

## Hamilton Township Planning & Zoning Department

P.O. Box 699  
7780 South State Route 48  
Maineville, Ohio 45039  
(513) 683-8520 Office • (513) 683-4325 Fax

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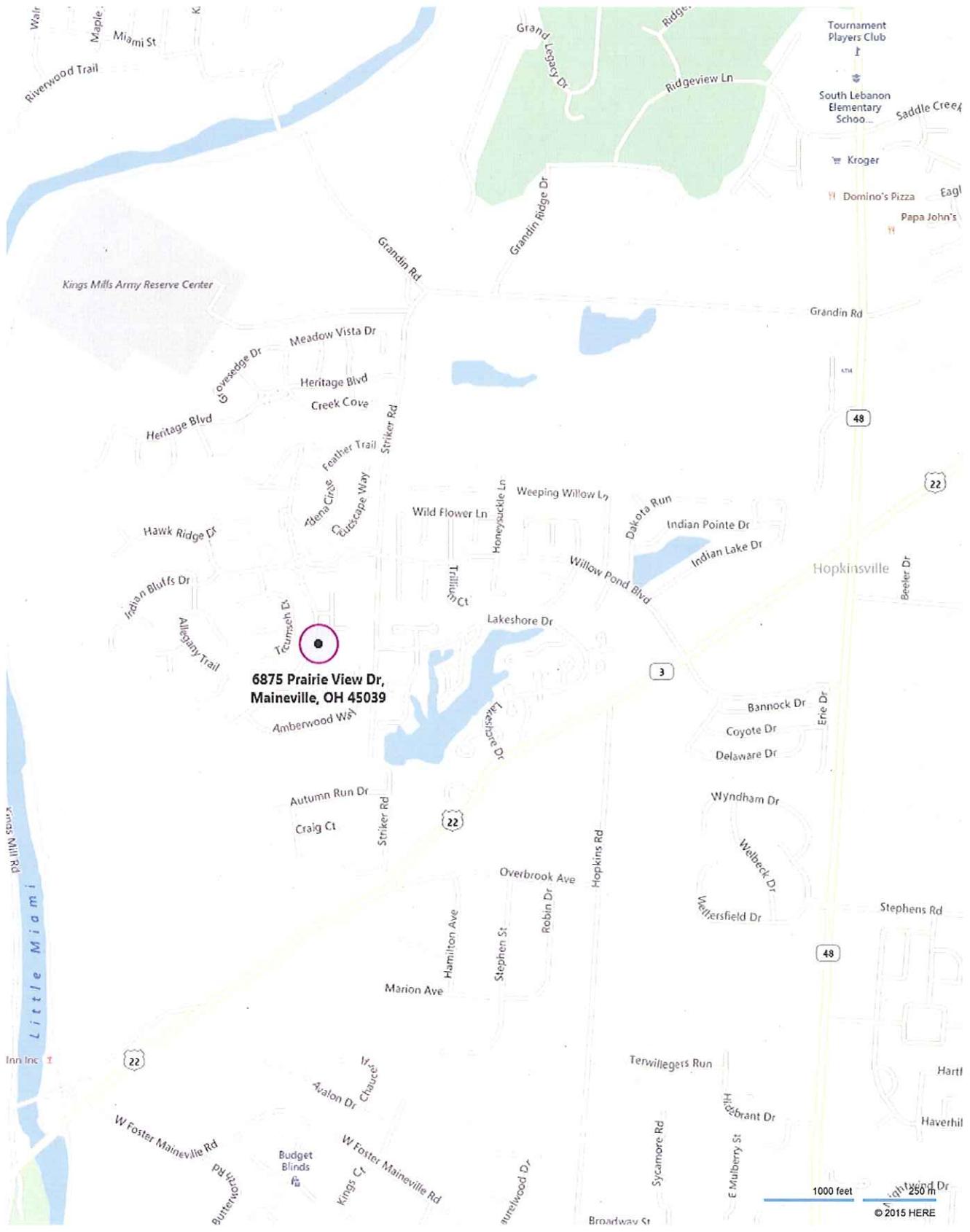
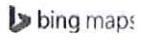
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The Hamilton Township Board of Zoning Appeals has scheduled a Public Hearing for Thursday, November 19, 2015 at 7:00 P.M. to hear the request of Mr. Daniel Ferris, 6875 Prairieview Drive, Hamilton Township, Ohio 45039. The applicant has requested a variance from Section 6.1.3.E to reduce the minimum rear yard setback from 30 feet to 26 feet for a wood deck.

The Hearing will take place at the Hamilton Township Administration Building, 7780 S. State Route 48. The map and text will be displayed at the Township Planning and Zoning Department between 8:00 A.M. and 5:30 P.M., Monday through Friday. For more information, please visit our website at [Hamilton-Township.org](http://Hamilton-Township.org).

If you have comments and are interested in the above, please plan to attend the meeting and express your concerns.

Michelle Tegtmeier  
Hamilton Township  
Community Development Coordinator



# Application for an Appeal to the Board of Zoning Appeals

## Hamilton Township Board of Zoning Appeals

**Mr. Daniel Ferris, 6875 Prairieview Drive  
7:00 PM, November 19, 2015**

### General Information

- Applicant / owner:** Mr. Daniel Ferris  
6875 Prairieview Drive  
Maineville, Ohio 45039
- Property Location:** 6875 Prairieview Drive  
Miami Bluffs Subdivision  
Hamilton Township, Ohio 45039
- Contiguous Owners:** See application.
- Existing Zoning:** R-4 PUD Single Family Residence Zone
- Existing Land Use:** SFD
- Parcel Information:** Size 0.179 acres  
Land Use SFD
- Surrounding Land Use:** North: R-4 PUD Single Family Residence Zone  
East: R-1 PUD Single Family Residence Zone  
South: R-1 Single Family Residence Zone  
West: R-1 Single Family Residence Zone
- Requested Action:** The applicant has requested a variance from Section 6.03.B.4 in order to construct a patio enclosure into the minimum thirty (30) feet setback requirement for Miami Bluffs Subdivision. The deck would protrude ten (10) feet into the rear yard setback reducing it from the required thirty (30) feet to twenty-six (26) feet.
- History:** Staff left a message for Mr. Ferris stating the deck application was denied due to the required rear yard setback. Mr. Ferris called staff and after some discussion it was decided he would apply for the variance. The variance was received in the office on October 21, 2015. The hearing date was then set by the Board for November 19, 2015.
- Applicable Regulations:** In Section 6.1.3.E The Hamilton Township Zoning Code, states,  
  
The rear yard setback shall extend the full width of the lot and shall be measured from the rear lot line.  
  
Section 6.1.3.A of The Hamilton Township Zoning Code, states,  
  
Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located.  
  
Miami Bluffs Subdivision has a rear yard setback of thirty (30) feet.

**Similar Cases:**

**Mr. Bays / Champion, 6/26/2014, 411 Crossbow**

Applicant requested a variance to construct a patio enclosure in the rear yard setback, reducing it by twelve (12) feet. Variance was approved.

**Mr. Stephen Knepfle, 4/4/2013, 8353 Yankee Pass**

Applicant applied for a variance to construct a deck, leaving the rear yard setback at eighteen (18) instead of the required thirty (30.) Variance was approved with stipulations.

**Mr. & Mrs. James Buck, 6/28/2012, 537 Misty Dawn**

Applicant applied for a variance to construct a roof over existing patio and reduce the rear yard setback from the required thirty-five (35) to twenty-three (23) feet. Variance was approved.

**Mr. Pete Reed, 3/15/2012, 3104 Village View Lane**

Applicant applied for and was granted a ten (10) foot variance to construct a deck into the required thirty (30) feet rear yard setback.

**Mr. Jerry Clark, 10/6/2011, 5184 Emerald View Drive**

Applicant requested a variance to allow construction of a deck two (2) foot into the required twenty-five (25) setback. Variance was approved.

**Mr. Frank T. Schroeder, 7/28/2011, 1288 Shawnee Run Drive**

Applicant applied for and was granted a six (6) foot variance to allow a deck in the rear yard setback.

**Sabo Design & Associates, 7/28/2011, 904 Grande Oaks Drive**

Applicant applied for a variance to construct a deck and enclosed patio in the rear yard setback. Variance was approved for fifteen (15) feet not the requested seventeen eight (17.8).

**Site Summary:**

This property is located in the Miami Bluffs Subdivision, lot 108. The property rises slightly from street to the rear yard. The dwelling is sixty-one (61) feet deep and forty-five (45) feet wide on .1788 acres. This three bedroom, three baths with a full basement home was built in 2010. Current owners have resided in the house since it was constructed.



**Hardship Requested:** Applicant states the following reasons for the hardship request:

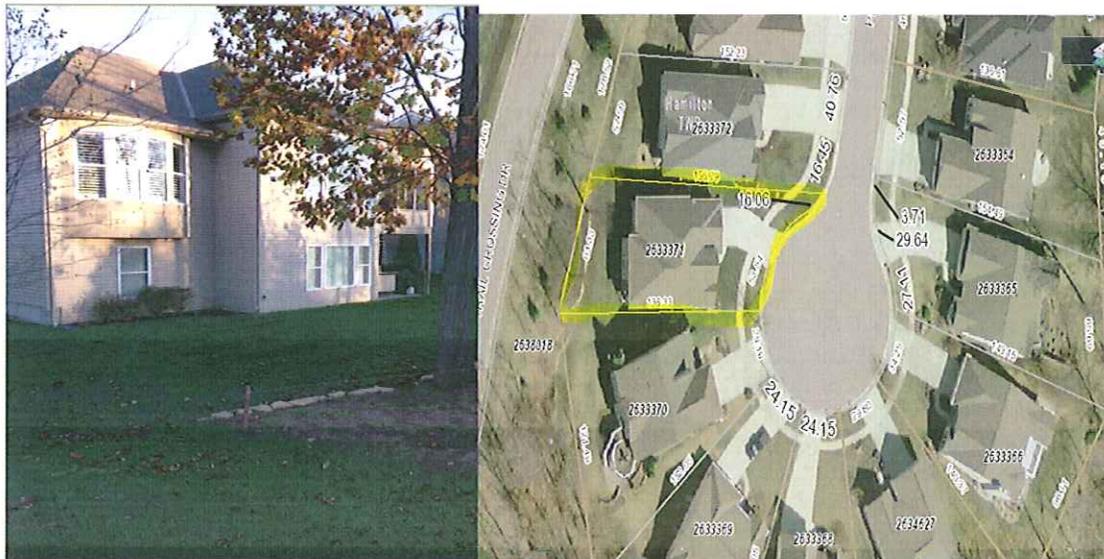
*I want to extend living space (deck) in backyard so I do not have to go downstairs to go outside to grill. Behind my house is green space and I have planted some evergreens for more privacy. No neighbors are affected except on either side and both approve this proposed deck.*

**Analysis:** The Ohio Supreme Court granted townships and cities the authority to review area variances in *Kisil v. City of Sandusky*, where a property owner requested permission to use the property in a manner not permitted by the zoning code.

The court concluded that area variances (variances dealing with height, acreage, frontage and setbacks) involved "practical difficulties" by which a property owner, unless granted a variance, could not use a property for the purpose, which it was zoned.

In other words, the particular physical surroundings, shape, topographical condition or other extraordinary situation or condition of the specific property involved would effectively prohibit or unreasonably restrict the utilization of the property or would constitute a clearly demonstrable hardship, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

**Recommendation:** Staff recommends approval of the request. We have this happen many times in neighborhoods where the cul-de-sac bumps the house far back into the rear yard. Buyers are not made aware at the time of purchase and therefore unable to complete their plans for the backyard. We have had instances where the second story sliding glass door has been nailed shut since there was no room for a deck in the rear yard. It is an issue staff is noting on all permits to help address the issue. Till it is resolved buyers beware and shame on the builders!



## Application for an Appeal

All applications must be typewritten and filed in triplicate with the Hamilton Township Planning and Zoning Department and accompanied by a fee of \$300.00 for a residential property and \$500.00 for a commercial or industrial property. The application must include a plot plan clearly displaying the following information. (Please refer to the example plot plan for reference):

- A. Title of the drawing with the name and address of the applicant.
- B. Drawing to scale with scale size, North Point and date.
- C. Size of the lot showing lot dimensions and dimensions of any existing or proposed structures.
- D. Distances of all setback lines for all existing and proposed structures on the lot.
- E. Existing and proposed driveways, walkways, patios, decks, etc.
- F. Identify any access or drainage easements on the lot.
- G. Identify all property and property owners within 200 feet of applicant's property.
- H. Identify all streets, roads and subdivisions within 200 feet of the applicant's property.

Applications for residential properties need not be rendered by a certified engineer. All applications for commercial or industrial properties must include a certified engineer or architect seal on the plot plan.

Official addresses can be obtained from the office of the Warren County Treasurer, 320 E. Silver Street, Lebanon, Ohio, 45036. Written notice of the hearing date will be given to all such adjoining property owners by the Board of Zoning Appeals.

Applicant Name: Daniel E. Ferris Phone No. (1) 513 - 520 - 2900  
Applicant Address: 6875 Prairieview Dr., Maineville, OH 45039  
Applicant Email: danferris72@gmail.com  
Reason Application Was Denied: a portion of proposed deck was too close to rear property line.  
Relevant Code Section: \_\_\_\_\_

The Applicant States that the denial of the Zoning Certificate in this Instance Constitutes an Unnecessary Hardship for the Following Reason(s):

I want to extend living space (deck) in back yard so I do not have to go downstairs to go outside to grill. Behind my house is green space and I have planted some evergreens for more privacy. No neighbors are affected except on either side and both approve this proposed deck.

The title to the above premises is vested in the names of \_\_\_\_\_ and a zoning appeals for the \_\_\_\_\_ is hereby requested.

Daniel E. Ferris  
Applicant Signature

10-21-15  
DATE

Property Owners (Within 200 feet, Adjoining or Across the Street or Road From)

Name:

Mailing Address:

Don Weber 6877 Prairieview Dr., Maineville OH  
45039

Marilyn Metia 6865 Prairieview Dr., Maineville OH  
45039

Below for Use of the Board of Zoning Appeals:

\*\*\*\*\*

Date Application Accepted: \_\_\_\_\_

Date of Legal Ad Notices: \_\_\_\_\_ and \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Fee: \$ 300.<sup>00</sup> Check Number: 2756 Receipt Number: 960140

Motion Made by: \_\_\_\_\_ 2<sup>nd</sup> by: \_\_\_\_\_

Action of the Board Members: APPROVED DENIED

Mr. Leever \_\_\_\_\_ Mr. Lipson \_\_\_\_\_ Mr. Furterer \_\_\_\_\_ Mr. Eberenz \_\_\_\_\_ Mr. Schroeder \_\_\_\_\_

Alt. Mrs. Southwick \_\_\_\_\_

Further Comments/Actions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HAMILTON TOWNSHIP BOARD OF ZONING APPEALS

*To maintain proper alignment when printing set Page Scaling to None.*

PETERSEN CHRISTOPHER D.  
6860 PRAIRIE VIEW DR  
MAINEVILLE, OH 45039

KROGER DAVID J. & JUDY L  
6866 PRAIRIE VIEW DR  
MAINEVILLE, OH 45039

WOLEVER TERRI  
6876 PRAIRIE VIEW DR  
MAINEVILLE, OH 45039

MARTIN GERALDINE S.  
6881 PRAIRIE VIEW DR  
MAINEVILLE, OH 45039

ROEPER MARLENE M. \*  
6879 PRAIRIE VIEW DR  
MAINEVILLE, OH 45039

WEBER DON & TONI  
6877 PRAIRIE VIEW DR  
MAINEVILLE, OH 45039

FERRIS DANIEL E. & CAROL  
6875 PRAIRIE VIEW DR  
MAINEVILLE, OH 45039

MELIA MARILYN A.  
6865 PRAIRIE VIEW DR  
MAINEVILLE, OH 45039

FROLIO FRANCES L.  
6857 PRAIRIE VIEW DR  
MAINEVILLE, OH 45039

HIMES RANDALL W. &  
6834 PRAIRIE VIEW DR  
MAINEVILLE, OH 45039

O'CONNELL PATRICK M. & \*  
6844 SILVERTIP CT  
MAINEVILLE, OH 45039

MC VEY FRIEDA JEAN  
6882 PRAIRIE VIEW DR  
MAINEVILLE, OH 45039

SARESKY RONALD L. & ANNE  
1418 TECUMSEH DR  
MAINEVILLE, OH 45039

NAZZARINE RONALD W. &  
1424 TECUMSEH DR  
MAINEVILLE, OH 45039

ECOFF TRACY LYNN  
1430 TECUMSEH DR  
MAINEVILLE, OH 45039

SHEFFER DARRYL S. &  
1436 TECUMSEH DR  
MAINEVILLE, OH 45039

PROFFITT STEVEN D. & \*  
1442 TECUMSEH DR  
MAINEVILLE, OH 45039

MIAMI BLUFFS COMMUNITY \*  
0 TRAIL CROSSING DR  
MAINEVILLE, OH 45039

BURRESS BARRY R. &  
6845 PRAIRIE VIEW DR  
MAINEVILLE, OH 45039

MANSFIELD ROBERT A. JR.  
6839 PRAIRIE VIEW DR  
MAINEVILLE, OH 45039

FISCHER DEVELOPMENT \*  
6838 SILVERTIP CT  
MAINEVILLE, OH 45039

FISCHER DEVELOPMENT \*  
1269 SILVER OAKS WAY  
MAINEVILLE, OH 45039

10/20 - Denied - RYS

**DENIED**

**HAMILTON TOWNSHIP**  
**Department of Planning and Zoning**  
**Application for a Residential Zoning Certificate**

Application Number: 15-0321 Date: 10.20.15

Application is hereby made for a zoning certificate. It is understood and agreed by the applicant that any error, misstatement or misrepresentation of fact or expression of fact in the application, either with or without intention on the part of the applicant, such as might, or would, operate to cause the issuance of a permit in accordance with this application, shall constitute sufficient ground for the revocation of the permit at any time.

In order for this application to be accepted, the applicant must submit a completed and signed application, a detailed site plan and the required fee. Changes made to the zoning certificate application or site plan before the application is signed by the zoning inspector will not require a fee. Minor changes made to the application or site plan after the application is signed by the zoning inspector that does not significantly alter the design of the building footprint, the principle use of the structure, or the height or gross area of the structure will require a \$25.00 revision fee. Minor changes may include but are not limited to bay windows, decks, patios, sunrooms or bump-outs. Major changes made to the application or site plan after the application is signed by the zoning inspector that significantly alter the design of the building footprint, the principle use of the structure, or the height or gross area of the structure will cause the cancellation of the original zoning certificate, and the resubmission of a new zoning certificate and accompanying zoning certificate fee.

Applicant Name: Daniel E. Ferris  
Address: 6875 Prairieview Dr. Maineville, OH Telephone: 513-520-2900  
Email: danferris72@gmail.com (the permit will be sent to your inbox)  
Permit Mailing Address: (Same)  
Land Owner Name: (Same)  
Address: (Same)  
Telephone: \_\_\_\_\_ Occupant: Owner

Location Address: Same  
Subdivision: Miami Bluffs Lot Number: 108

Class of Work:  
New: New Addition:  
Sign (Type): \_\_\_\_\_ Accessory Building (Type): \_\_\_\_\_

Size in Square Feet: 10' x 11' Stories: 1  
Usable floor space for use as living quarters, exclusive of basements, porches, garages, breezeways, terraces, attics, or partial stories.

First Floor 1800 sq. ft. Second Floor \_\_\_\_\_ sq. ft.

Basement:  YES NO If yes, is the basement finished?  YES NO Partial

Building Use: Residential Families: 1

Building Height: \_\_\_\_\_ Number of off-street parking spaces: \_\_\_\_\_

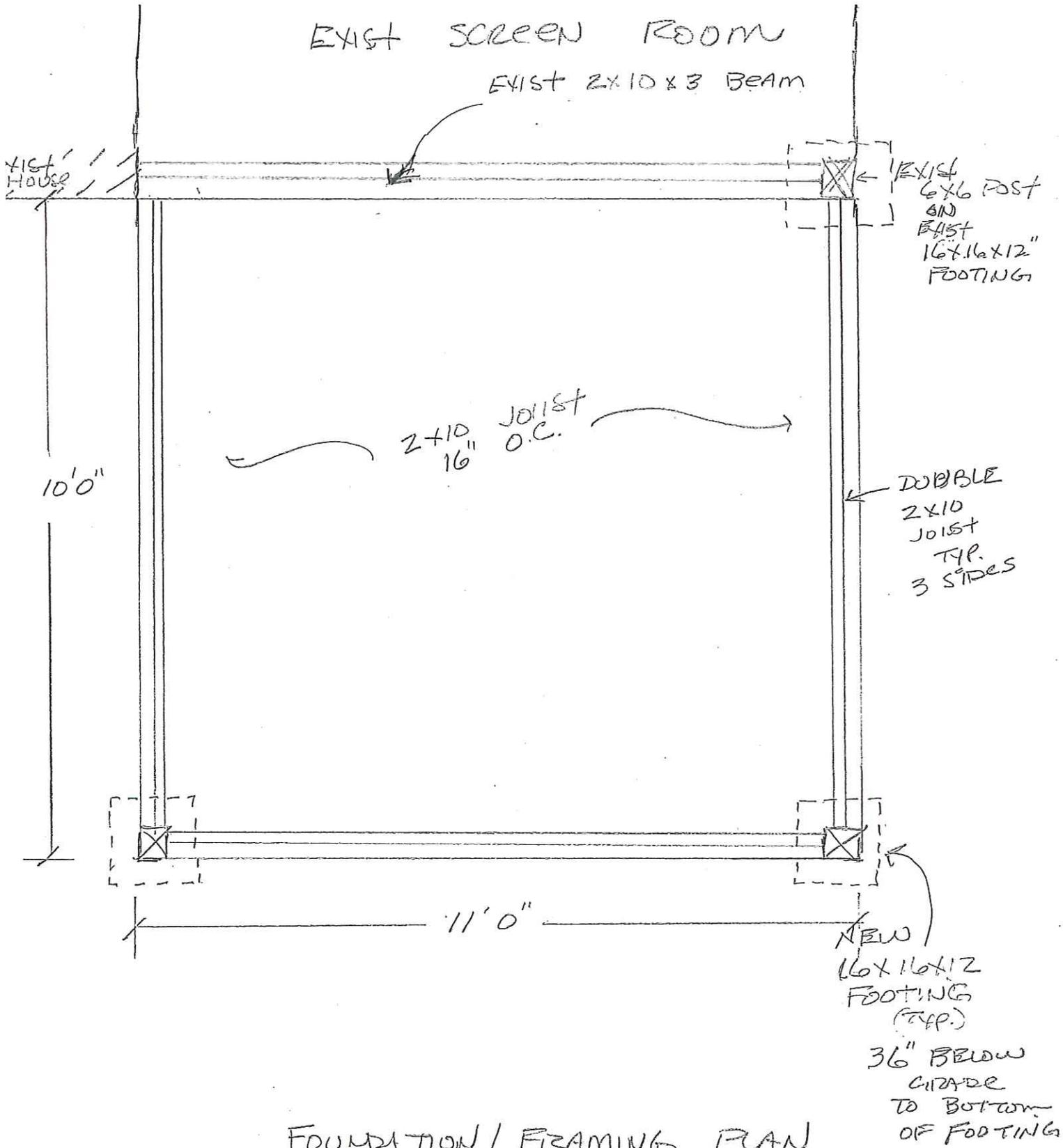
Acres: .1788 Parcel Number: 108

Applicants Signature: Daniel E. Ferris



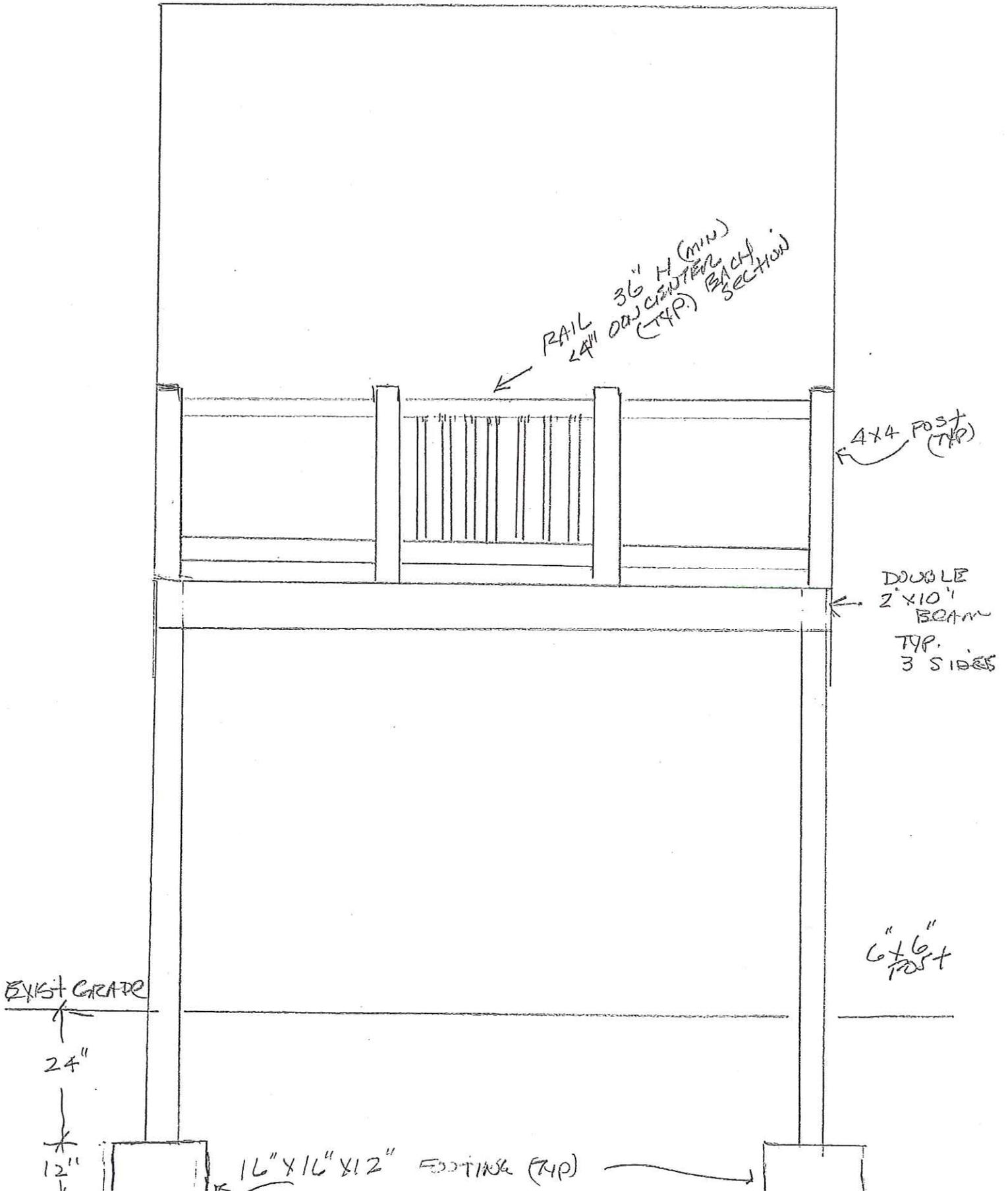
EXIST SCREEN ROOM

EXIST 2x10x3 BEAM



FOUNDATION / FRAMING PLAN

# PLAN VIEW

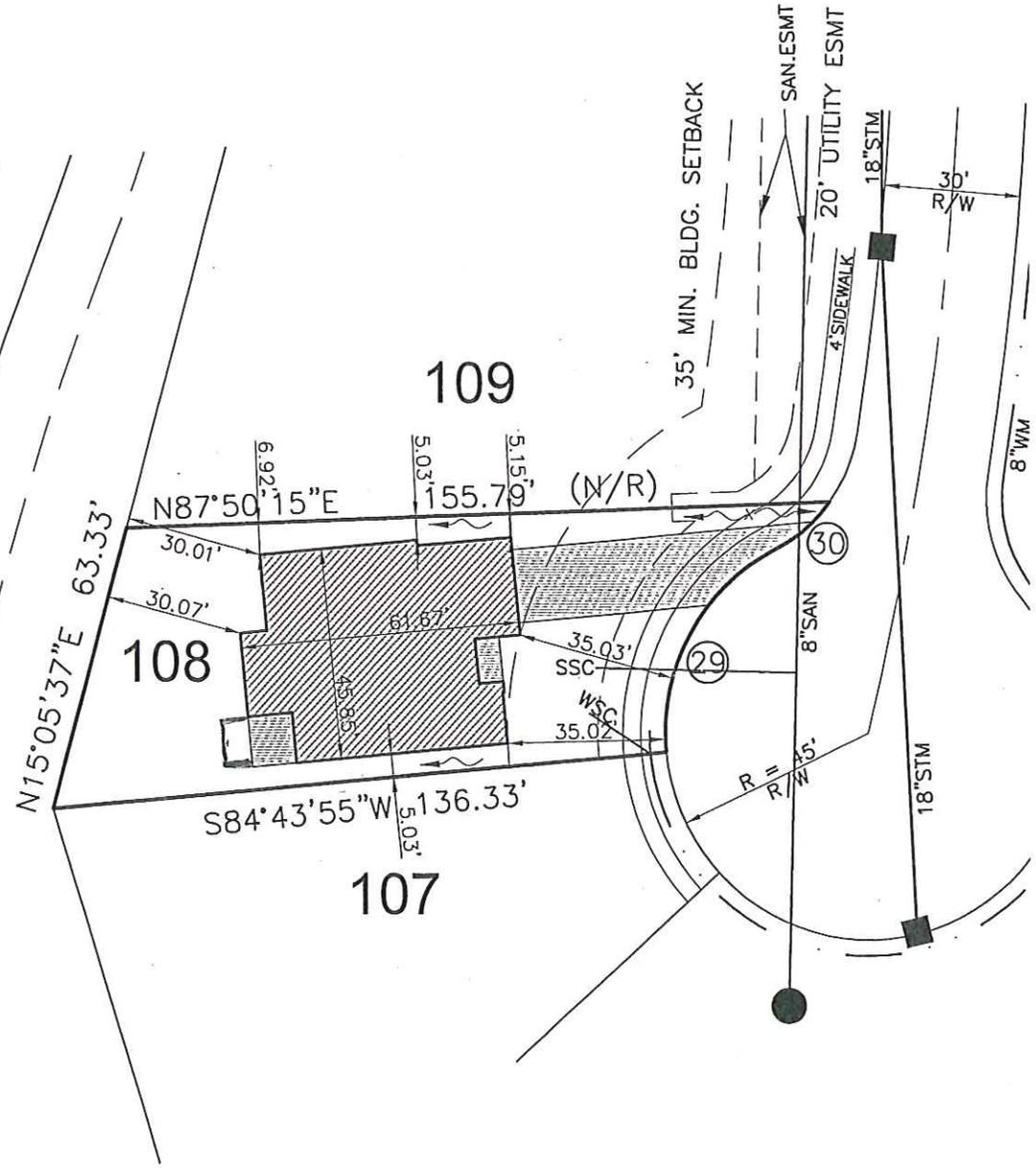


(6)	PAGE Concrete MIX (16385)	\$ 3.70	22.20
(4)	REBAR 1/2" x 24" LONG (5895)	\$ 1.60	6.40
(2)	6x6x12 TREATED POSTS (444984)	\$ 36.27	72.54
(2)	2x10x12 TREATED (472831)	15.57	31.14
(11)	2x10x10 TREATED (472830)	12.97	142.67
(4)	1x10x12 VINYL TRIM (238351)	<del>\$ 50.00</del>	200.00
(20)	TREX DECKING 1x6x12 (548123)	\$ 30.00	600.00
(1)	5# BOX 3" DECK SCREWS (323960)	\$ 30.00	30.00
(5)	4x4x8' POST FOR RAILS (444956)	9.27	46.35
(10)	4x4x4 VINYL POST SLEEVE (160835)	26.00	260.00
(12)	5 PACK RAIL BUSHINGS (44551)	11.57	138.84
(2)	DECK RAILING KIT 8' LONG (139792)	60.00	120.00
(3)	DECK RAILING KIT 6' LONG (137828)	35.00	70.00
(10)	POST CAPS 4x4 GOTHIC (155081)	5.00	50.00
(1)	SCREEN DOOR EST.		200.00
(4)	DOUBLE 2x10 JOIST HANGERS (44626)	4.21	16.84
(14)	SINGLE 2x10 JOIST HANGERS (116209)	1.52	21.28
(2)	1# BOX 1 1/2" JOIST HANGER NAILS (62229)	4.27	8.54
			<u>2036.80</u>
			11.1.84

TRAIL CROSSING DRIVE



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH BEARING	CH DISTANCE
29	53.54'	45.00'	68°09'47"	S28°48'48"W	50.43'
30	16.06'	34.50'	26°39'56"	S49°33'43"W	15.91'



# Advertising COX Ohio Publishing Receipt

Acct SL000361  
Phone 5136838520  
E-Mail  
Client

Name HAMILTON TOWNSHIP TRUST  
Address 7780 S STATE ROUTE 48

City MAINEVILLE

State OH Zip 45039-8803

Caller: 2015-11-19

Ad Name 17384956A  
Ad Id 17384956

Reply Request  
Standby Type

Start 11/08/15

Issues 2

Stop 11/15/15

Class 1230

Rate CCLGLR

Pay Type BI

Copy Line Hamilton Twp 11-19 hearing

Rep OPEN-CLAO-1910

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Editions SHJN/WEBC/

G. D. #

Tear sheets

Earliest Production Deadline: 00/00/00

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Michelle Tegtmeier  
Hamilton Township  
Community Development Coordinator  
17384956 11-8, 11-15/2015

Lines.....	28
Depth.....	2.27
Columns...	1
Price	187.60
Other Charges	0.00
Discounts	0.00
<b>Total</b>	<b>187.60</b>

Ad shown is not actual print size