the E-R Estate Residential shall be 50 feet.

**14.07 MINIMUM SIDE YARD SETBACK** The minimum side yard setback for properties in the E-R Estate Residential shall be 25 feet.

**14.08 MINIMUM REAR YARD SETBACK** The minimum rear yard setback for properties in the E-R Estate Residential shall be 50 feet.

**14.09 MAXIMUM HEIGHT REGULATIONS** The maximum height regulations for properties in the E-R Estate Residential shall be as follows:

- A. No principal structure shall exceed 40 feet in height.
- B. No accessory structure shall exceed 15 feet in height unless such structure is greater than 300 square feet, but in no case shall any accessory structure exceed the height of the principal structure on the lot.

**14.10 OFF-STREET PARKING AND LOADING**

Off-street parking and loading shall be required as is specified in Article 8, Off-Street Parking and Loading.

**AGENCY REVIEW AND NOTIFICATION:**

<b>AGENCY</b>	<b>REFERRAL SENT</b>	<b>COMMENTS RECEIVED</b>
Township (Fire/EMS/Service)		
Community and Economic Development (CED)	X	X
Engineer's Office (CCEO)	X	X
Water Resources Department (WRD)	X	X
Water Management & Sediment Control (WMSC)	X	X
Soil and Water Conservation District (SWCD)		
Ohio Department of Transportation (ODOT)	X	X
School District		

**REFERRAL AGENCIES' COMMENTS:**

**Community and Economic Development Comments:**

- As per the Clermont County Subdivision Regulations Article V: Residential Lots Less Than Five Acres Subdivision Design Standards, a nine lot subdivision is considered a major subdivision. Once the Township confirms the zoning, the Department of Community and Economic Development - Planning Division requires a complete application for the proposed design plan to be submitted.

**Engineer's Office Comments:**

- ODOT should be consulted regarding potential impacts and/or access to SR 222. No further objections or comments at this time.

**Water Resources Department Comments:**

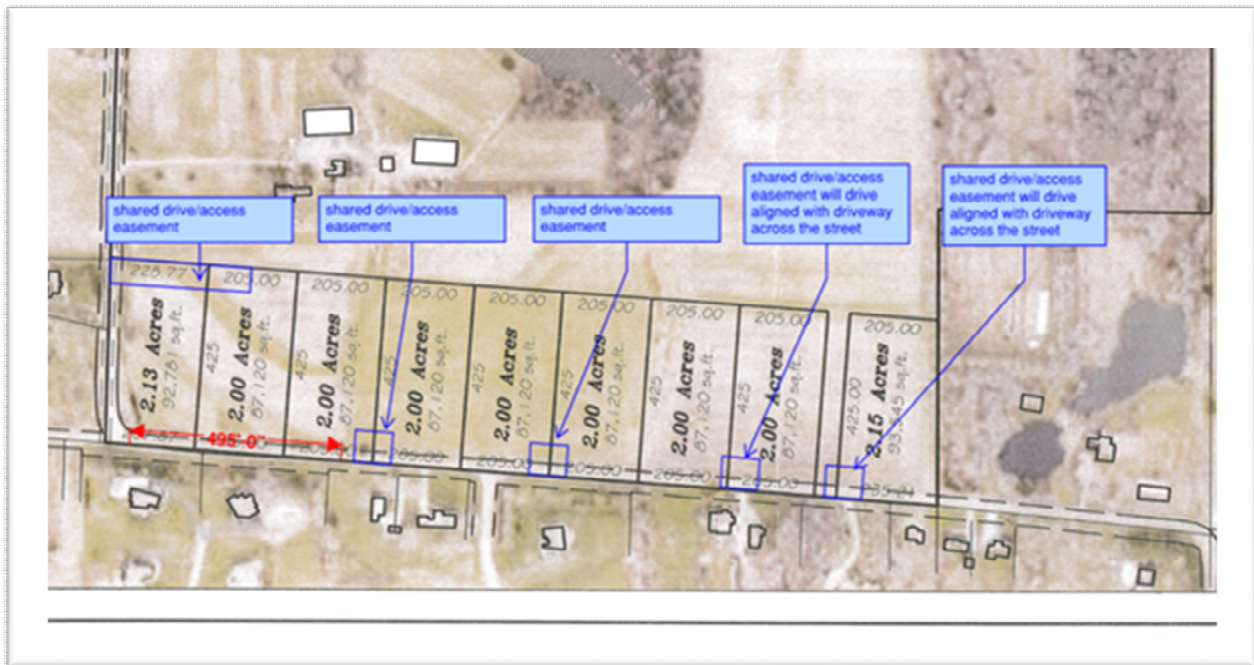
- No objections or comments at this time.

**Water Management & Sediment Control Comments:**

- No objections or comments at this time.

**ODOT Ohio Department of Transportation Comments:**

- No drive will be allowed within 495 feet of the curve/ intersection along the east/west portion of SR 222.
- The 2.13 acre lot on the corner can have a driveway along the north/south portion of SR 222 at the northern property line. This property will also need to share access with adjacent 2.00 acre lot.
- The lots along SR 222 will need to have a shared access between two lots. No lot will be allowed its own access.
- All shared access easements and driveway locations must be shown on survey and split documentation.
- Proposed driveway locations/access easements shown below in graphic.



**STAFF ANALYSIS:**

Following a comprehensive analysis, staff has evaluated Batavia Township Zoning Map Amendment Case B-04-23Z and its request to seek rezoning of a portion of parcel 032019D195 consisting of +/- 18.28 acres from Agricultural District to Estate Residential District.

The proposed rezoning and development align with the Township's growth management plan and zoning regulations and will not adversely impact the surrounding area. So long as the development will be designed in a manner consistent the Clermont County Subdivision Regulations and follow all conditions received by the Ohio Department of Transportation ODOT.

Furthermore, the proposed development will provide additional housing options for the community, which is highly desirable. In conclusion, staff recommends approval of the proposed rezoning request as it is consistent with all standards within the Batavia Township Zoning Resolution and Growth Policy Plan and will not adversely impact the surrounding area.

**STAFF RECOMMENDATION:**

Based on the staff analysis in the following report, the following motion is recommended, APPROVAL WITH CONDITIONS of Batavia Township Zoning Map Amendment Case B-04-23Z requesting to rezone a portion of parcel 032019D195 consisting of +/- 18.28 acres from Agricultural District to Estate Residential District with the following conditions:

1. A complete Design Plan Application must be submitted to the Department of Community and Economic Development - Planning Division.
2. No driveway will be permitted within 495 feet of the curve/intersection along the east/west portion of SR 222.
3. The 2.13 acre lot on the corner is allowed to have a driveway along the north/south portion of SR 222 at the northern property line, but it must also share access with the adjacent 2.00 acre lot.
4. The lots along SR 222 must have shared access between two lots and individual access will not be permitted.
5. All shared access easements and driveway locations must be clearly indicated on the survey and split documentation.
6. The proposed driveway locations/access easements must be shown on the graphic provided with the staff report.