



CLERMONT COUNTY OHIO

PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY THE PLANNING COMMISSION ON NOVEMBER 22, 2022

Variance Case: V-01-22

- APPLICANT:** Doris McMillan
1064 Klondyke Road
Milford, OH 45150
- REQUEST:** V-01-22 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 ft minimum right-of-way frontage.
- LOCATION:** The subject property (Parcel 182411C127) is located at the terminus of Fall Church Road in Miami Township.
- HISTORY:** On July 8, 2014, the Clermont County Planning Commission administratively approved a lot split, creating the existing two parcels, 182411C127 (3.4013 ac.) & 182411C102 (2.0019 ac.)

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.*

The applicant has requested a variance from the Clermont County Subdivision Regulations. The minor lot split application (#458-2022), provided by J. Timothy King, P.E., P.S., indicates that Doris McMillan seeks a variance (V-01-22) 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 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.

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. As part of the survey approval 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.

Per Article V, Section 512 E: Where multiple panhandles abut in platted subdivisions, a reduction in the street frontage width may be provided if it is shown that adequate space exists for utilities and the vehicular access to the lots is provided by a shared driveway. The maximum number of panhandles that may abut for a shared driveway is five.

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 Miami Township, the staff believes the variance request to be justified.

STAFF RECOMMENDATION:

Based on Staff Analysis, move to **APPROVE** the variance case V-01-22 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 #458-2022.