



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY THE PLANNING COMMISSION ON OCTOBER 24, 2023

Variance Case: V-02-23

APPLICANT: Joseph and Diane Hammer
3558 Patterson Road
Bethel, OH 45106

REQUEST: V-02-23 variance request to the Clermont County Subdivision Regulations. The applicant requests approval from the Clermont County Subdivision Regulations: Article V, Section 512 D, for a variance to allow the creation of a lot with a panhandle of 590.79 feet where 500 feet is the maximum allowed.

LOCATION: The subject property (Parcel 323014B076) is located at 3558 Patterson Road in Tate Township.

HISTORY: There is no significant subdivision history for this parcel.

CONTENTS OF REPORT:

Attachment A: Variance Application

Attachment B: Parcel Map

Attachment C: Proposed Survey

VARIANCE REQUESTED:

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

Article V, Section 512 D:

D. The “panhandle” of a panhandle lot as defined in Section II of these regulations shall have a normal minimum width of twenty-five (25) ft. and shall not exceed five hundred (500) ft in length when measured from the right-of-way line. The width of the panhandle for a lot in a patted subdivision may be less than the required 25 feet, but only if it can be demonstrated that easements of adequate dimensions are provided for access and utilities and the panhandle would primarily serve to meet the legal frontage requirement.

Article II, Definitions:

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 Lot Split application (#588-2023), provided by the owners Joe and Diane Hammer, seeks a variance (V-02-23) to allow the creation of a lot with a panhandle of 590.79 feet where 500 feet is the maximum allowed. The applicant wishes to split their parcel (PIN #323014B076) into two lots. Lot 1 is proposed to be 2.195 acres, and would maintain 147.69 feet of legal frontage on Patterson Road. Lot 2 is proposed to be 2.815 acres and would include a 25 foot wide panhandle of 590.79 feet on Patterson Road. The variance would allow the creation of a non-conforming panhandle lot that would exceed the maximum permissible panhandle length of 500 feet.

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 D 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 D

- *V-01-20: (817 ft. legal road frontage)*
- *V-02-21: (691.76 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 and health department comments.

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 would need to be included in the lot split for the shared driveway. The variance of approximately 90 feet allows the lot to be created so as to not interfere with requirements of the health department regarding septic locations, slope, and water lines. As part of the minor lot split 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 not** 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 Tate Township, the staff believes the variance request to be justified.

STAFF RECOMMENDATION:

Based on Staff Analysis, move to **APPROVE** the variance case V-02-23 to allow the creation of a lot with a panhandle of 590.79 feet where 500 feet is the maximum allowed.

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 #588-2023.

CLERMONT COUNTY PLANNING COMMISSION
SUBDIVISION REGULATIONS VARIANCE APPLICATION

Date: 10/10/23 Application Number: PLAN - 000588-2023
Complete Parcel ID Number (PIN) 3230148076
Name JOSEPH + DIANE HAMMER
Address 3558 PATTERSON RD
City BETHEL State OH Zip Code 45106

1. Location: THE CURRENT FENCE BEHIND THE HOME IS APPROX 500' DEEP, THE PROPOSAL IS TO MAKE THE SPLIT APPROX 33' PAST THE FENCE TO USE THE FRONT PROPERTIES BACK YARD FOR FUTURE MOUND SYSTEM.
2. Nature of Variance Requested: THE HEALTH DEPT REQUESTED AN EXTENTION TO THE MAX DISTANCE OF A PANHANDLE RULE. THE SURVEY PROPOSAL WILL HAVE THE PANHANDLE LINE AT APPROX 533' DUE TO THE HEALTH DEPT NEEDING THE ADDITIONAL SPACE FOR A FUTURE MOUND SYSTEM, AS THE FRONT AND SIDE YARD HAVE EXISTING SEPTIC & WATER LINE.
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:
 - A. Exceptional topographical conditions or other conditions peculiar to this particular parcel of land
 - B. Why a literal interpretation of the regulations would deprive the applicant of rights enjoyed by other property owners
 - C. That the peculiar conditions do not result from the previous actions of the applicant
 - D. 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.


Signature of Applicant

VARIANCE REQUEST
COMPLETE SUBMITTAL CHECKLIST

SECTION 908 VARIANCES

A. Procedures

An application for variance shall consist of one copy of the drawing showing the parcel to be given the variance and one copy of the Clermont County Planning Commission Variance Request form completed and submitted to the Office of the Planning Commission. All applications shall be submitted no later than the second Tuesday of the month in which the applicant wishes to go before the Planning Commission.

B. General

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 condition 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, to 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 from any act of the applicant.
4. The variation requested is the minimum adjustment necessary to mitigate the hardship brought by these regulations.

Official Use Only

Date Filed: _____

Review Fee Paid: _____

Check #: _____

Action Taken: _____



PROPERTY INFORMATION:

Parcel Number: 323014B076

Total Site Area: +/- 5.01 ac.

ARNOLD SURVEYING LLC
 3017 BELLE MEADE LN.
 EDGEWOOD, KY. 41017
 513-505-4486
 ERIC.ARNOLD@FUSE.NET

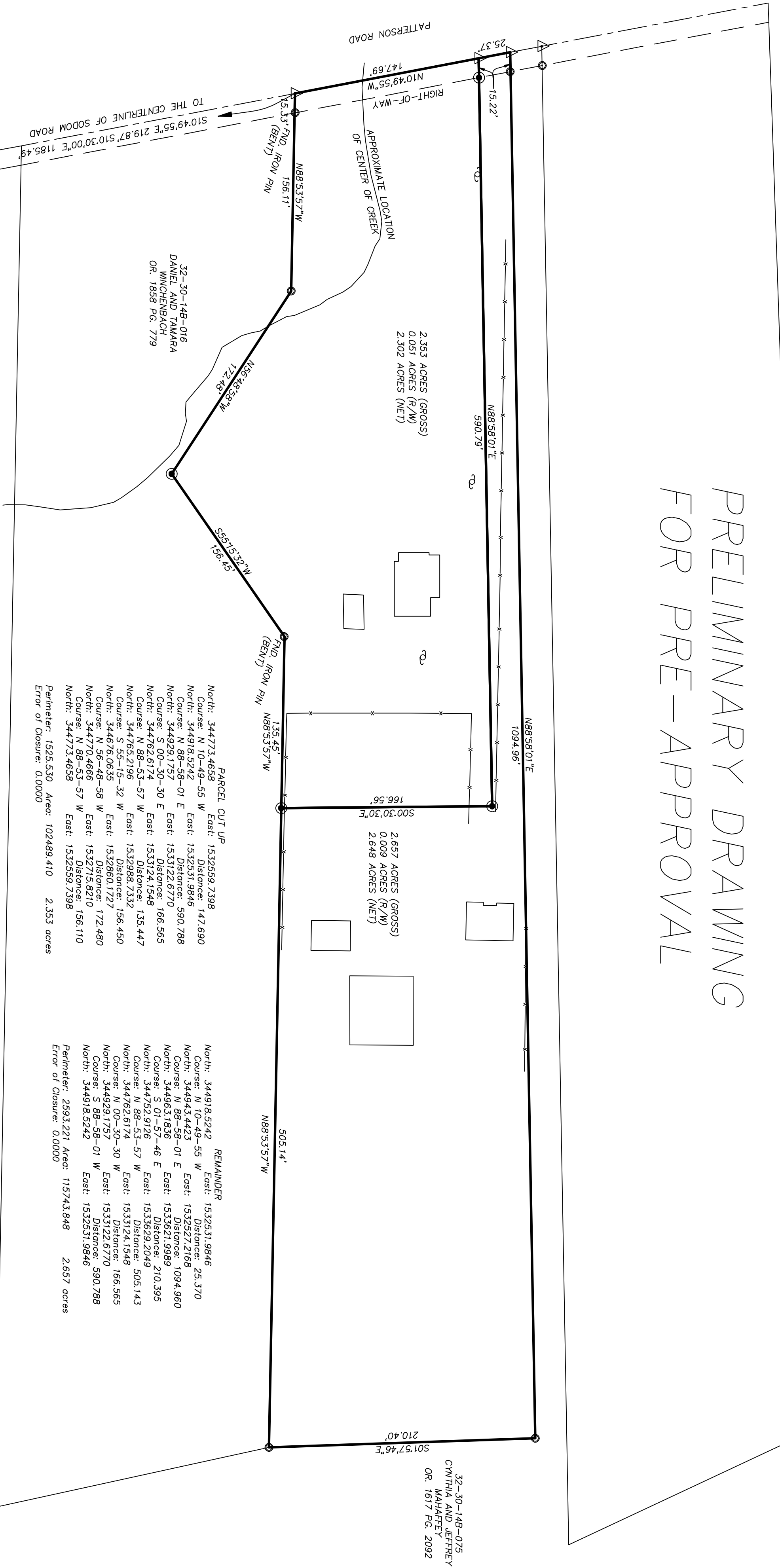
PARCEL CUT-UP PLAT
 GEORGE F. STRAW'S MILITARY SURVEY NO. 2938, TATE TOWNSHIP,
 CLERMONT COUNTY, OHIO.
 PROPERTY ADDRESS: 3558 PATTERSON ROAD
 BETHEL, OHIO 45106
 PARCEL NO: 32-30-14B-076
 DIANE MARIE HAMMER
 OR: 2880 PG. 792

TOWNSHIP ZONING CERTIFICATION
 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.

TOWNSHIP ZONING INSPECTOR _____ DATE _____

TAX MAP DEPARTMENT BLOCK
 P.I.N. 32-30-14B-076

PRELIMINARY DRAWING FOR PRE-APPROVAL



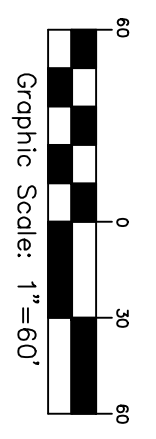
32-30-14B-016
 DANIEL AND TAKARA
 WINCHENBACH
 OR: 1858 PG. 779

2.353 ACRES (GROSS)
 0.051 ACRES (R/W)
 2.302 ACRES (NET)

2.657 ACRES (GROSS)
 0.009 ACRES (R/W)
 2.648 ACRES (NET)

PARCEL CUT UP
 North: 344773.4658 East: 1532559.7398
 Course: N 10-49-55 W Distance: 147.690
 North: 344918.5242 East: 1532531.9846
 Course: N 88-58-01 E Distance: 590.788
 North: 344929.1757 East: 1533122.6770
 Course: S 00-30-30 E Distance: 166.565
 North: 344762.6174 East: 1533124.1548
 Course: N 88-53-57 W Distance: 135.447
 North: 344765.2196 East: 1532998.7332
 Course: S 35-15-32 W Distance: 156.450
 North: 34476.0635 East: 1532860.1727
 Course: N 56-48-58 W Distance: 172.480
 North: 344770.4666 East: 1532715.8210
 Course: N 88-53-57 W Distance: 156.110
 North: 344773.4658 East: 1532539.7398
 Perimeter: 1525.530 Area: 102489.410 2.353 acres
 Error of Closure: 0.0000

REMAINDER
 North: 344918.5242 East: 1532531.9846
 Course: N 10-49-55 W Distance: 25.370
 North: 344943.4423 East: 1532527.2168
 Course: N 88-58-01 E Distance: 1094.960
 North: 344963.1836 East: 1533621.9989
 Course: S 01-57-46 E Distance: 210.395
 North: 344752.9126 East: 1533629.2049
 Course: N 88-53-57 W Distance: 505.143
 North: 344762.6174 East: 1533124.1548
 Course: N 00-30-30 W Distance: 166.565
 North: 344929.1757 East: 1533122.6770
 Course: S 88-58-01 W Distance: 590.788
 North: 344918.5242 East: 1532531.9846
 Perimeter: 2593.221 Area: 115743.848 2.657 acres
 Error of Closure: 0.0000



- ▲ MONUMENTS TO BE SET UPON APPROVAL OF FINAL PLAT
- FOUND IRON MAG NAIL
- FOUND IRON PIN AND CAP (BERDING)
- SET 5/8" IRON PIN AND CAP

BEARINGS BASED ON OR. 2880 PG. 792
 SURVEY/DEED REFERENCES AS SHOWN HEREON, ALSO INCLUDE OTHER DOCUMENTS OF RECORD MAY EXIST THAT AFFECT THE SURVEYED PROPERTY
 OCCUPATION AS SHOWN
 ALL MONUMENTS FOUND AT THE TIME OF THE SURVEY WERE IN GOOD CONDITION, UNLESS OTHERWISE NOTED

THIS PLAT IS A RESULT OF A SURVEY BY ERIC M. ARNOLD IN AUGUST, 2023. ALL MONUMENTS HAVE BEEN FOUND/SET AS SHOWN.
 ERIC M. ARNOLD, P.S. NUMBER 8276