



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON MAY 25, 2021

Variance Case: V-01-21

APPLICANT: James H. Watson
McGill Smith Punshon, Inc.
3700 Park 42 Drive, Suite 190B
Cincinnati, OH 45241

OWNER: The Drees Company
211 Grandview Drive, Suite 300
Fort Mitchell, KY 41017

REQUEST: V-01-21 variance request to the Clermont County Subdivision Regulations.

Request to exceed the allowable length of a cul-de-sac street serving more than 30 residences while also increasing the allowable length of the street from 900 feet to 1169 feet.

LOCATION: The subject property (Parcel 01-20-08B-117) is located within the Billingsley project area and would be the proposed extension of Preston Place right-of-way.

VARIANCE REQUESTED:

The applicant is seeking a variance from the Clermont County Planning Commission for Article V, Section 504 B (3).

Article V, Section 504 B (3):

- 3. The maximum length for cul-de-sacs shall be nine hundred (900) feet from the centerline of the intersecting street to the radius point of the cul-de-sac, or as needed to serve a maximum of 30 lots.*

Article II, Definitions:

Cul-de-sac: A local street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.

The applicant has requested a variance from the Clermont County Subdivision Regulations. The application indicates that McGill Smith Punshon, Inc. is seeking a variance for a modification to the Billingsley PUD that would create a cul-de-sac street that extends 1169 feet from the centerline of the intersecting street (*Windermere Circle*) to the radius point of the cul-de-sac. This would be an increase of 269 feet from the 900 feet maximum allowable cul-de-sac length. This variance also proposes the creation of 36 proposed landminium lots, an increase of 6 lots from the maximum allowable of 30 lots.

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 Article V, Section 504 B (3) so long as there are no concerns raised by County or Township reviewing agencies.

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 development proposal that include single-family and landminium developments. Finally, the request would not be detrimental to the public health, or general welfare, in that planning staff has not received any concerns from County or Township reviewing agencies.

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 will result in a benefit to the immediate residents due to the modification to the PUD results in a decrease in the total project density by proposing more single-family lots with access from Billingsley Drive rather than the landminium development along Preston Place.

2. Without any objections from Batavia Township, staff believes the variance request to be justified.

STAFF RECOMMENDATION:

Based on Staff Analysis, move to **APPROVE** the variance case V-01-21 to allow a cul-de-sac of 1169 feet (+269 ft.) and 36 condominium lots.