

Meeting Agenda
City of Springboro Board of Zoning Appeals
Wednesday, November 1, 2023, 6:00 p.m.

- I. Call to Order & Roll Call
- II. Approval of Meeting Minutes—November 22, 2022
- III. Appointment of Officers—Chair, Vice Chair
- IV. Action Agenda Items
 - A. Public Hearing, Variance for 1550 South Main Street, variance from restriction on accessory structures in required front yard
 - B. Public Hearing, Variance for 60 Elkins Lane, variance from minimum rear yard setback requirements
 - C. Public Hearing, Variance for 216 East Mill Street, variance from rear yard setback requirements
- V. Comments
- VI. Adjournment

Action Agenda Item Background Information
City of Springboro Board of Zoning Appeals Meeting & Public Hearing
Wednesday, November 1, 2023, 6:00 p.m.

III. Action Agenda

A. Public Hearing

Variance Request, 1550 South Main Street (SR 741), variance from the front yard location restriction for an accessory structure.

Background Information

This agenda item is based on application filed by Daklak Do, property owner, requesting a variance from the strict interpretation of the Planning & Zoning Code's prohibition on the placement of accessory structures in front of their residence at 1550 South Main Street (SR 741). The property is located in the R-1, Estate-Type Residential Zoning District.

The Planning & Zoning Code establishes the purpose, permitted uses, and lot and building development standards for the R-1 District and other zoning districts in the City. The R-1 District was established to provide for estate-type, detached, single-family residential development at a density of two (2) units per acre on lots with a minimum acreage of 20,000 square feet (0.5 acres effectively). The subject property is approximately 8.41 acres in area. Land uses permitted in the R-1 District include single-family residential homes, churches, schools, cultural/public uses, parks, bed and breakfasts, golf courses, farmer's markets, roadside stands, accessory buildings such as the one proposed, and other uses (Section 1263.04, Table 6). Commercial and industrial development is prohibited (Section 1261.08(b)) in the R-1 District. Design and development standards for detached accessory buildings, such as the barn that is the subject of this variance case, are included in Section 1272.02 of the Planning & Zoning Code and are as follows:

- Accessory building maximum Height: 15 feet
- Maximum Building Coverage: 10 percent of required yard
- Permitted Locations: rear yard only

The applicants are proposing to construct a 31-foot by 44-foot barn on the north side of the property, 1,364 square feet in area on the ground floor, with a loft on the second floor. The structure would be roughly 370 feet from the front property line, 40 feet from the north property line, and 20 feet from the west edge of a pond. The area between the north property line and the barn would remain as vegetation and a driveway would be added to access the building. The house on the property is located roughly 550 feet from the front property line, 250 feet from the proposed site of the barn. The house sits above a wooded and sloped area on the east end of the property, an area that also includes a creek. Also included in this area is a pool, a garage with driveway, and a large birdcage. The applicant has indicated that the area behind the house is not suitable for the barn because of topographical limitations, and their desire to keep this area wooded to in-part screen the house from the adjacent Heatherwoode subdivision.

Properties in the vicinity of the subject property are used as follows: To the east lands in the Heatherwoode subdivision. To the south a home owned by the property owner, and the Ashton Woods subdivision. To the west, on the west side of South Main Street, large-lot residential lots in Clearcreek Township, and the entrance to Springboro Junior High School and the site of Miracle Field, and to the northwest large-lot residential lots. To the north a large undeveloped property, and two residences facing South Main Street.

Lands to the east in Heatherwoode are zoned PUD, Planned Unit Development, Ashton Woods is zoned R-2, Low-Density Residential District, school property is zoned PUD, and lands to the northwest and north are zoned R-1 District. Lands in Clearcreek Township on the west side of South Main Street are zoned SR-1, Suburban Residence Zone.

Variance Review Process

Section 1285.04, Variances, of the Planning and Zoning Code establishes a process for the review of variances by the Board of Zoning Appeals (BZA) from the strict interpretation of the Planning and Zoning Code:

The BZA is hereby authorized to grant, upon appeal in specific cases, a variance from this Zoning Code and will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Zoning Code would result in a practical difficulty. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

The following criteria need to be met in order for the BZA to grant a variance from the strict interpretation of the Planning & Zoning Code. The applicants have provided a response to each criteria indicated in *italics* below.

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

The property is large, 8.4 acres in area, and the house is set back over 550 feet from the street. The code would require construction of the accessory structure behind the house, however that area is steep, dropping off into a stream. That and existing buildings, a pool, and more, make this area impractical for the proposed barn site.

The unusually large size of the lot would allow the owner to place the accessory structure on the north side of the lot and screen it from adjoining parcels exceeding code requirements (10 feet required, 40 feet is proposed).

2. A literal interpretation of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under this Zoning Code.

For areas zoned R-1 District in the immediate area, there are accessory structures in front of the houses at 1305 and 1525 South Main Street.

3. That special conditions and circumstances do not result from the actions of the applicant.

The applicant has indicated that this is not a self-created condition.

4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, structures or buildings in the same district.

A variance was granted for a similar condition at 3883 West Lower Springboro Road by the

BZA in 2022: large lot, unusual topography, same zoning.

In granting any variance, the BZA may prescribe appropriate conditions and safeguards in conformity with the Planning & Zoning Code. A violation of any of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Planning & Zoning Code.

City staff has not proposed any conditions for these variance requests.

B. Public Hearing

Variance Request, 60 Elkins Court, variances from rear yard setback requirement

Background Information

This agenda item is based on application filed by Judy Elswick and John Sullivan, property owners, requesting a variance from the strict interpretation of the Planning & Zoning Code's requirement for a 25-foot rear setback for their residence at 60 Elkins Court. The property is located in the R-3, Medium-Density Residential Zoning District.

The Planning & Zoning Code establishes the purpose, permitted uses, and lot and building development standards for the R-3 District and other zoning districts in the City. The R-3 District was established to provide moderate- to high-density residential development. Apartments, attached and detached single-family residential are permitted. Other permitted land uses include churches, schools, cultural/public uses, parks, bed and breakfasts, golf courses, farmer's markets, roadside stands, accessory buildings, and other uses (Section 1263.04, Table 6). Commercial and industrial development is prohibited (Section 1261.08(b)) in the R-3 District.

The applicants are proposing to build a 12-foot by 14-foot sunroom addition on the rear/north side of the home. The plans for the addition were rejected by the Building and Zoning Department since the proposed sunroom would extend to within 18 feet of the rear property line, 25 feet being the minimum setback in the R-3. As indicated in their application, the homeowners—who purchased the home in 2020—were under the impression that a fence line to the rear of their home coincided with the rear property line when in fact there was a small parcel associated with the historic Universality Cemetery between the fence and property line. As a result, the applicants are seeking a 7-foot variance from the rear yard requirements.

Properties in the vicinity of the subject property are nearly all residential. To the north are single-family residential lots on the south side of Parker Drive. Lands to the east, south, and west are a mix of one- and two-family residences on Elkins Lane and Music Court.

Lands to the east, south, and west are zoned R-3 District. Lands to the northeast are zoned R-2, Low-Density Residential District, while lands to the northwest are zoned UVD, Urban Village District.

Variance Review Process

Section 1285.04, Variances, of the Planning and Zoning Code establishes a process for the review of variances by the BZA from the strict interpretation of the Planning and Zoning Code:

The BZA is hereby authorized to grant, upon appeal in specific cases, a variance from this

Zoning Code and will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Zoning Code would result in a practical difficulty. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

The following criteria need to be met in order for the BZA to grant a variance from the strict interpretation of the Planning & Zoning Code. The applicants have provided a response to item #1 in *italics* below.

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

When I purchased (the property) in 2020 we were under the understanding the fence line was on the property line. The plan was always to put a sunroom on the back of the home. When we applied for the permit, we were told that part of our property belongs to the graveyard down at the end of the road. We have researched the graveyard and cannot find anything on who owns it. When we spoke to a couple of neighbors they were not aware of this either, unlike us they thought the property line was the fence line.

2. A literal interpretation of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under this Zoning Code.

No answer supplied.

3. That special conditions and circumstances do not result from the actions of the applicant.

No answer supplied.

4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, structures or buildings in the same district.

No answer supplied.

In granting any variance, the BZA may prescribe appropriate conditions and safeguards in conformity with the Planning & Zoning Code. A violation of any of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Planning & Zoning Code.

City staff has not proposed any conditions for these variance requests other than providing written answers to criteria 2-4 prior to the November 1 meeting/hearing. City staff will forward any submission to members of the BZA.

C. Public Hearing

Variance Request, 216 East Mill Street, variances from rear yard setback requirement

Background Information

This agenda item is based on application filed by Posey Construction on behalf of H&S Hamilton Properties, LLC, property owner, requesting a variance from the strict interpretation of the Planning & Zoning Code's requirement for a 40-foot rear setback for their property at 216 East Mill Street. The property is the location of Digilube Systems, and is in the M-1, Light Manufacturing Zoning District.

The Planning & Zoning Code establishes the purpose, permitted uses, and lot and building development standards for the M-1 District and other zoning districts in the City. The M-1 District was established to provide for manufacturing establishments that are clean, quiet, and free of hazardous elements, and which operate within enclosed structures. In addition to manufacturing operations, kennels, technical schools, hospitals, public recreation, vehicle repair, offices, garden centers, and pet day cares are permitted uses (Section 1263.04, Table 6). Residential uses are prohibited (Section 1261.08(b)) in the M-1 District.

The applicants are proposing to build a 3,200-square foot addition on the west side of the existing Digilube building, matching the 26.99-foot setback from the north property line on the existing building. When the applicants approached the City about the proposed addition, their application was denied since the minimum rear setback in the M-1 District is 40 feet. The applicant was given options to resolve the issue including requesting the 13-foot variance that is now being reviewed.

Properties in the vicinity of the subject property are used as follows: to the north, northeast, and east are buildings and property used for the City of Springboro Public Works operation. Property immediate to the east is in Clearcreek Township. To the south is a residence and Springboro Baptist Church, both on the south side of East Mill Street. To the west is a parking lot and the main operation, east of Mound Park Drive, for Mound Steel.

Lands to the north, south, and west are zoned M-1 District, with the main Mound Steel operation further west zoned M-2, Heavy Manufacturing District. Lands in the City of Springboro to the northwest are zoned PUD-O, Planned Unit Development-Office. Lands to the south on the south side of East Mill Street are zoned R-2 District. Lands to the east in Clearcreek Township are zoned R-1, Rural Residence.

Variance Review Process

Section 1285.04, Variances, of the Planning and Zoning Code establishes a process for the review of variances by the BZA from the strict interpretation of the Planning and Zoning Code:

The BZA is hereby authorized to grant, upon appeal in specific cases, a variance from this Zoning Code and will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Zoning Code would result in a practical difficulty. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

The following criteria need to be met in order for the BZA to grant a variance from the strict interpretation of the Planning & Zoning Code. The applicants have provided a response to each criteria indicated in *italics* below.

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

The current structure is grandfathered into the old code. In order to expand this building, we are asking for the board to approve smaller setback on the north property line.

2. A literal interpretation of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under this Zoning Code.

A literal interpretation of the code would prevent this business from expanding on their own property...(and) would cause safety issues for street traffic, and would make the building look awkward.

3. That special conditions and circumstances do not result from the actions of the applicant.

The applicant is only asking to add onto their existing structure, the applicant did not cause these special circumstances.

4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, structures or buildings in the same district.

No special privilege would be given if the variance is approved.

In granting any variance, the BZA may prescribe appropriate conditions and safeguards in conformity with the Planning & Zoning Code. A violation of any of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Planning & Zoning Code.

City staff has not proposed any conditions for these variance requests other than noting that following action by the BZA, approval of a site plan by the Springboro Planning Commission will be required.

The information contained in this report is based on material provided to the City of Springboro as of Thursday, October 26, 2023 at 2:00 p.m.

SPRINGBORO

APPLICATION FOR BOARD OF ZONING APPEALS

ALL six sections must be completed for application to be processed

320 W. Central Ave.
Springboro, Ohio 45066
(937) 748-9791 PH
(937) 748-6860 FX
build@cityofspringboro.com

1 Address: 1550 SOUTH MAIN STREET, SPRINGBORO OH 45066
Lot No.: _____ Parcel ID: _____ Zoning District: _____

2 Request for:
☒ APPEAL (see Section 1285.02 on page 2) ☒ VARIANCE (see Section 1285.04 on page 2)

3 Briefly explain request:
I need a new barn to store lawn equipment, cars and RV
Due to the condition of the lot, construction of the barn must
be in the location as shown on site-plan. The barn will be
professional built.

4	PLEASE PRINT	Name	Address	Email
				Required for processing
	Property Owner	DALLAK DO	1550 S. Main St	Daklakdo@yahoo.com

The applicant must provide the following:

- 5 ☐ List of property owners within 200 feet of all property boundaries (attached)
☐ Copy of certified site plan, if required (attached)
☒ Variance requests shall include a statement addressing all items noted in Section 1285.04(e)
☒ Application Fee
Appeal: \$133.00
Variance: \$195.00

The above request shall be heard by the Board of Zoning Appeals (BZA) of the City of Springboro at the earliest date allowed by law.

6 I hereby certify, as the owner or authorized agent of the owner, that I have read the above information and have provided the required documentation. I also agree to pay all actual costs incurred by the City of Springboro (approximately \$500), which will be billed to me by the City of Springboro to be paid prior to the BZA hearing.

Applicant's Name: Dallak Cao Do Email: Daklakdo@yahoo.com

Applicant's Signature: Daklakdo Date: 10/04/2023



SPRINGBORO

BUILDING PERMIT APPLICATION

320 W. Central Ave.
Springboro, Ohio 45066
(937) 748-9791 PH
(937) 748-6860 FX
build@cityofspringboro.com

1 ☒ Residential (construction documents and site plan in pdf format required)

☐ Commercial (construction documents and site plan in pdf format required)

ADDRESS: 1550 SOUTH MAIN STREET

LOT NO: PARCEL ID: 0812301010

PROJECT DESCRIPTION: NEW BARN 42' x 50'

2 ☒ NEW BUILDING ☐ ADDITION ☐ ALTERATION/REMODEL ☐ ACC. STRUCTURE ☐ DECK

SWIMMING POOL: ☐ ABOVE GROUND* ☐ IN-GROUND* ☐ STORABLE

COST: SQUARE FOOTAGE/AFFECTED AREA: 2100

PROPERTY IN FLOODPLAIN? ☐ YES† ☒ NO

*All above ground and in-ground swimming pools require an additional electrical permit.

†Floodplain permit required.

PERMIT TYPE: (a separate application is required for each discipline and/or address)

3 ☒ BUILDING ☒ ELECTRICAL ☐ HVAC† ☐ GAS

☐ FIRE SUPPRESSION ☐ FIRE ALARM ☐ COMMERCIAL KITCHEN HOOD/SUPPRESSION

†All new gas furnace installations require an additional gas permit. A gas permit is not required for replacements.

PLEASE PRINT	Name	Address	Phone Number & Email
			BOTH REQUIRED TO PROCESS APPLICATION
Property Owner	DALLAK C DO	1550 SOUTH MAIN ST SPRINGBORO	
Occupant/Tenant	DALLAK C DO	SAME AS ABOVE	
Contractor	KIM RENFROW	PO BOX 291 BELLWOOD, OH 45305	
Designer/ Plans By	MICHAEL BATTAGLIA.		

5 I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her agent. In addition, the applicant agrees to provide access to all the approved construction documents for each inspection by one of the following methods: 1) a printed copy or 2) an electronic copy on a laptop computer or tablet. An electronic copy on a smart phone is not acceptable.

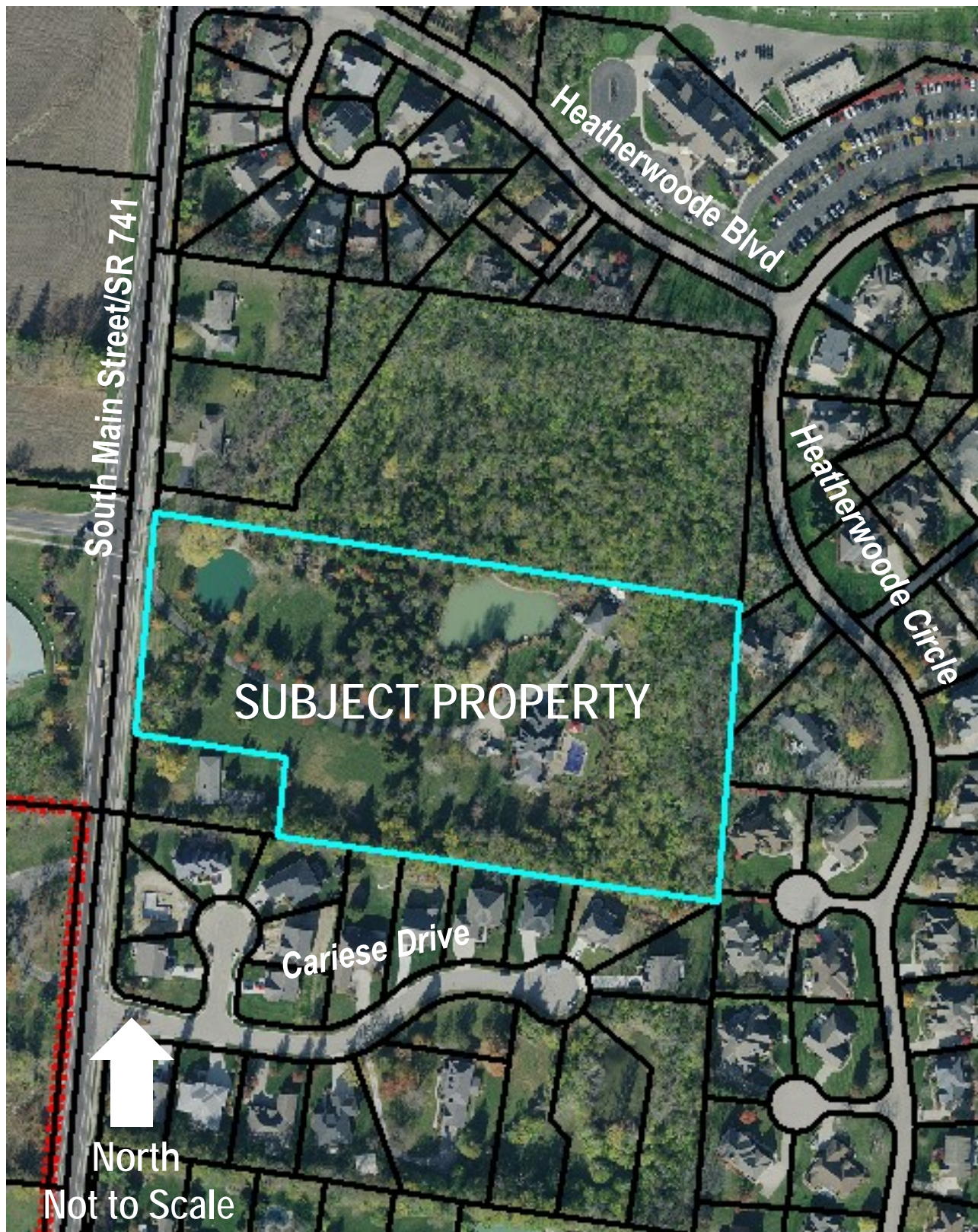
Applicant's Name (Please print): DALLAK CAO DO Email: Dalkakdo@yahoo.com

Applicant's Signature: [Signature] Date: 10/1/2023

ZONING APPROVAL: NOT APPROVED OFFICE USE ONLY Dan Fitzpatrick DATE: 10/06/2023

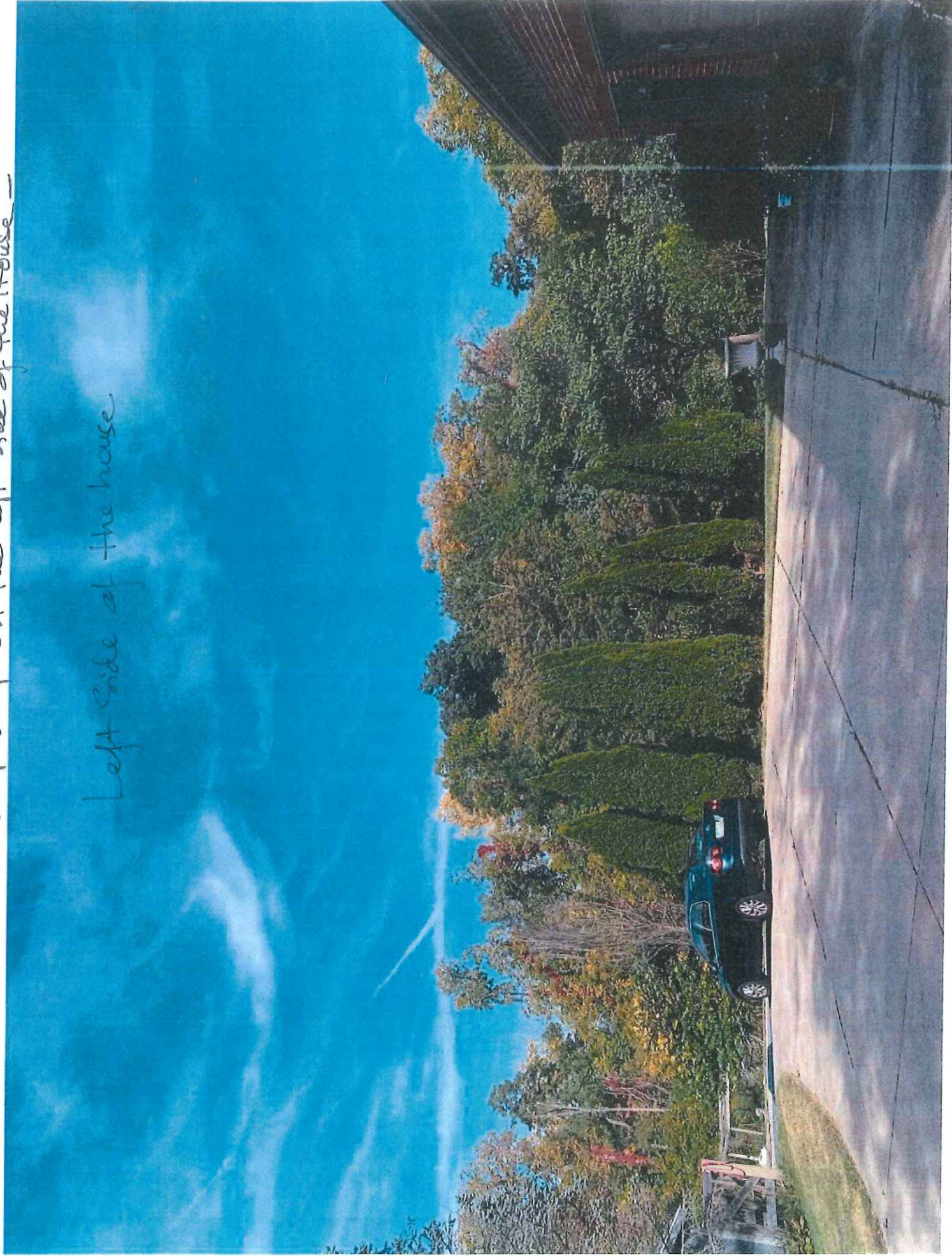
BUILDING APPROVAL: DATE:

BZA Public Hearing Variance Request Vicinity Map— 1550 South Main Street

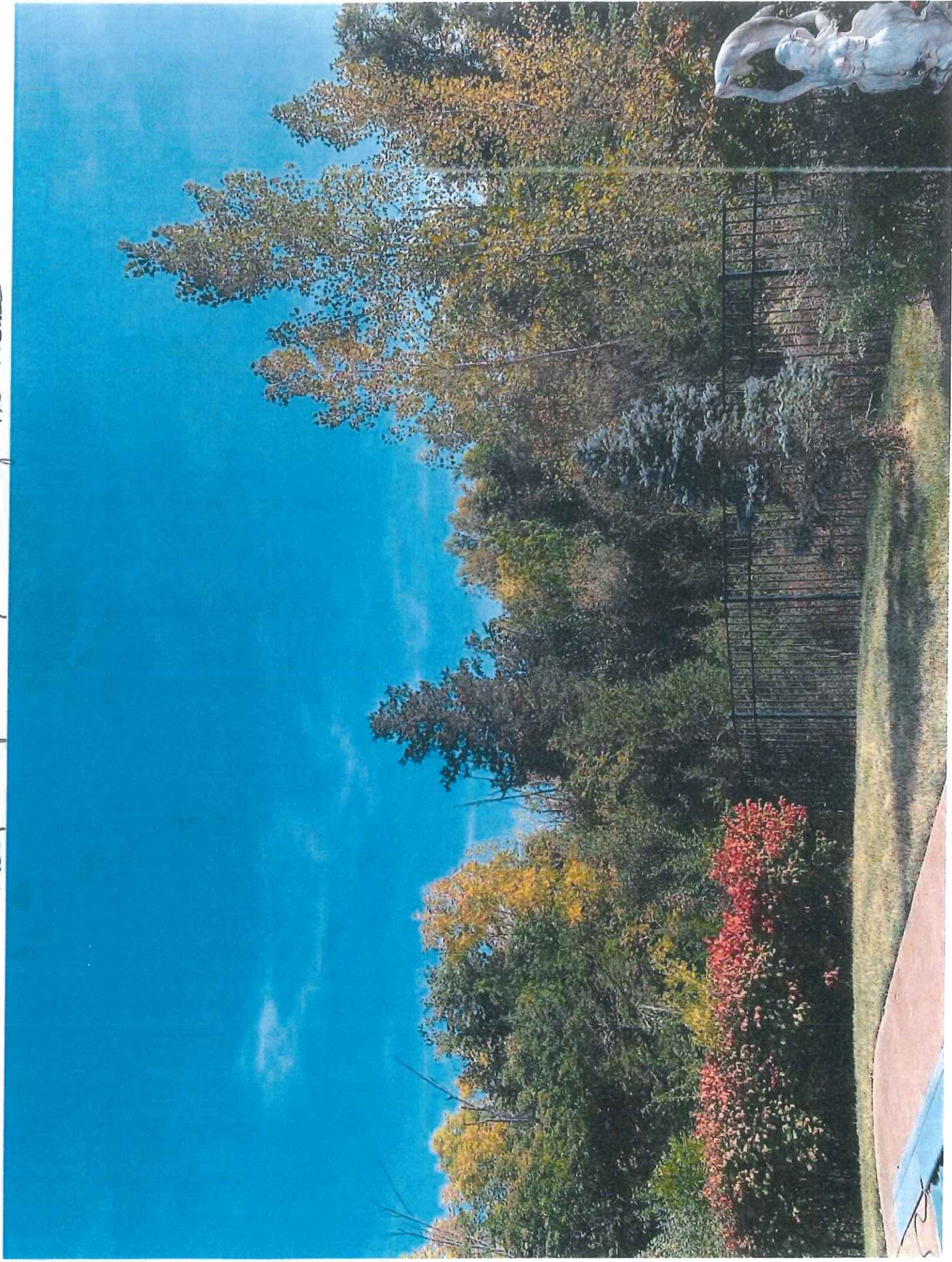


steep drop on the left side of the house —

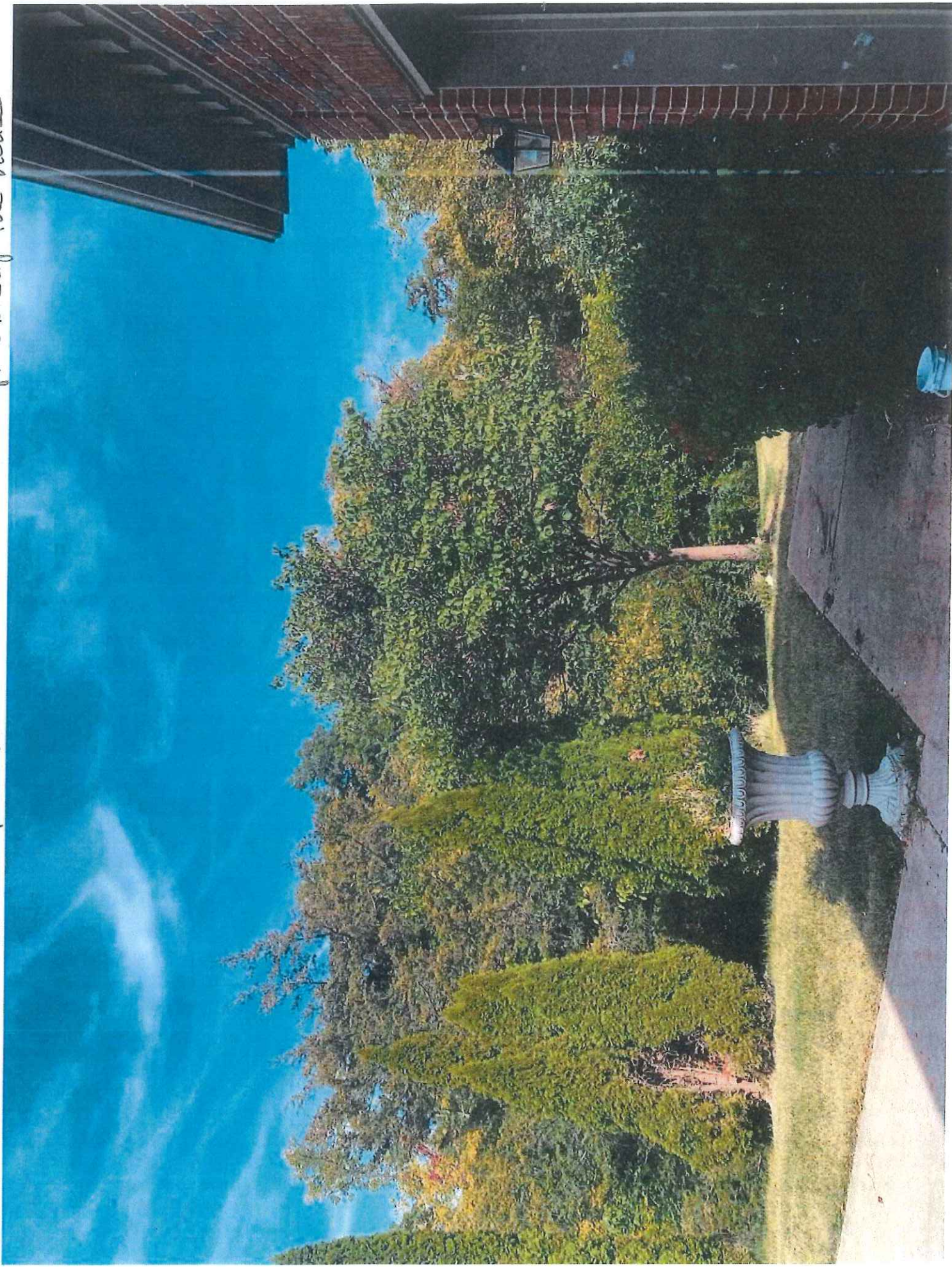
Left side of the house



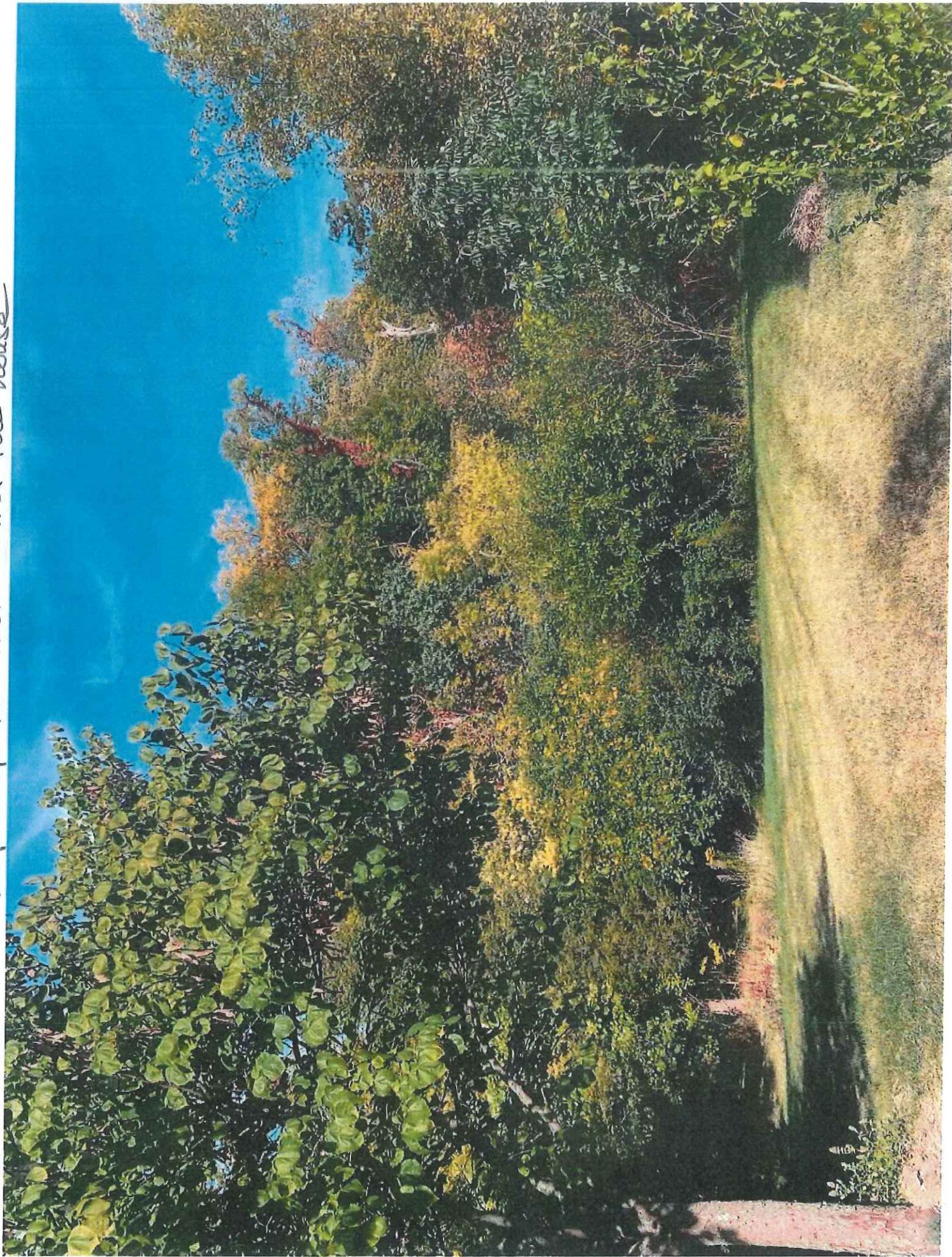
Steep drop on high hand of the house

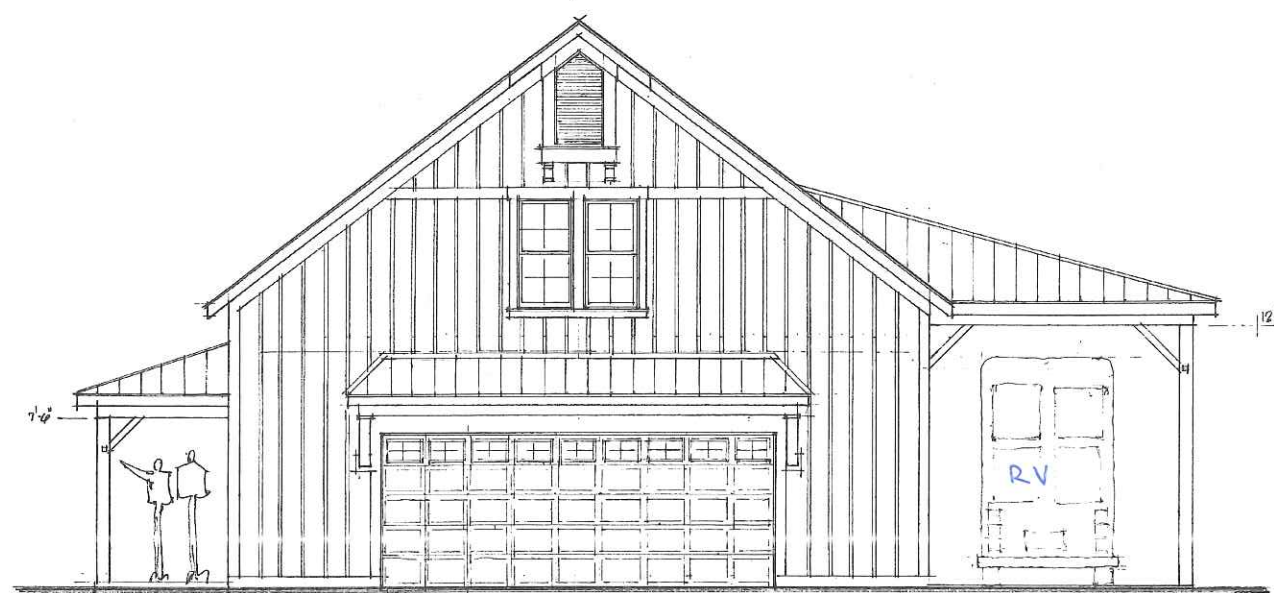


steep drop behind the house & left side of the house

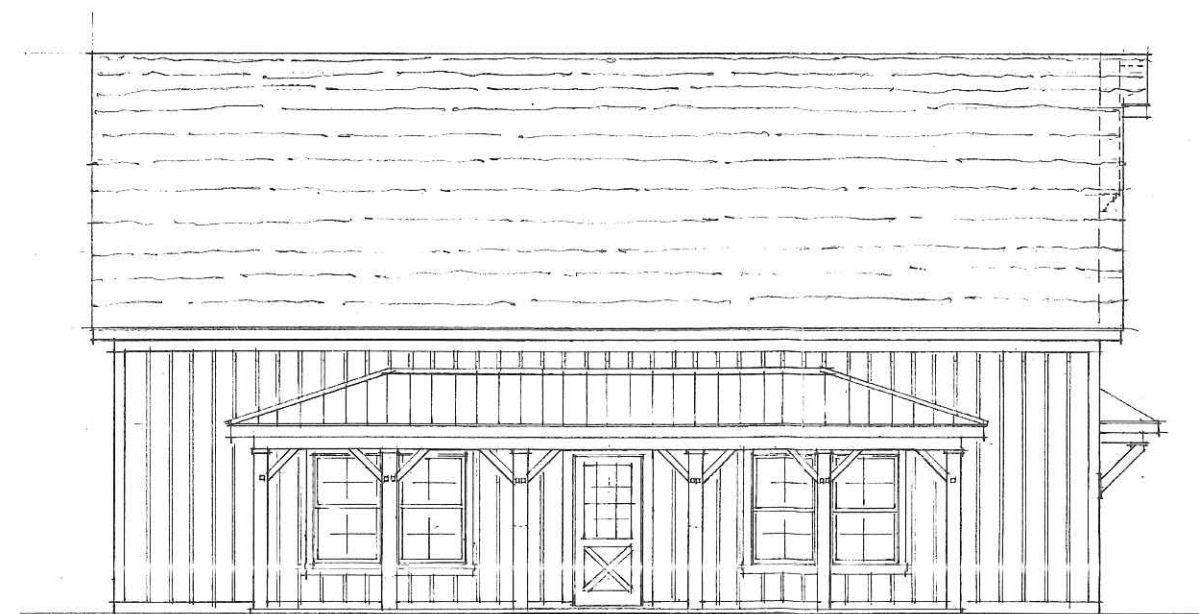


Deep drop to Creek behind the house





SOUTH ELEVATION
1/4"



WEST ELEVATION SOUTH MAIN STREET
1/4"

RECEIVED OCT 19 2023

REVIEW ONLY
10-16-23

PRINTING	DATE
ZONING HEARINGS	

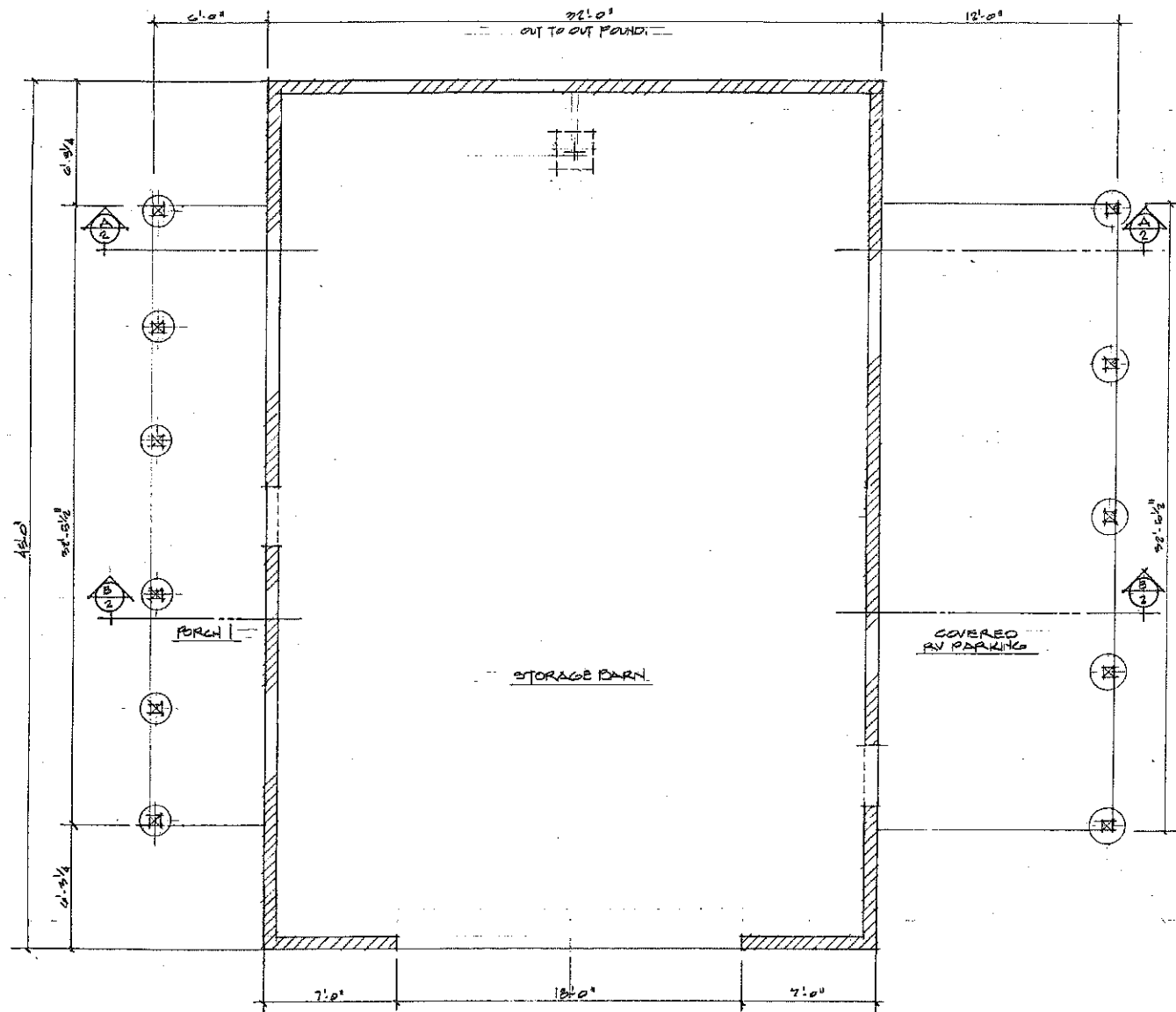
RENFRON BUILDERS
PO BOX 291
DELRIDGE, OHIO 43003
KIM RENFRON 937-604-3933

STORAGE BARN
DAKIA CAGGIO
1550 SOUTH MAIN STREET
SPRINGBORO OHIO 45066
937-327-3223

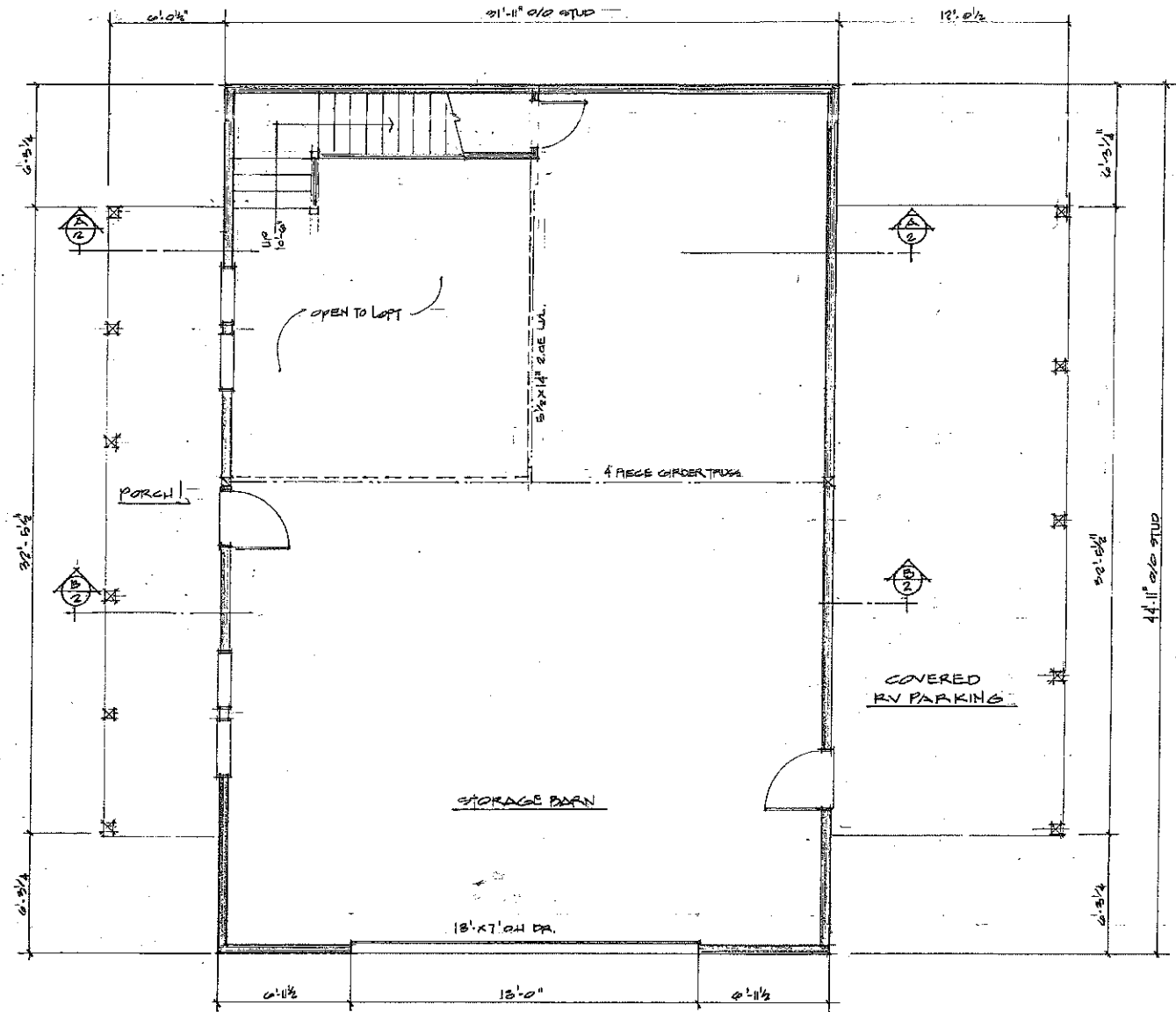
MICHAEL BATTAGLIA
RESIDENTIAL DESIGN
1822 CUSHWA DRIVE
CENTERVILLE, OHIO 45459
937-439-1933

WEST ELEV
SOUTH ELEV.

SHEET
4 of 4



FOUNDATION PLAN
1/4"

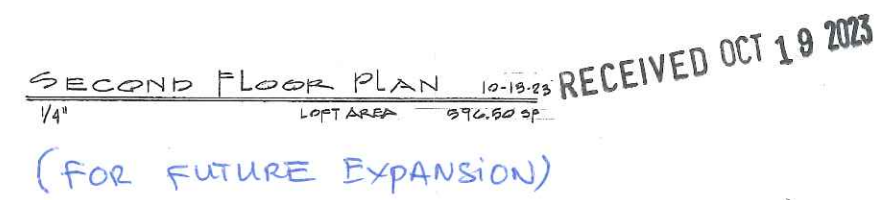
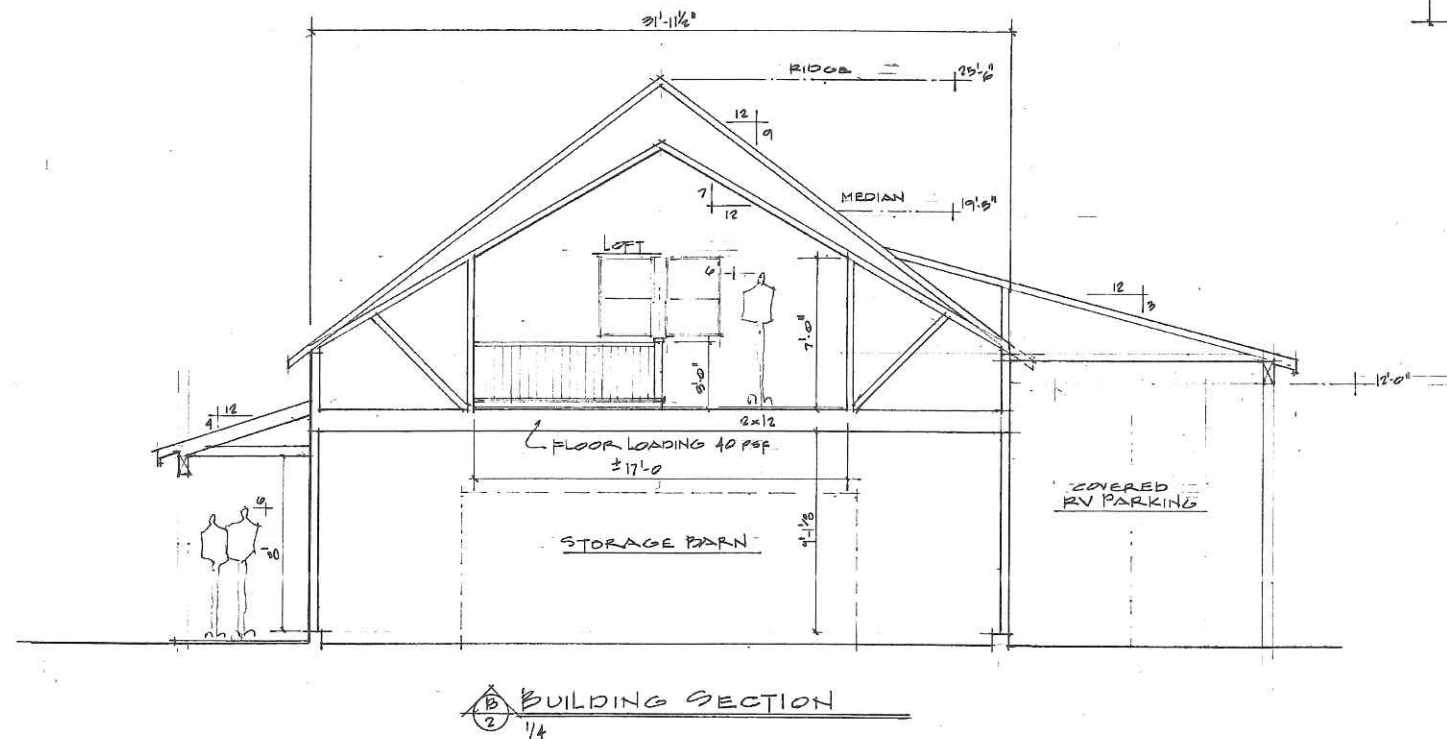


FIRST FLOOR PLAN 10.4.23
1/4"
STORAGE BARN 440.00 SF
PORCH 194.25 SF
COVERED RV PKG 289.90 SF

RECEIVED OCT 19 2023

REVIEW ONLY
10-16-23

PRINTING	DATE
ZONING, APPL.	10.4.23
ZONING HEARING	
KENFROW BUILDERS	
PO BOX 291	
BELLBROOK, OHIO 45305	
KIM KENFROW 937-604-8433	
STORAGE BARN	
PAULAK C&O CO	
156 SOUTH MAIN STREET	
SPRINGFIELD, OHIO 45506	
937-567-5226	
MICHAEL J. BATTAGLIA	
RESIDENTIAL DESIGN	
182 CUSHWA DRIVE	
CENTERVILLE, OHIO 45459	
937-464-1933	
FOUNDATION	
FIRST FLOOR	
SHEET	
2 of 4	



REVIEW ONLY
10-16-23

SECOND FLOOR BLOG SECTIONS	
SHEET 3 of 4	
MICHAEL V. BATTAGLIA RESIDENTIAL DESIGN 132 CUSHWA DRIVE CENTERVILLE, OHIO 45419 937-434-1935	
DAKLAH CAO DO 1600 SOUTH MAIN STREET SPRINGBORO OHIO 45066 937-567-3228	
KIM RENFROW BUILDERS P.O. BOX 291 BELLBROOK, OHIO 45005 KIM RENFROW 937-604-5935	
PRINTING	ZONING APTL. ZONING HEARING
DATE	10-4-23

SPRINGBORO

320 W. Central Ave.
Springboro, Ohio 45066
(937) 748-9791 PH
(937) 748-6860 FX
build@cityofspringboro.com

APPLICATION FOR BOARD OF ZONING APPEALS

ALL six sections must be completed for application to be processed

1 Address: 60 Elkins LN Springboro Ohio 45066
Lot No.: # 24 Parcel ID: 0407102069 Zoning District: R-3

2 Request for:
☐ **APPEAL** (see Section 1285.02 on page 2) ☒ **VARIANCE** (see Section 1285.04 on page 2)

3 Briefly explain request:
To build a four season sunroom on the back of home.

4	PLEASE PRINT	Name	Address	Email
				Required for processing
	Property Owner's	Judy Elswick	60 Elkins LN	Judy's - jjjelswick@hotmail.com
		John Sullivan	Springboro, OH 45066	John's - purplerage28@yahoo.com

The applicant must provide the following:

- 5
- ☒ List of property owners within 200 feet of all property boundaries (attached)
 - ☒ Copy of certified site plan, if required (attached)
 - ☒ **Variance requests** shall include a statement addressing all items noted in Section 1285.04(e)
 - ☒ Application Fee
- Appeal: \$133.00
Variance: \$195.00

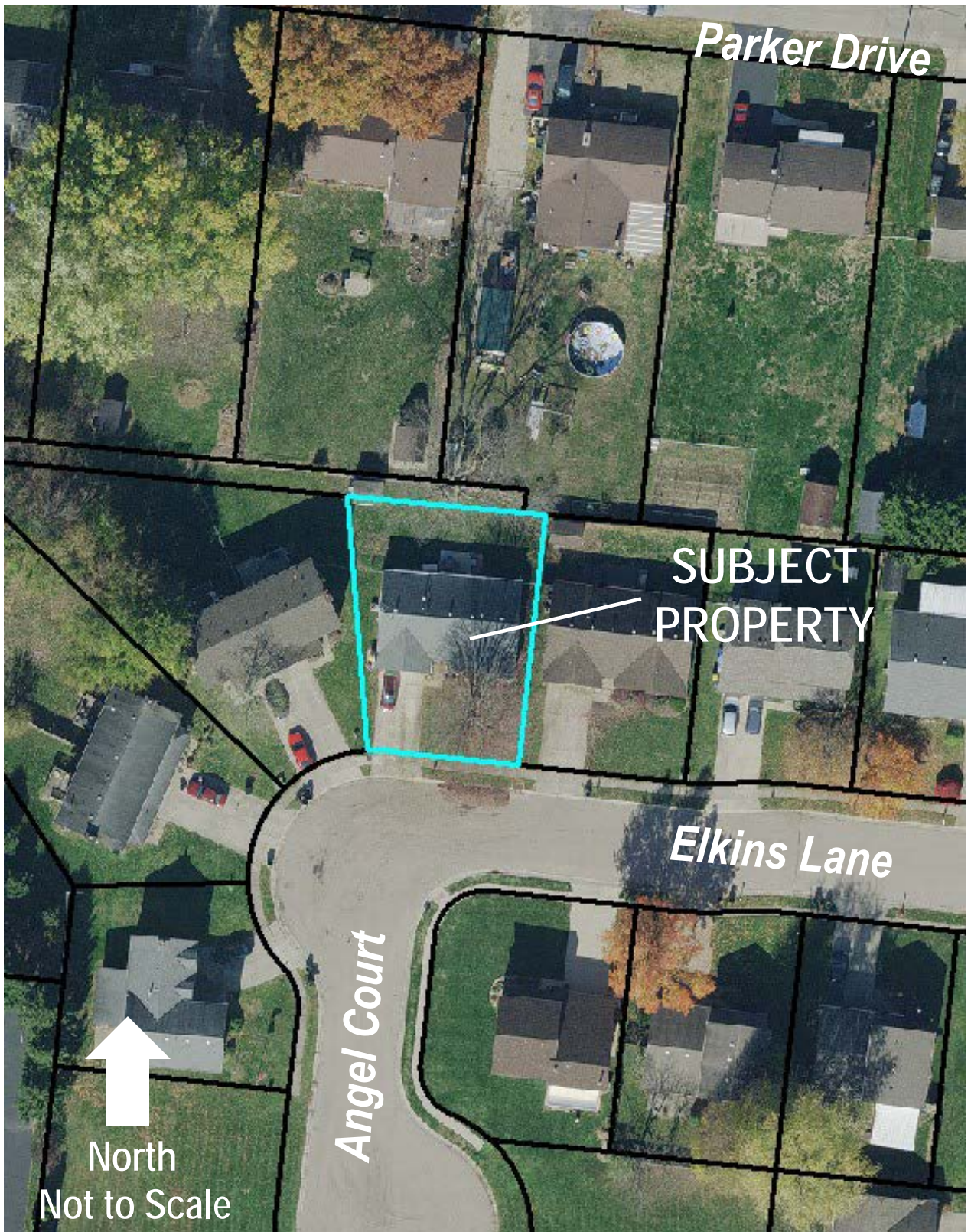
The above request shall be heard by the Board of Zoning Appeals (BZA) of the City of Springboro at the earliest date allowed by law.

6 I hereby certify, as the owner or authorized agent of the owner, that I have read the above information and have provided the required documentation. I also agree to pay all actual costs incurred by the City of Springboro (approximately \$500), which will be billed to me by the City of Springboro to be paid prior to the BZA hearing.

Applicant's Name: Judy Elswick / John Sullivan Email: jjjelswick@hotmail.com
purplerage28@yahoo.com

Applicant's Signature: Judy Elswick / John Sullivan Date: Sept 21, 2023
Sept 21, 2023

BZA Public Hearing Variance Request Vicinity Map— 60 Elkins Lane





Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Warren County GIS



WARREN COUNTY

Property Search

Matt Nolan
Auditor

Barney Wright
Treasurer

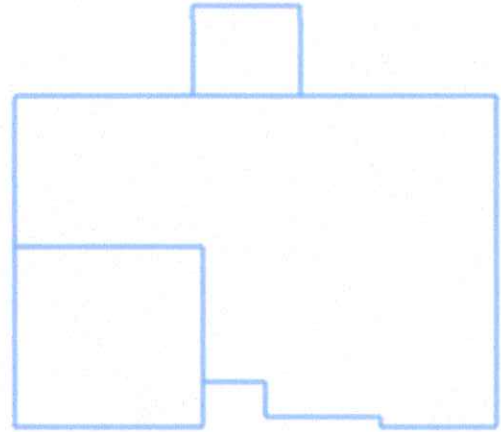
Linda Oda
Recorder

Parcel ID	0407102069	Current Owner	ELSWICK JUDY K. &	Value As Of	01-01-2022
Parcel Seq	0				
Account Number	0530913	Property Address	60 ELKINS DR SPRINGBORO 45066	Ownership As Of	09-20-2023
				Tax Data As Of	09-20-2023
Legal Description	CHERRY WOOD 2 LOT: 24 0 ACRES	State Use Code	0510 - SINGLE FAMILY DWG (PLATTED)	Census Tract	305.00
Tax District	05 CLEARCREEK TWP SPRINGBORO CORP	Neighborhood ID	045002	OH Public School Dist No	8302
		School District	SPRINGBORO CSD		

Primary Picture



Primary Sketch



Residential Building and Last Sale Summary

Last Sale Amount	\$0	Bedrooms	3
Last Sale Date	02/17/2021	Exterior	VINYL / ALUM
Owner Occupied	Y	Above Grade Living Area	1,530 sq. ft.
Homestead Exemption	N	Finished Basement/Attic	0 sq. ft.
Year Built	1990	Total Living Area	1,530 sq. ft.

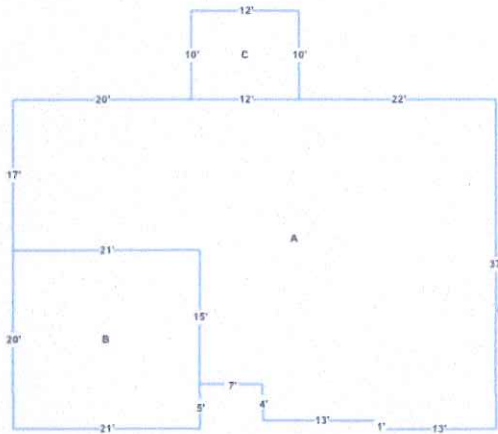
Value Summary

VALUATION	TRUE VALUE	ASSESSED VALUE
LAND	\$36,900	\$12,920
BUILDING	\$135,130	\$47,300
TOTAL	\$172,030	\$60,220
CAUV	\$0	-

Parcel ID	0407102069	Current Owner	ELSWICK JUDY K. &	Account Number	0530913
Parcel Seq	0				

Residential Building Details Building 1 of 1

Building Sketch



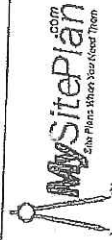
Sketch Details

A	FRAME	1 STORY	1530
B	FRAME	GARAGE	420
C	FRAME	DECK	120

Occupancy	1 FAMILY UNIT	Finished Basement	0 sq. ft.
Construction Year	1990	Unfinished Attic	0 sq. ft.
Remodel Year 1	0	Finished Attic/Living Area	0 sq. ft.
Remodel Year 2	0	Number of Bedrooms	3
Condition	AVERAGE	Family/Rec Room	NO
Construction Cost	0.00	Wood Fireplace	0
Remodel Cost	0.00	Gas Fireplace	0
Foundation	C. BLOCK	Heating System	FORCED AIR
Exterior	VINYL / ALUM	Heat Source	GAS
Basement	NONE	Central Air Conditioning	YES
		Full Baths	2
		Half Baths	1
		True Value	109,860.00

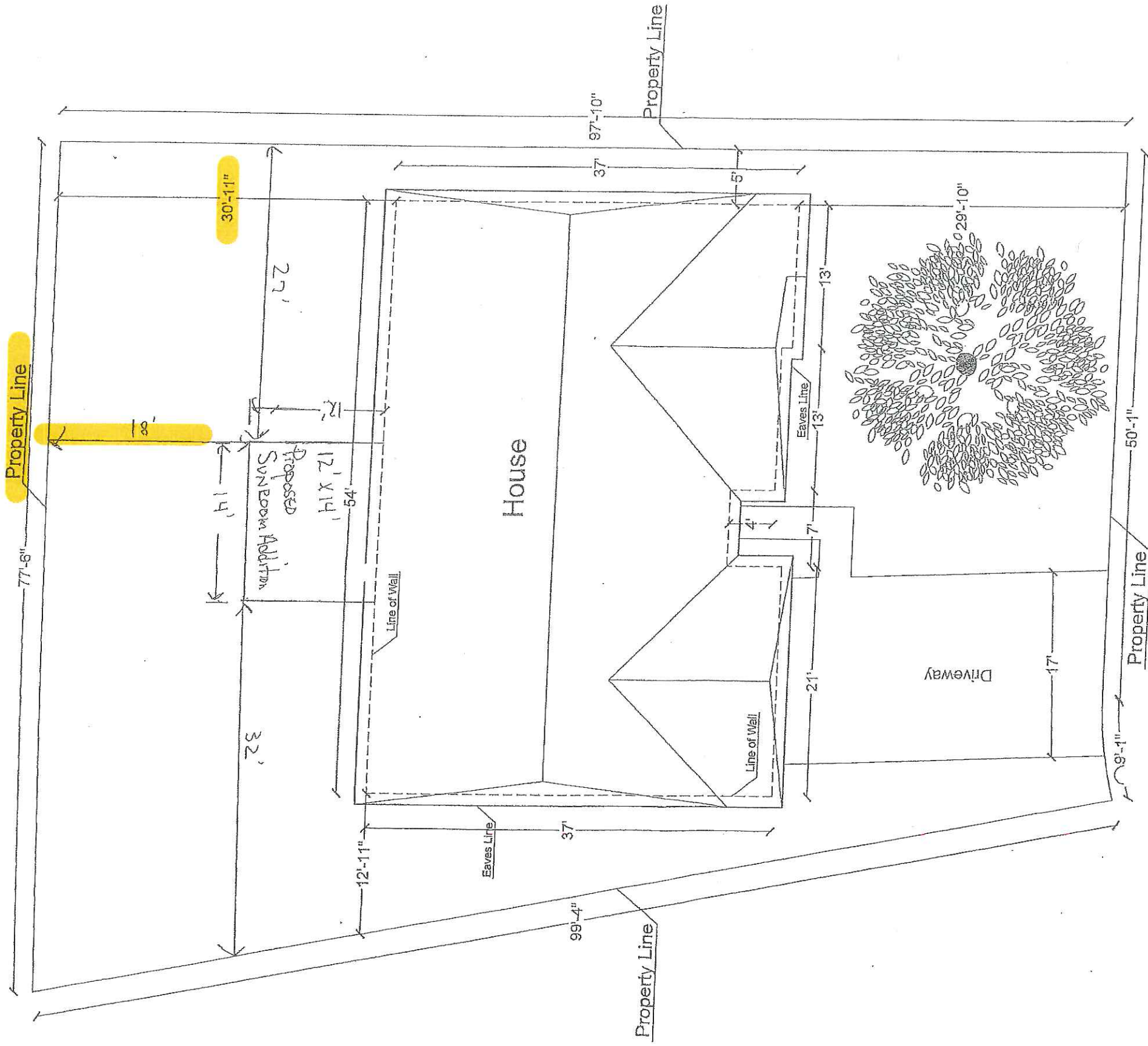
Special Features

No Special Features Found



THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE.
This work product represents only generalized locations of
features, objects or boundaries and should not be relied upon
as being legally authoritative for the precise location of any
feature, object or boundary.

Site Plan Not Approved
Proposed construction does not meet the
rear yard setback of 25'



Dan Fitzpatrick 09/22/2023

Elkins Ln

Land: 6654 SF

House: 1950 SF

60 Elkins Ln
Springboro, OH 45066, USA
scale: 1" = 10'



GREAT DAY IMPROVEMENTS, CINCINNATI
ELSWICK RESIDENCE

DRAWING #	DESCRIPTION
1	COVER
2	ELEVATION "B" WALL
3	ELEVATION "A" & "C" WALL
4	CONCRETE PLAN
5	FLOOR PLAN
6	ROOF PLAN
7	SYSTEM DETAILS
8	SYSTEM DETAILS

MINIMUM DESIGN LOADS: PER 2019 RCO / 2018 IRC
W/ OH AMENDMENTS

SUNROOM CATEGORY II (PER 2018 IRC R301.2.1.1.1
& AAMA / NPEA / NSA 2100)

SNOW LOADS: GROUND SNOW LOAD 25 PSF

ULTIMATE DESIGN WIND SPEED: 115 MPH, 3 SEC. GUSTS

LIVE LOADS:
1. ROOF: 20 PSF
2. FLOOR: 40 PSF

THIS SUNROOM IS NOT TO BE CONDITIONED
OR USED AS A PERMANENT LIVING AREA.

- NOTES:
- 1. ALLVIEW (CA5) SUNROOM; WHITE IN COLOR
 - 2. CONSTRUCT SUNROOM ON NEW CONCRETE
 - 3. NO HEAT BY GDI; ELECTRICAL BY GDI
 - 4. ALL CONCRETE TO BE 3000 PSI MINIMUM
 - 5. THIS SUNROOM IS CONSIDERED AS NON-CONDITIONED SPACE, EXEMPT FROM ENERGY REQUIREMENTS (PER 2018 IRC SECTION N1102.1, NOTE 1.2)

ALLOWABLE SOIL PRESSURE CONSIDERED
(PRESUMPTIVE) = 1500 PSF

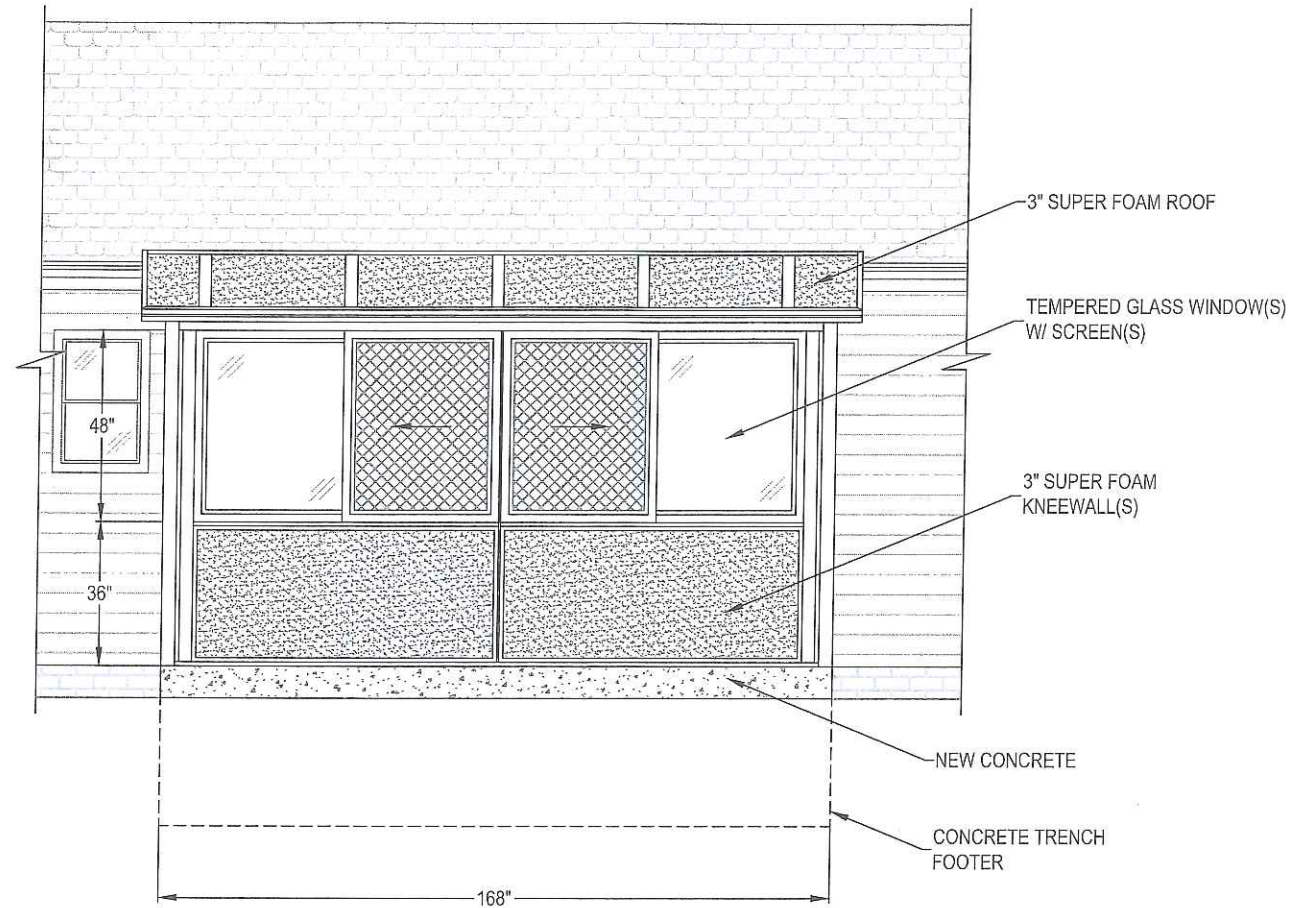
THIS SUNROOM AND FOUNDATION HAVE BEEN EVALUATED FOR
DESIGN LOADS REQUIRED BY THE IRC CODE. THIS INCLUDES ALL
MATERIALS, COMPONENTS, CONNECTIONS, AND ATTACHMENTS
WHEN CALCULATING THE LOAD REQUIREMENTS.



ERIC OETJEN, P.E., M. ENG.
OH. PROFESSIONAL ENGINEER (OH. LIC. #84737)
5 GREENE STREET
FORT THOMAS, KY. 41075
PH. # 859-393-9049

LOCATION	GDI - CINCINNATI 6031 SCHUMACHER PARK DRIVE WEST CHESTER, OH 45069 513-870-0701
JUDY ELSWICK 60 ELKINS LANE SPRINGBORO, OH 45066 JOB #39406	
DATE	7/17/23
DRAWN	AMK
SCALE	NTS
SHEET	1 OF 8

THIS DRAWING IS PROPERTY OF GREAT DAY IMPROVEMENTS, LLC., AND DUPLICATION OF THIS DRAWING WITHOUT OUR EXPRESSED WRITTEN CONSENT IS PROHIBITED. ALL RIGHTS RESERVED.



ELEVATION - "B" WALL



ERIC OETJEN, P.E., M. ENG.
OH. PROFESSIONAL ENGINEER (OH. LIC. #84737)
5 GREENE STREET
FORT THOMAS, KY. 41075
PH. # 859-393-9049

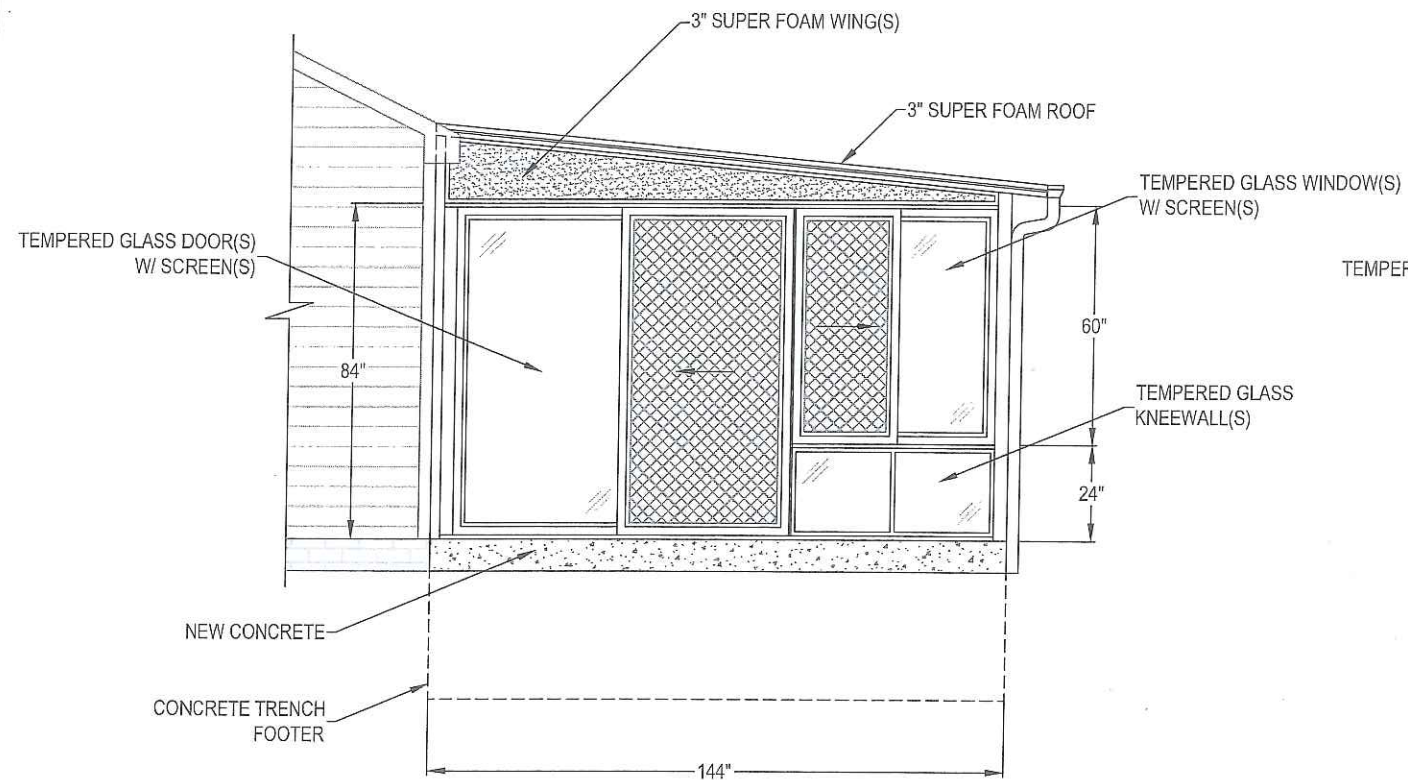
DATE
7/17/23
DRAWN
AMK
SCALE
1/4" = 1'-0"
SHEET
2 OF 8

LOCATION
GDI - CINCINNATI
6031 SCHUMACHER PARK DRIVE
WEST CHESTER, OH 45069
513-870-0701

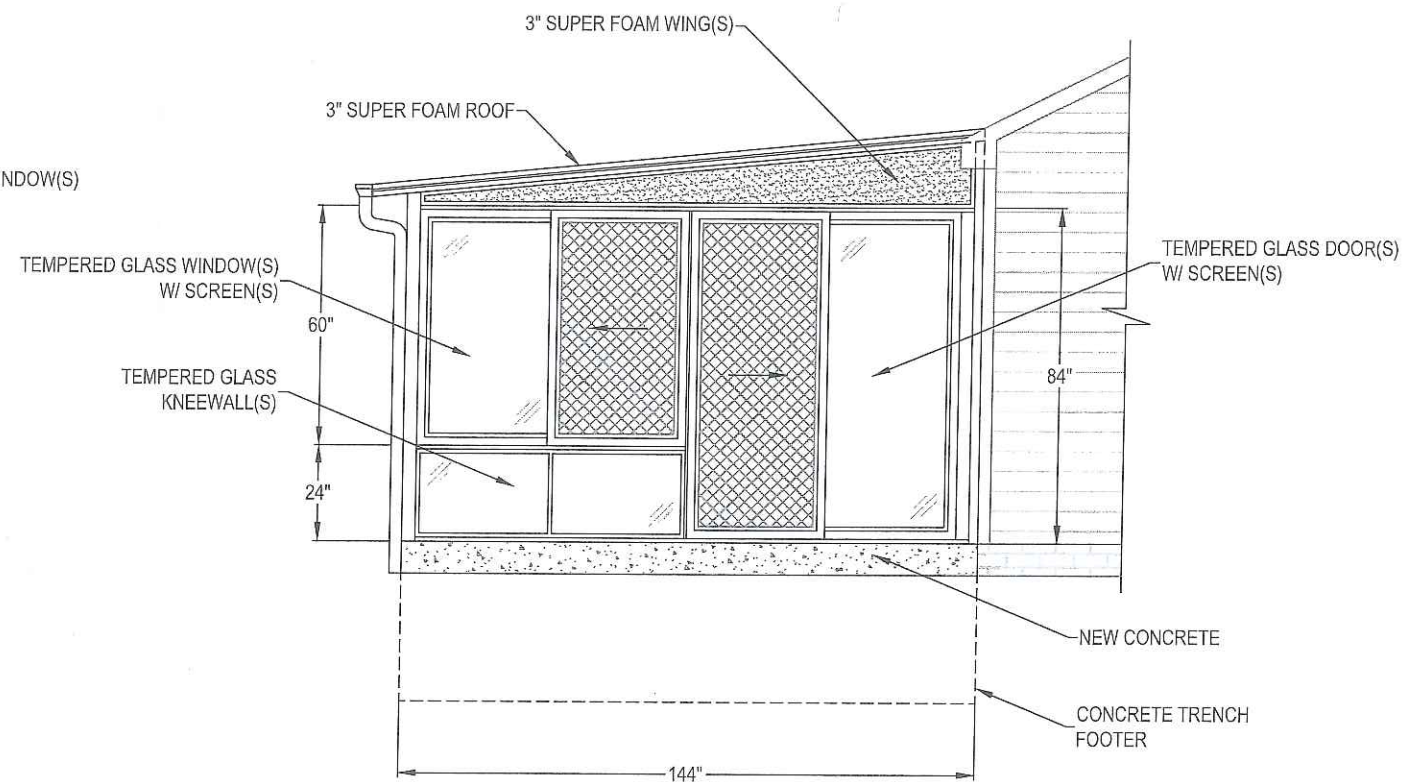
JUDY ELSWICK
60 ELKINS LANE
SPRINGBORO, OH 45066
JOB #39406



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ELEVATION - "A" WALL



ELEVATION - "C" WALL



ERIC OETJEN, P.E., M. ENG.
OH. PROFESSIONAL ENGINEER (OH. LIC. #84737)
5 GREENE STREET
FORT THOMAS, KY. 41075
PH. # 859-393-9049

LOCATION
GDI - CINCINNATI
6031 SCHUMACHER PARK DRIVE
WEST CHESTER, OH 45069
513-870-0701

JUDY ELSWICK
60 ELKINS LANE
SPRINGBORO, OH 45066
JOB #39406

DATE	7/17/23
DRAWN	AMK
SCALE	1/4" = 1'-0"
SHEET	3 OF 8

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SPRINGBORO

320 W. Central Ave.
Springboro, Ohio 45066
(937) 748-9791 PH
(937) 748-6860 FX
build@cityofspringboro.com

APPLICATION FOR BOARD OF ZONING APPEALS

ALL six sections must be completed for application to be processed

1 Address: 216 E. Mill Street
Lot No.: _____ Parcel ID: 04073050120 Zoning District: M1

2 Request for:
☐ -APPEAL (see Section 1285.02 on page 2) ☒ -VARIANCE (see Section 1285.04 on page 2)

3 Briefly explain request:

Asking for the North Property line 40' set back to be 27' 50'
building will line up aesthetically, Having building set back will help with
delivery turn arounds, building being at 40' set back makes it too tight for deliveries

PLEASE PRINT	Name	Address	Email
			Required for processing
Property Owner	Dave Hamilton	216 E. Mill St.	Dave@Digilube.com

The applicant must provide the following:

- 5 ☒ List of property owners within 200 feet of all property boundaries (attached)
☒ Copy of certified site plan, if required (attached)
☒ Variance requests shall include a statement addressing all items noted in Section 1285.04(e)
☒ Application Fee
Appeal: \$133.00
Variance: \$195.00

The above request shall be heard by the Board of Zoning Appeals (BZA) of the City of Springboro at the earliest date allowed by law.

6 I hereby certify, as the owner or authorized agent of the owner, that I have read the above information and have provided the required documentation. I also agree to pay all actual costs incurred by the City of Springboro (approximately \$500), which will be billed to me by the City of Springboro to be paid prior to the BZA hearing.

Applicant's Name: ZACK Posey Email: ZACK Posey 2@gmail.com
Applicant's Signature: [Signature] Date: 9-27-23



SPRINGBORO

BUILDING PERMIT APPLICATION

320 W. Central Ave.
Springboro, Ohio 45066
(937) 748-9791 PH
(937) 748-6860 FX
build@cityofspringboro.com

- 1 ☐ Residential (construction documents and site plan in pdf format required)
☒ Commercial (construction documents and site plan in pdf format required)

ADDRESS: 216 East Mill St.

LOT NO: _____ PARCEL ID: _____

2 PROJECT DESCRIPTION: Building addition

☐-NEW BUILDING ☒-ADDITION ☐-ALTERATION/REMODEL ☐-ACC. STRUCTURE ☐-DECK

SWIMMING POOL: ☐-ABOVE GROUND* ☐-IN-GROUND* ☐-STORABLE

COST: 253,000.00 SQUARE FOOTAGE/AFFECTED AREA: 3200

PROPERTY IN FLOODPLAIN? ☐-YES† ☐-NO

*All above ground and in-ground swimming pools require an additional electrical permit.

†Floodplain permit required.

PERMIT TYPE: (a separate application is required for each discipline and/or address)

- 3 ☒-BUILDING ☐-ELECTRICAL ☐-HVAC† ☐-GAS
☐-FIRE SUPPRESSION ☐-FIRE ALARM ☐-COMMERCIAL KITCHEN HOOD/SUPPRESSION

‡All new gas furnace installations require an additional gas permit. A gas permit is not required for replacements.

	PLEASE PRINT			Phone Number & Email
	Name	Address	*BOTH REQUIRED TO PROCESS APPLICATION*	
4	Property Owner	Dave Hamilton	216 East mill st Springboro	dave@digilube.com
	Occupant/Tenant	Digilube	216 E. Mill St. Springboro	Brandon@digilube.com
	Contractor	Posey Construction	7203 Germantown Rd Middletown, OH 45042	Zack Posey2@gmail.com
	Designer/ Plans By	Leesman Engineering	2720 Topichills Dr. Cincinnati, OH 45248	email@leesmanengineering.com

- 5 I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her agent. *In addition, the applicant agrees to provide access to all the approved construction documents for each inspection by one of the following methods: 1) a printed copy or 2) an electronic copy on a laptop computer or tablet. An electronic copy on a smart phone is not acceptable.*

Applicant's Name (Please print): Zack Posey Email: ZACK Posey2@gmail.com

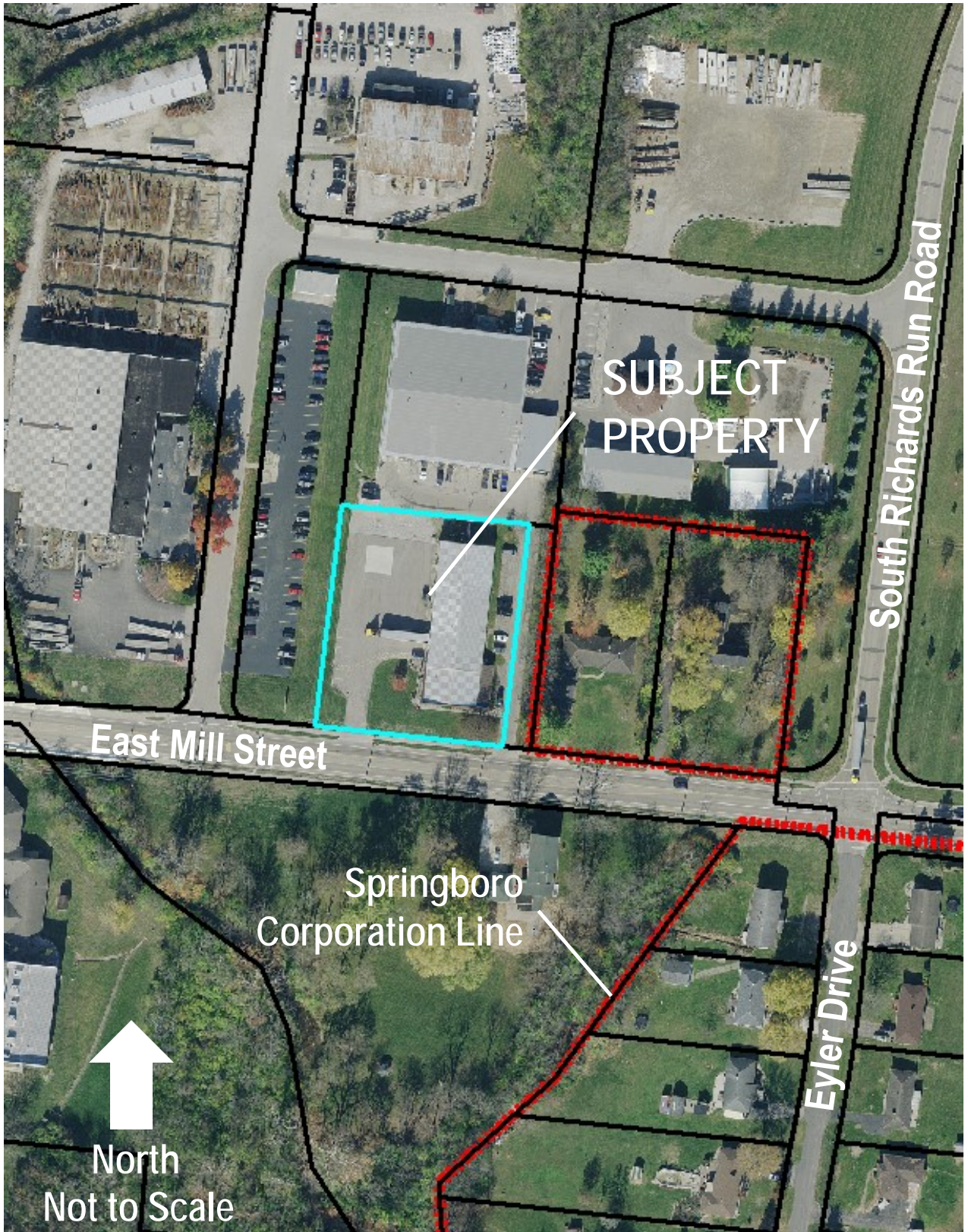
Applicant's Signature: [Signature] Date: 9-8-23

ZONING APPROVAL: **NOT APPROVED** OFFICE USE ONLY DATE: 09/27/2023

BUILDING APPROVAL: _____ DATE: _____

Proposed construction does not meet the rear yard set backs of 40'

BZA Public Hearing Variance Request Vicinity Map— 216 East Mill Street





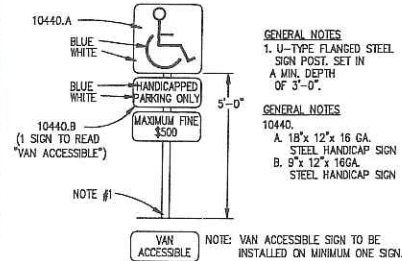
Digilube

We're asking for the north property line set back of 40' to be decreased to 27' so building will line up aesthetically and the 40' set back would push proposed building into parking lot making it to tight for delivery trucks and they would have to back in from the street causing some safety concerns

**CITY OF SPRINGBORO
PARCEL ID: 0407305002
O.R. 484 P.G. 15
SURVEY: 31-74
1.431 ACRES**



HANDICAP SIGN DETAIL
N.T.S.
INSTALLED @ ALL H/C SPACES



GENERAL NOTES
1. U-TYPE FLANGED STEEL
SIGN POST. SET IN
A MIN. DEPTH
OF 3'-0".

GENERAL NOTES
10440.
A. 18"x 12"x 16 GA.
STEEL HANDICAP SIGN
B. 9"x 12"x 16GA.
STEEL HANDICAP SIGN

2. VAN ACCESSIBLE SIGN TO BE
INSTALLED ON MINIMUM ONE SIGN

H & S HAMILTON
PROPERTIES, LLC
PARCEL ID: 0407305012
D.N. 2021-036027
SURVEY: 31-74
1.210 ACRES

SITE DATA
LOT AREA=1.210 ACRES
PID 0407305012


















OWNER
H & S HAMILTON PROPERTIES LLC
216 EAST MILL STREET
SPRINGBORO OH 45066





FLOOD DATA
COMMUNITY PANEL NO.:39165C0036E
ZONE X
12/17/2010

ZONING REQUIREMENTS

(M-1) LIGHT MANUFACTURING DISTRICT

LEGEND

-  FOUND IRON PIN
 SET IRON PIN
 SET MAG NAIL
 UTILITY POLE
 FIRE HYDRANT
 CATCH BASIN
 MANHOLE
 LIGHT POLE
 VALVE/VAULT ACCESS
 WATER METER
 WATER VALVE
 GAS VALVE
 GAS METER
 ELECTRIC BOX
 TELE/COMM BOX
 TRANSFORMER
 AIR CONDITIONER

 BURIED GAS LINE
 OVERHEAD UTILITY
 SAN BURIED SAN LINE
 STM BURIED SAN LINE

VICINITY MAP
N.T.S

GENERAL NOTES

1. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS IN THE AREA OF PROPOSED WORK. IF CONDITIONS OTHER THAN THOSE SHOWN ON THE DRAWINGS ARE ENCOUNTERED, THE CONTRACTOR MUST NOTIFY THE ENGINEER BEFORE PROCEEDING WITH CONSTRUCTION.
2. ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE STATE OF OHIO CONSTRUCTION AND MATERIAL SPECIFICATIONS

UTILITY NOTES

- A. VERIFY EXACT LOCATION OF EXISTING UNDERGROUND UTILITIES PRIOR TO START OF CONSTRUCTION.
- B. NO NEW UTILITIES REQUIRED FOR THIS PROJECT



H & S HAMILTON PROPERTIES LLC
216 EAST MILL STREET
SPRINGBORO OH 45088

LEESMAN ENGINEERING & ASSOC.
ENGINEERING, SURVEYING, PLANNING
2720 TOPIC HILLS, CINCINNATI, OH 45248 513/417-0420

S
J
L
engineers

DRAWING TITLE

SITE PLAN

PROJ. NO. DIGILUBE	DATE 9/1/23
DRAWN SJL	CHECKED SJL

DRAWING NO.

C1

City of Springboro
320 West Central Avenue, Springboro, OH 45066

Board of Zoning Appeals Meeting & Public Hearing
Wednesday, November 22, 2022, 6:00 p.m.

Board of Zoning Appeals

Jerry Ferris
Sheila Lairson, Acting Chair
Sondra Marzluff

Brian Retterer
Paul Scheuermann
Ed Syron

City Staff

Dan Boron, City Planner

Dan Fitzpatrick, Zoning Inspector

I. Call to Order & Roll Call

Ms. Lairson called the meeting to order at 6:00 p.m. and asked for the calling of the roll.

Roll Call: Ferris, Lairson, Retterer, Scheuermann, Syron. Absent: Sondra Marzluff

Ms. Lairson called for a motion to excuse Ms. Marzluff.

Mr. Ferris made a motion to excuse. Mr. Retterer seconded the motion.

Vote: Lairson, Retterer, Scheuermann, Syron, Ferris—all yes. (Motion carried 5-0)

II. Approval of Minutes

A. February 23, 2022 Board of Zoning Appeals Meeting

Ms. Lairson asked for motion to approve the February 23, 2022 meeting minutes.

Mr. Syron motioned to approve the February 23, 2023 Meeting Minutes. Mr. Ferris seconded the motion.

Vote: Ferris, Lairson, Retterer, Scheuermann, Syron—all yes. (Motion carried 5-0)

III. Action Agenda Items

A. Public Hearing, Variance Requests, 3883 West Lower Springboro Road

- (1) Variances from the front yard location and height restriction for an accessory structure.**
- (2) Variance from the height restriction of an accessory structure.**

Background Information

This agenda item is based on applications filed by Michael Alford, property owner, requesting a variance from the strict interpretation of the Planning & Zoning Code's requirements concerning the placement and height of principal structures on his property. The property is located in the R-1, Estate-Type Residential Zoning District. The R-1 District requires a 50-foot setback, a yard, defined as an open space unoccupied or unobstructed by any structure or portion of a structure.

The Planning & Zoning Code establishes the purpose, permitted uses and lot and building development standards for the R-1 District and other zoning districts in the City. The R-1 District was established to provide for estate-type, detached, single-family residential development at a density of two (2) units per acres on lots with a minimum acreage of 20,000 square feet (0.5 acres effectively). The subject property is approximately 19.93 acres in area. Land uses permitted in the R-1 District include single-family residential homes, churches, schools, cultural/public uses, parks, bed and breakfasts, golf courses, farmer's markets, roadside stands, accessory buildings, structures and other uses (Section 1263.04, Table 6). Commercial and industrial development is prohibited (Section 1261.08(b)) in the R-1 District. Design and development standards for detached accessory buildings, such as the pole barn that is the subject of this variance case, are included in Section 1272.02 of the Planning & Zoning Code and are as follows:

- Accessory building maximum Height: 15 feet
- Maximum Building Coverage: 10 percent of required yard
- Permitted Locations: rear yard only

The applicants are proposing to construct building two (2) accessory structures on the property.

Accessory Structure #1. The first would be located in the front yard of the property approximately 675 feet north of the front property line. The principal structure on the property is located approximately 975 feet from the front property line on the upland portion of the property. The accessory structure would be 19.5 feet in height, exceeding the 15-foot height maximum. That figure is based on the Planning and Zoning Code's interpretation of building height, the sum of the eave (16 feet) and ridge (23 feet) height divided by 2.

The structure would be on the bottomland portion of the property and would be used for housing farm equipment used in this portion of the property.

Accessory Structure #2. The second accessory structure is to be located in the rear yard approximately 365 feet from the east property line and to the rear of the principal structure. Unlike the accessory structure #1, such structures are permitted by code in this area, however the structure will also be 19.5 feet in height as measured by the Planning and Zoning Code, again exceeding the 15-foot height maximum. The applicant has provided a site plan showing the proposed location of the buildings, aerial photography, and other information pertinent to the case. This structure would be used as a garage.

Properties in the vicinity of the subject property are used as follows: to the east and southeast, lands in the City of Springboro comprising Clearcreek Park; to the southwest in the City of Franklin, the City of Springboro's Hazel Woods Park, and the Kleather farm in the City of Springboro; to the west single-family

residential on Kenny Lane in Franklin Township; to the north single-family residential also in Franklin Township. To the northeast is a 42.1-acre vacant parcel that is subject to an annexation agreement between Franklin Township and the City of Springboro. A single-family residential development is proposed to be built there following annexation in early 2023.

All lands described above in the City of Springboro to the east are zoned R-1 District. The Kleather farm is zoned ED, Employment Center District, a category that permits office and lighting industrial development.

Variance Review Process

Section 1285.04, Variances, of the Planning and Zoning Code establishes a process for the review of variances by the Board of Zoning Appeals from the strict interpretation of the Planning and Zoning Code:

The Board of Zoning Appeals is hereby authorized to grant, upon appeal in specific cases, a variance from this Zoning Code and will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Zoning Code would result in a practical difficulty. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

The following criteria need to be met in order for the Board of Zoning Appeals to grant a variance from the strict interpretation of the Planning & Zoning Code. The applicants have provided a response to each criteria indicated in italics below.

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

The parcel in question is of a substantially more confining shape than other parcels, not only in the 200-foot buffer zone but also in the broader neighborhood. Special conditions specific to the existing residence limit the opportunities to locate the proposed building addition elsewhere on the lot at an alternative, conforming location.

The property has since 1945 been used for farming. The property is 19.6 acres. When purchased in 1996 there were 2 barns, one of which was where the new garage will be erected. (The) pole barn in (the) front field will be used for farming equipment.

2. A literal interpretation of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under this Zoning Code.

The literal interpretation of this code is designed for strictly residential properties where this property is and has always been a farm. Property to the east and south are parks. The property to the west is mainly a farm. The closest residence is approximately 555 feet from the garage and 620 feet from the pole barn. All residential houses adjoining this property are blocked by existing trees.

3. That special conditions and circumstances do not result from the actions of the applicant.

The applicant has indicated that this is not a self-created condition.

4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, structures or buildings in the same district.

The applicant has stated that other parcels have similar-sized additions that would not trigger the need for a variance.

Knowing that there were previous buildings on this farm property the approval of this variance would not be deemed any kind of special privilege.

In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with the Planning & Zoning Code. A violation of any of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Planning & Zoning Code. City staff has not proposed any conditions for these variance requests.

The information contained in this report is based on material provided to the City of Springboro as of Wednesday, November 16, 2022 at 2:00 p.m.

Discussion

Chair Lairson opened the Public Hearing and swore in all present planning on testifying.

Mr. Boron reviewed the background information on the property and explained how the property has frontage on West Lower Springboro Road but extends further back, nearly 20 acres, just west of Clearcreek Park.

Mr. Dan Fitzpatrick reviewed the variance requests from Mr. Alford, first explaining the building request in the front of the property, which was denied because it did not meet zoning requirements for both location and it also exceeds the height requirement of 15 feet.

There was a question about which direction the front of the house faced.

Mr. Alford explained that the front door faces east, and the other door faces north.

Mr. Boron clarified that the legal frontage of the property faces south, therefore, the south face of building #1 is in the front yard.

Chair Lairson asked if it was possible to locate this building closer to the 2nd building rather than in the front.

Mr. Alford stated that the front of the property is where they farm, noting that it is not practical to take the farm equipment up and down the hill with a 60-foot grade difference.

Mr. Boron noted that the larger parcel of farming property to the west belongs to Mr. Kleather.

There was a question if Building #1 in the front of the property would be visible from the road or the park.

Mr. Alford believed it would be visible from certain parts of the road.

Chair Lairson clarified that the extra height of the building was needed to fit the farm equipment.

Mr. Alford said that was correct. He also explained that this 20-acre portion of property has been farmed since 1945.

Chair Lairson reviewed and explained the (4) criteria that need to be met in order for a variance to be granted.

Mr. Boron noted that Mr. Alford provided a written response which is pertinent information clarifying how this property is different than most R-1 zoned property with the City, therefore poses a unique situation.

Mr. Boron explained that Kleather's farm which is the joining property has very similar circumstances and all of his buildings were legally conforming at the time of construction.

Chair Lairson confirmed that under the 4th criteria, the applicant has stated that other parcels have similar-sized additions that would not trigger the need for a variance.

Knowing that there were previous buildings on this farm property the approval of this variance would not be deemed any kind of special privilege.

Mr. Boron corrected an earlier statement that Mr. Kleather's farm is not zoned R-1, rather ED, Employment Center District. He noted there are other properties zoned R-1 in the City, and some have accessory structures as well.

Mr. Fitzpatrick reviewed the variance request for the second structure to the side of the house which is permitted, but it does also exceed the height requirement of 15' maximum.

Mr. Boron again reviewed how the height of the structure is measured, from the eaves, plus the ridge divided by 2, which is 19.5 feet and exceeds the limit by 4.5 ft.

Chair Lairson asked if this structure would also house equipment.

Mr. Alford noted that it could house equipment and there are also plans to store a motor home in the future.

Mr. Kleather spoke in support of Mr. Alford, noting that Mike has greatly improved the property since he has owned it and the plans for these structures will further improve his property.

Chair Lairson stated the public hearing is now closed.

Chair Lairson called for a motion to approve the variance for height restrictions on structure #1 and its placement in the front of the property.

Mr. Syron made a motion to approve the variance of location and height as submitted, including a finding that the applicant has met the four conditions of approval for accessory structure #1 at 3883 W. Lower Springboro Road. Mr. Ferris seconded the motion. There was no discussion.

Vote: Ferris, Lairson, Retterer, Syron—all yes. Sheuermann abstained. (Motion carried 4-0)

Chair Lairson called for a motion to approve the variance for height restrictions on structure #2.

Mr. Syron made a motion to approve the variance of height as submitted, including a finding that the applicant has met the four conditions of approval for accessory structure #2 at 3883 W. Lower Springboro Road. Mr. Retterer seconded the motion. There was no discussion.

Vote: Ferris, Lairson, Retterer, Syron—all yes. Sheuermann abstained. (Motion carried 4-0)

VI. Comments

There were no comments.

VII. Adjournment

There being no other business, Ms. Lairson asked for a motion to adjourn the meeting.

Mr. Retterer motioned to adjourn the November 22, 2022 meeting, seconded by Mr. Ferris

Vote: Ferris, Lairson, Retterer, Scheuermann, Syron—all yes. (Motion carried 5-0)

Ms. Lairson adjourned the meeting at 6:35 p.m.

Chair, Board of Zoning Appeals

Dan Boron, City Planner