



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY THE PLANNING COMMISSION ON JULY 25, 2023

Variance Case: V-01-23

- APPLICANT:** Nancy Cooke
899 Country Club Drive
Cincinnati, OH 45245
- REQUEST:** V-01-23 variance request to the Clermont County Subdivision Regulations. The applicant requests approval from the Clermont County Subdivision Regulations: Article V, Section 512 B, for a variance to allow the creation of two non-conforming parcels that do not meet the 25 foot minimum right-of-way frontage on an existing public street or road.
- LOCATION:** The subject property (Parcel 182411C127) is located at 50 Rose Lane in Batavia Township.
- HISTORY:** The subject property was previously part of a previous lot split that created a 3.6923-acre parcel from a larger parcel to the east. Since then the parcel to the east has been platted as part of a subdivision named Amelia Park III.

CONTENTS OF REPORT:
Attachment A: Variance Application
Attachment B: Parcel Map
Attachment C: Proposal Map

VARIANCE REQUESTED:

The applicant seeks a variance from the Clermont County Planning Commission for Article V, Section 512 B.

Article V, Section 512 B:

- B. Each lot shall front (abut) on a public street except lots fronting on a private street permitted in Section 509. The normal minimum permissible frontage for any lot in a platted subdivision shall be twenty-five (25) ft.*

Article II, Definitions:

Lot Frontage: *That portion of a lot forming a common boundary between the lot and an adjoining public right-of-way or private access easement. In the case of corner lots and through lots, all sides of a lot adjacent to the public right-of-way shall be considered as part of the total frontage for those lots.*

LOT TYPES

Terminology used in these regulations with reference to lot type is as follows:

- F. A **panhandle lot** is a lot which utilizes a narrow strip of land to provide access to, or legal frontage on a public street or private street.*

The applicant has requested a variance from the Clermont County Subdivision Regulations. The minor 711 Transfer and Replat application (#559-2023), provided by the owner Nancy Cooke, seeks a variance (V-01-23) to allow the creation of two non-conforming parcels that do not meet the required legal frontage minimum of 25' ft.

STAFF ANALYSIS:

Article IX, Section 908:

A Variance(s) may be granted when the applicant can demonstrate to the Planning Commission each of the following:

- 1. The particular physical surroundings, environmental constraints, shape, topographical, or other exceptional conditions of the specific property involved would cause extraordinary hardship or exceptional practical difficulty to the applicant if the provisions of these regulations were strictly enforced.*
- 2. The granting of the variation will not be detrimental to the public health, safety, the intent and purpose of these regulations, to the desirable development of the neighborhood or community. To the general welfare, or to other property or improvements in the neighborhood in which the property is located.*
- 3. The special circumstances or conditions are created by the provisions or requirements of these regulations and not the result of any act of the applicant.*
- 4. The variation requested is the minimum adjustment necessary to mitigate the hardship brought by these regulations.*

The Clermont County Planning Commission has approved similar minor variances to Article V, Section 512 B so long as the request is the minimum adjustment necessary to mitigate the hardship brought by these regulations and that no concerns were raised by County or Township reviewing agencies.

Previous Variance Cases: Article V, Section 512 B

- *V-01-05: (7.5 ft. legal road frontage)*
- *V-02-21: (10 ft. legal road frontage)*

- *V-04-21: (12.48 ft. legal road frontage)*

Staff concludes the request does appear to be the minimum amount necessary to mitigate the hardship imposed upon the applicant due to the existing site characteristics. The lot split plat the applicant submitted, does not replicate what the subject property

STAFF FINDINGS:

1. The variation from these regulations would not pose a significant threat nor be detrimental to the existing community's public health, safety, or desirable development. An ingress/egress easement exists for shared access to both parcels where they front on the public road (Rose Ln). The variance of 10 feet would give two lots frontage of 15 feet where 25 is required and gives frontage to a lot which previously had none. As part of the replat process, a shared maintenance agreement provides both proposed tracts with shared maintenance responsibilities as a legal basis for all owners utilizing the shared driveway.
2. The special circumstances leading to the request for this variance **are** a direct action taken by the applicant.
3. This variance would grant the applicant the same rights afforded to other property owners in Clermont County.
4. The requested variance is the minimum adjustment necessary to mitigate the hardship imposed by the Subdivision Regulations and would permit the applicant a full and reasonable use of the land.
5. Without any objections from Batavia Township, the staff believes the variance request to be justified.

STAFF RECOMMENDATION:

Based on Staff Analysis, move to **APPROVE** the variance case V-01-23 to allow the creation of two non-conforming parcels that will not meet the required legal road frontage minimum of 25 ft., based upon the following conditions:

1. The applicant shall provide appropriate documentation of a written, legally binding formal maintenance agreement between all property owners utilizing the existing shared ingress/egress utility easement. This agreement shall be produced before approval of the minor lot split application #559-2023.

Attachment A

CLERMONT COUNTY PLANNING COMMISSION SUBDIVISION REGULATIONS VARIANCE APPLICATION

Date: JUNE 27, 2023

Application Number: _____

Complete Parcel ID Number (PIN) _____

050117.515

Name NANCY COOKE

Address 899 COUNTRY CLUB DR.

CINCINNATI

City CINCINNATI

State OH

Zip Code 45245

1. Location: THE SUBJECT PROPERTY (PARCEL 050117.515)
IS LOCATED AT 50 ROSE LANE IN BATAVIA
TOWNSHIP.

2. Nature of Variance Requested: Sec 512(D) Parhauld / legal Road Frontage.
-10ft (25ft) 15ft Frontage on Rose Lane R/W

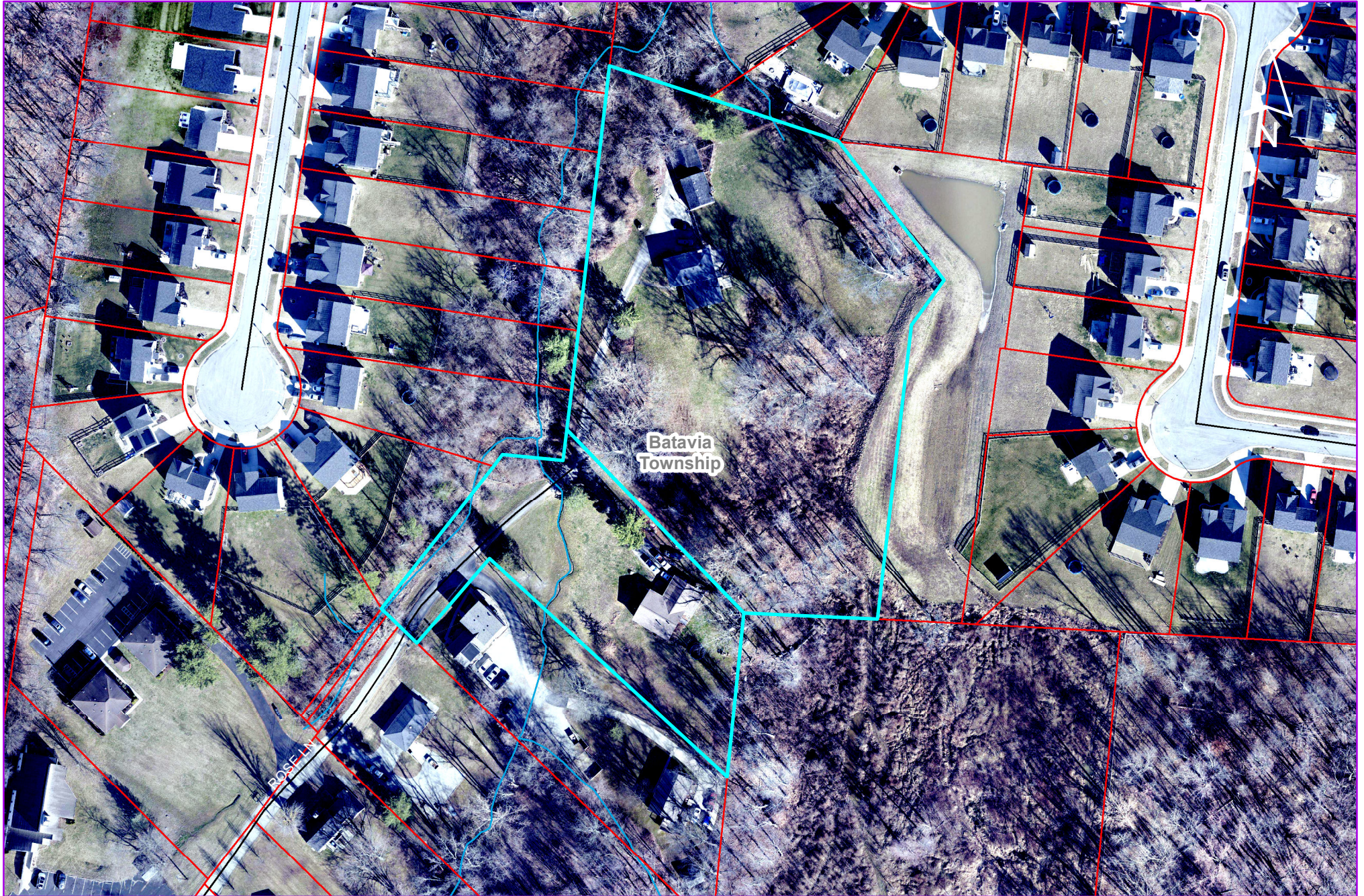
All Utilities would be within the Roadway Easement.

3. Justification of Variance: On a separate sheet, please attach a statement relative to why the variance from requirements of the Clermont County Subdivision Regulations is requested. The statement should address such issues as:
- Exceptional topographical conditions or other conditions peculiar to this particular parcel of land
 - Why a literal interpretation of the regulations would deprive the applicant of rights enjoyed by other property owners
 - That the peculiar conditions do not result from the previous actions of the applicant
 - The requested variance is the minimum variance that will allow a reasonable division of the land

* The applicant is required to include a sketch of the area showing the location and characteristics of the requested variance along with all other application materials.

I certify that all information contained in this application and the supplementary materials submitted here forth are true and correct.

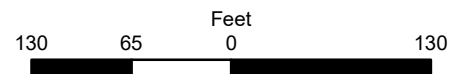
Nancy Cooke
Signature of Applicant



PROPERTY INFORMATION:

Parcel Number: 1182411C127

Total Site Area: +/- 3.6923 ac.



LOT SPLIT PLAT

GIBBON'S MILITARY SURVEY No. 493 AND CATLETT'S MILITARY SURVEY No. 506 BATAVIA TOWNSHIP CLERMONT COUNTY, OHIO

PARCEL 1

Bearing	Distance	Northing	Easting
N 02°35'51" E	268.86	1689.9708	3907.1112
N 43°10'30" W	255.19	1958.5549	3919.2963
N 76°46'39" W	232.92	2144.6545	3744.6893
N 01°20'28" E	330.40	2197.9306	3517.9477
S 88°16'55" E	816.94	2528.2411	3525.6802
S 02°35'58" W	798.49	1706.0831	4306.0372
S 87°44'31" W	240.58	1696.6030	4065.6399
S 87°36'16" W	158.67	1689.9708	3907.1112

Closure Error Distance > 0.0027 Error Bearing > N 44°18'04" E
Closure Precision > 1 in 1145245.8 Total Distance > 3102.04
Area: 490783 Sq.Ft., 11.2668 ACRES

PARCEL 2

Bearing	Distance	Northing	Easting
N 01°20'28" E	355.68	1842.3459	3509.6234
S 76°46'39" E	232.92	2197.9306	3517.9477
S 43°10'30" E	255.19	2144.6545	3744.6893
S 02°35'51" W	268.86	1958.5549	3919.2963
S 87°36'14" W	210.09	1689.9708	3907.1112
N 49°19'56" W	247.30	1842.3459	3509.6234

Closure Error Distance > 0.0108 Error Bearing > N 66°09'39" W
Closure Precision > 1 in 145256.7 Total Distance > 1570.04
Area: 160846 Sq.Ft., 3.6925 ACRES

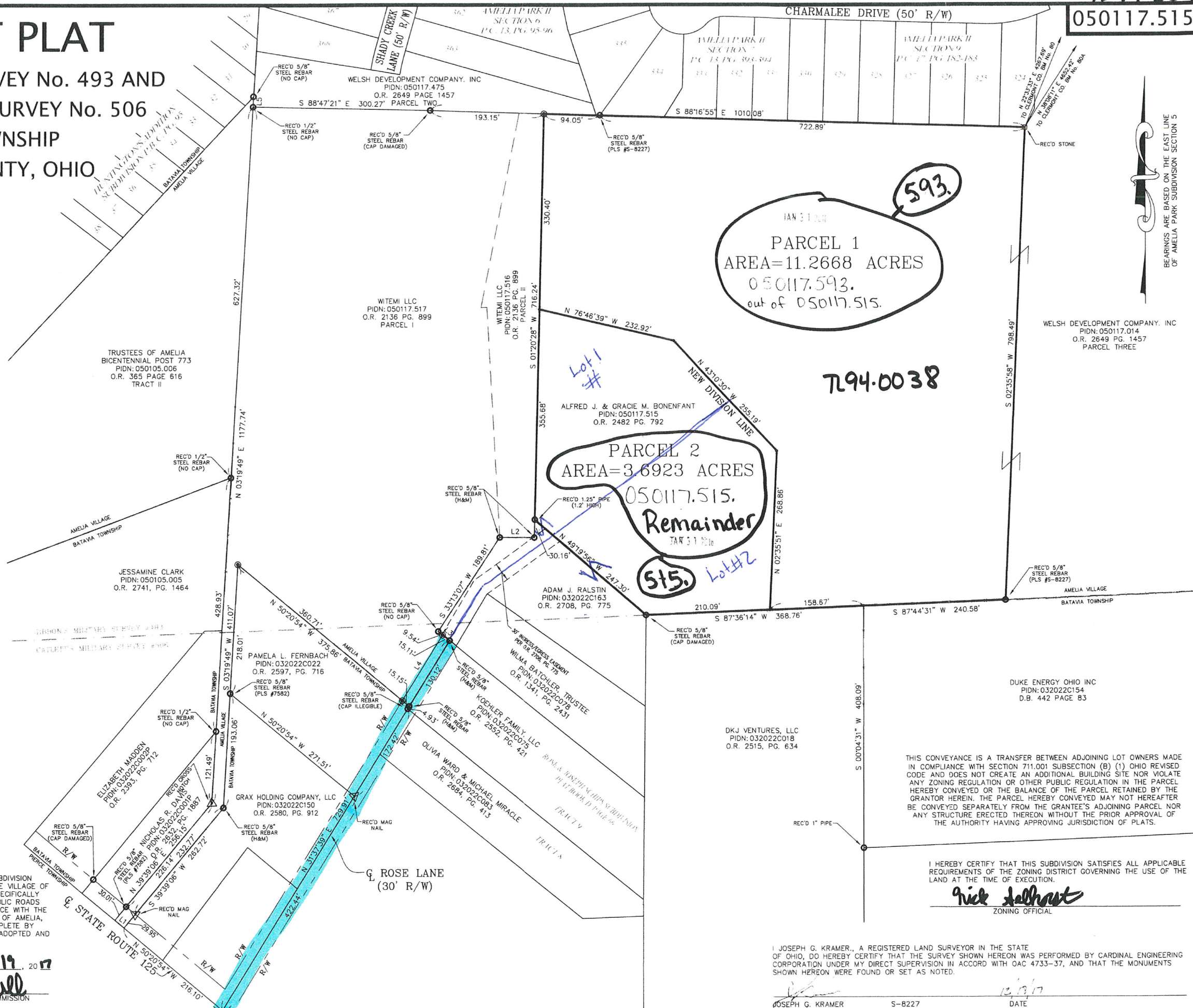
REFERENCE SURVEYS:

- PC14-0233 TL-19.31
- VILAMEORD2007-87
- VILAMEORD165-07R
- 0002M-0198A
- TL92-0349A
- TL77-0109
- BAT1-0273
- TL76-0182
- 0007M-0181
- TL89-0102
- PC12-0156
- TL93-0114
- VILAMEORD2004-62
- TL82-0147
- 0007M-0181
- PC13-0388
- TL91-0352
- VILAMEORD154-06R

LINE	BEARING	LENGTH
L1	N 50°20'54" W	19.99'
L2	N 89°45'53" W	59.09'
L3	S 51°20'53" E	24.65'
L4	S 31°37'39" W	129.85'
L5	N 03°23'17" E	17.65'

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE PLAT OF SUBDIVISION SHOWN HEREON COMPLIES WITH THE SUBDIVISION ORDINANCE OF THE VILLAGE OF AMELIA, OHIO, AND IS APPROVED FOR RECORDING. HOWEVER WE SPECIFICALLY RESERVE OUR ACCEPTANCE OF THE STREETS ON THIS PLAT AS PUBLIC ROADS UNTIL SUCH TIME AS THEY HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE VILLAGE OF AMELIA. SPECIFICATIONS AS ADOPTED BY THE VILLAGE OF AMELIA, THE CONSTRUCTION OF SAID STREETS HAS BEEN CERTIFIED AS COMPLETE BY THE VILLAGE ENGINEER AND A RESOLUTION SO STATING HAS BEEN ADOPTED AND PLACED ON RECORD BY THE VILLAGE COUNCIL.

APPROVED December 19, 2017 APPROVED December 19, 2017
BY Joseph G. Kramer BY David G. Call
VILLAGE MAYOR CHAIRMAN OF THE COMMISSION



593
PARCEL 1
AREA=11.2668 ACRES
050117.593.
out of 050117.515.

7L94-0038
PARCEL 2
AREA=3.6923 ACRES
050117.515.
Remainder

050117.515

CABINET
SLIDE
GROUP

CARDINAL
ENGINEERING
LAND SURVEYING
ONE WOODOCK ROAD
WILDER, KENTUCKY 41071
PHONE (859) 581-9600
FAX (859) 581-9606

WEBSITE: <http://www.cardinalengineering.net>

OWNER
ALFRED J. & GRACIE M. BONENFANT
50 ROSE LANE
AMELIA, OHIO 45102

CLIENT
WELSH DEVELOPMENT
5780 STATE ROUTE 128
CLEVES, OHIO 45002

LEGEND
● - SET 5/8" REBAR WITH CAP stamped "JGK S-8227"
▲ - SET MAG NAIL
○ - FOUND IRON PIN
x-x- - EXIST FENCE
■ - FOUND R/W MARKER

GRAPHIC SCALE
0 100 150 200
(IN FEET)
1 inch = 100 ft.

VICINITY MAP
N.T.S.

PROJECT NO. 03-221

SEAL
STATE OF OHIO
JOSEPH G. Kramer
S-8227
REGISTERED
PROFESSIONAL SURVEYOR

SHEET
1 of 1

I HEREBY CERTIFY THAT THIS SUBDIVISION SATISFIES ALL APPLICABLE REQUIREMENTS OF THE ZONING DISTRICT GOVERNING THE USE OF THE LAND AT THE TIME OF EXECUTION.
Joseph G. Kramer
ZONING OFFICIAL

I JOSEPH G. KRAMER, A REGISTERED LAND SURVEYOR IN THE STATE OF OHIO, DO HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY CARDINAL ENGINEERING CORPORATION UNDER MY DIRECT SUPERVISION IN ACCORD WITH OAC 4733-37, AND THAT THE MONUMENTS SHOWN HEREON WERE FOUND OR SET AS NOTED.
JOSEPH G. KRAMER S-8227 DATE 12/19/17