



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON APRIL 28, 2020

Variance Case: V-01-20

**APPLICANT/
OWNER:** Robert & Samantha Porter
3876 Little Creek Dr.
Amelia, OH 45102

REQUEST: V-01-20 variance request to the Clermont County Subdivision Regulations.

Request to allow the creation of a non-conforming parcel with a proposed panhandle lot length of 817.83 ft.

LOCATION: The subject property (Parcel 30-29-12B-143) is located on the south side of US Route 50 187 ft. west of Carey Lane (*Private*). The property's current address is 2061 US Route 50, Batavia, OH 45103.

VARIANCE REQUESTED:

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

Article V, Section 512 D):

D. The "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 platted 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:

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. Within the application the applicants surveyor, Gary Nichols, P.S., indicates that Robert & Samantha Porter is seeking a variance to permit a panhandle in excess of 500' in length. The applicant currently wishes to subdivide their 7.45 acre parcel into two new tracts. Tract 1 would be 3.8158 acres, and is would maintain 165.99' legal frontage along US-50 and continue to have access to Carey Lane (Private), thus meeting our requirements set forth in these regulations. Tract 2 is proposed to be a 3.6370 acre tract that would have a proposed shared driveway easement through Tract 1 while also sharing access to Carey Lane (*Private*) for continued access onto US-50. To provide Tract 2 with legal road frontage a 817.83'. length panhandle by 26.63'. width panhandle is proposed. This is an increase of + 317.83'. to provide legal road frontage. The variance would allow the creation of a non-conforming 817.83'. panhandle lot that would exceed the maximum permissible panhandle length 500'.

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 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.*

The Clermont County Planning Commission has approved minor variances to allow the creation of non-conforming parcels that would not meet the maximum permissible panhandle length of 500 ft. (V-01-05) The panhandle length requirement would not be detrimental in the sense that Carey Lane (*Private*) is and will continue to be serving as the primary access to parcel 20-29-12B-143 and proposed 3.637 acre minor subdivision.

Staff concludes the request does appear to be the minimum amount necessary to mitigate the hardship imposed upon the applicant, due the existing site characteristics that include a large pond. Finally, the request would not be detrimental to the public health, or general welfare, in that a revised survey and accompanying easements and maintenance agreements would provide a legal basis for the applicant to utilize Carey Lane (*Private*) for ingress/egress from US. Route 50.

STAFF FINDINGS:

1. The variation from these regulations would not pose a significant threat, nor be detrimental to the public health, safety, or desirable development of the existing community, and actually will result in a benefit to the immediate residents in that it would result in the drafting of formal maintenance agreements and legally recorded easements.
2. The special circumstances leading to the request for this variance is in no way attributable, nor a result of, any direct action taken by the applicant.
3. The granting of this variance would grant the applicant the same rights afforded to other property owners in Clermont County because of the fact that the previous subdivider created the hardship in a “regulatory vacuum.”
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 his land.
5. Without any objections from Stonelick Township, staff believes the variance request to be justified.

STAFF RECOMMENDATION:

Based on Staff Analysis, move to **APPROVE** the variance case V-01-20 to allow the creation of a non-conforming parcel with a proposed panhandle lot length of 817.83 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 Carey Lane and the shared access driveway through parcel 30-29-12B-143 for access onto US Route 50. This agreement shall be produced prior to issuance of approval for the Minor Subdivision.