



CLINTON COUNTY BOARD OF ZONING APPEALS
APPLICATION FOR VARIANCE

Date Filed 3-26-24
Action Date

Application No. 2024-1
Hearing Date: 4-24-24
Action

Purpose and Guidelines for Variances

The Board of Zoning Appeals (BZA) may grant a variance when there is clear and convincing evidence that:

- Strict application of the Zoning Resolution will cause the applicant practical difficulty due to the physical conditions of the land, and
Strict application of the zoning regulation is inequitable and will deprive the applicant of the beneficial use of the land or buildings involved.

In making its decision, the BZA shall preserve the spirit of the Zoning Resolution and weight the competing interest of the community and applicant.

Application Instructions

A. Answer All Questions. Your answers are the most important source of information the Board of Zoning Appeals uses to rule on your application for a variance. Answer clearly and concisely, but completely. Attach additional sheets if necessary. Incomplete applications will be returned.

B. Sample Entries for Question 3

Table with 5 columns: Section, Concerning, Purpose, From, To. Rows include 13.05.03 Front Yard Depth Reduction 105 95 and 31.03(B) Area Limitation Accessory Bldg. Increase 2% of lot 2.02% of lot

C. File the original application, plus any attachments, and deposit filing fees with the Zoning Office to begin the review process.

RESIDENTIAL - \$200.00 PLUS ACTUAL LEGAL NOTICE FEES COMMERCIAL - \$400.00 PLUS ACTUAL LEGAL NOTICE FEES

1. Applicant/Owner Information

Applicant: CHRISTOPHER & JULIE MESS

Mailing Address: 4325 W. US HIGHWAY 22 3 WILMINGTON OHIO 45177

Contact Number: 740-851-9702 Email: Julie.Mess@VA.GOV

Interest in Property ERECT POLE BARN FOR GARAGE USE

Owner: SAME AS ABOVE

Mailing Address:

Contact Number: Email:

P.O.B. 1.500 Ac. N 507,647.763' E 162,899.203'
P.O.B. EASEMENT N 507,565.291' E 162,878.266'

RICKY L. LEWIS
AND
HOLLY K. LEWIS
O.R. 265, PAGE 709
ORIG. 12.16 Ac.
P.N. 010031003000000

U.S. ROUTE 22 -
STATE ROUTE 3
(VARIABLE R/W)

P.O.B.
P.O.C.
EASEMENT

-R/W-

S 80°06'57" W
1169.52'

GPS TIE
N 29°42'46" W
104.11'

1000 GAL
BURIED PROPANE
TANK

N 80°06'57" E
291.77'

60.12'

WATER

E4

E5

E6

85.09'

-R/W-

P.O.B.
EASEMENT

1.500 Ac.
(0.468 Ac. IN R/W)

ONSITE
CONTROL
MONUMENT
"2001"

N 13°32'32" W
188.90'

DRIVE

E2

WELL

RESIDENCE

GARAGE

EASEMENT FOR
INGRESS, EGRESS
AND UTILITIES
0.214 Ac.

SEPTIC TANK

BARN

BARN

BARN

N 60°54'06" W
153.80'

BGW LAND
DEVELOPMENT, LLC

DOC. No. 2022-00001955

PARCEL I

194.130 Ac.

P.N. 010030201000000

S.R. 27, PLAT 71

LEACH FIELD

S-R
RESIDENTIAL DISTRICT

CLINTON COUNTY H

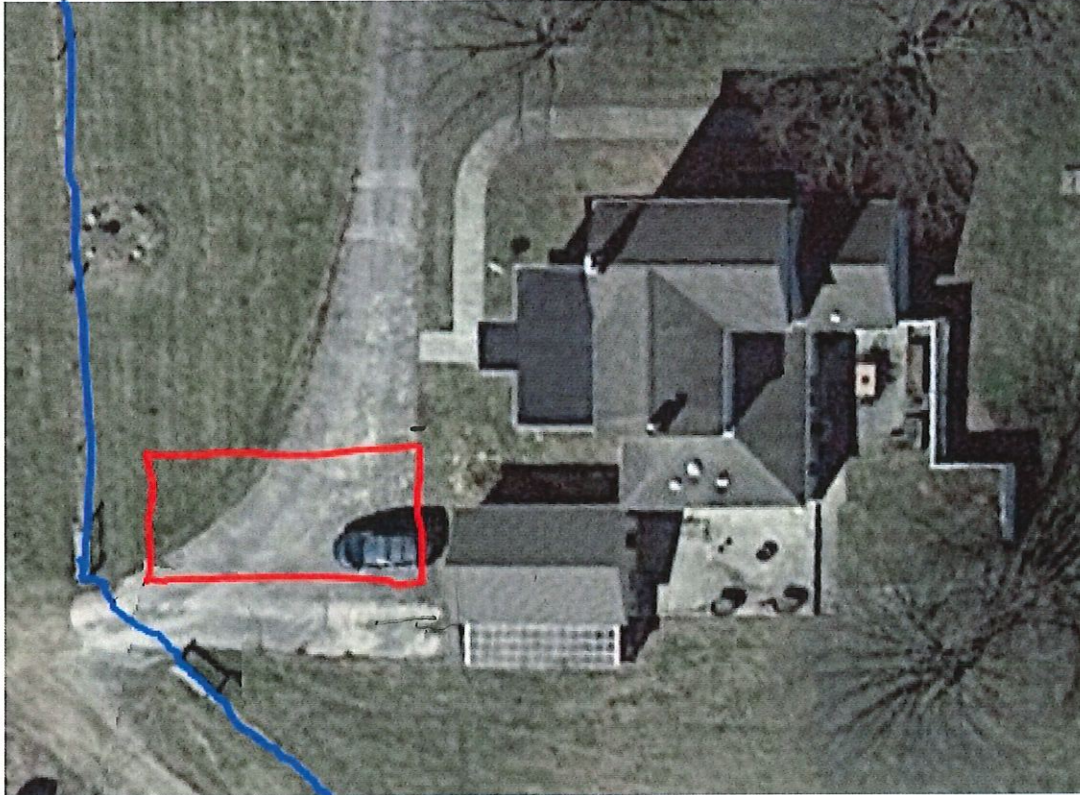
APPROVED

4 B

With the structure and layout of the property boundaries I currently can not build a pole barn to use as a garage large enough to store and protect my vehicles and personal property.

I am requesting to be issued a variance to place the pole barn within 10' of the property lines.

The owner of the connecting property (Grant Webb) and I have discussed the issue and he has agreed to allow me the extra area to fit the pole barn. The pole barn will be entirely on my property it will just be inside of 10'.



Red area indicates the area for proposed pole barn

Blue line indicates the property line

2. Property Information

Attach legal description of property.

Tax Parcel No. 010030201000100

Address 4325 W. US 22 3 WILMINGTON OH 45177 Twp. ADAMS

Between 4001 W. US 22 3 WILMINGTON and 4403 W. US 22 3 WILMINGTON

Current Zoning RESIDENTIAL Current Use RESIDENTIAL / PRIMARY RESIDENCE

Proposed Use RESIDENTIAL / ADD POLE BARN FOR PARKING Corner Lot Yes No

Attach a narrative description, dimensional plan, drawn to approximate scale, showing all existing structures and the variance(s) requested, and any other matters relating to Part 3, below:

3. Request for Variance

I request the following variance (s):

Section	Concerning	Purpose	From	To
<u>4.01 (C)</u>	<u>BUILDING LOCATION</u>	<u>ERECT POLE BARN</u>	<u>10'</u>	<u>2' SETBACK</u>

4. Facts in Support of Request for Variance

The BZA will not grant a variance unless the Applicant presents clear and convincing evidence that the applicant will encounter practical difficulties in complying with the Zoning Resolution. Describe the facts relevant to your property that would support findings practical difficulties.

A) Describe the Use for which you seek the variance.

TO BUILD A 30'x40' POLE BARN TO BE USED AS A GARAGE

B) Explain, in detail, the grounds on which you claim that the BZA should grant the variance.

THIS IS THE ONLY LOCATION TO PLACE THE POLE BARN DUE TO BURIED PROpane TANK, WELL, AND SEPTIC TANK W/ LEACHFIELD

Describe the specific reasons that justify granting the variance in terms of the following factors. No single factor controls in a determination of practical difficulties. The following points, among other, may be considered in determining whether an applicant has encountered practical difficulties:

A) Will the property yield a reasonable return without the variance?

NO

B) Is there any beneficial use of the property without the variance?

NO

C) Is the variance substantial?

YES

D) Will the variance adversely affect the delivery of Governmental service?

NO

E) Will the comprehensive plan for the area suffer a substantial detriment because of the variance?

NO

F) Will the variance adversely affect the delivery of Governmental service?

NO

G) Did applicant purchase the property knowing of the zoning restriction?

NO

2. H) Can the applicant cure the difficulty other than by a variance?

NO

I) Will granting the variance observe the spirit and intent of the zoning requirement?

YES

J) Will granting the variance do substantial justice for the applicant and the community?

YES

K) Will the variance substantially alter the essential character of the area?

NO. THE NEW STRUCTURE WILL MAINTAIN THE CURRENT CHARACTER OF THE EXISTING PROPERTY AND SURROUNDING PROPERTIES

Applicant _____ desires a court stenographer to attend the hearing on this application and agrees to pay attendance fees.

CSM waives the presence of a court stenographer.

By submitting this application for variance, applicant agrees to appear at the public hearing on this application and acknowledges that failing to appear may result in summary denial of the application.

Applicant acknowledges that a notice of the public hearing must be published in a newspaper and agrees to pay the cost of such publication in addition to the filing fee for this application prior to being heard before the Board.

CSM

Signature

3/26/24

Date

TRANSFERRED

This Conveyance has been examined
and the Grantor has complied with
Section 319.202 of the Revised Code.

FEE: \$ 1470.00 EXEMPT:

Terence G. Habermehl, Clinton Co. Auditor
Transfer Fee:\$ 0.50 Date: 9/14/2023 By:RLS
Subject to Final Approval

2023-00003789

KIND: DEED
RECORDED: 09/14/2023 01:59:52 PM
FEE AMT: 50.00
CLINTON COUNTY, OHIO
TANYA K. DAY RECORDER

Electronically Recorded

(space above this line reserved for county engineer, county auditor and county recorder)

General Warranty Deed with Survivorship

TTA 2023-M-9215

GENERAL WARRANTY DEED*

With survivorship**

BGW Land Development, LLC, an Ohio Limited Liability Company, of Wilmington, Ohio, for valuable consideration paid, grant, with general warranty covenants to **Christopher S. Mess and Julie Mess, a married couple, for their joint lives remainder to the survivor of them,** whose tax mailing address is **PNC Bank, N.A. P.O. Box 8800, Dayton, OH 45482-0340,** the following **REAL PROPERTY:** Situated in the State of Ohio, County of **Clinton,** and Township of **Adams:** See **Exhibit "A"** attached hereto and made a part hereof.

Prior Instrument Reference: Instrument No. 2023-00002791
Parcel Number: 010030201000100
Property Address: 4325 W US Highway 22 and 3, Wilmington, OH 45177

Exceptions to the general warranty covenants: (a) such encroachments and recorded restrictions, easements, and conditions, including without limitations subsurface rights, which do not materially adversely affect the Property's user or value; (b) zoning ordinances, if any; (c) taxes and assessments, whether general or special, which are a lien on the Property but are not yet payable.

(INTENTIONALLY LEFT BLANK – SIGNATURE(S) TO FOLLOW)

Executed this 25th day of August, 2023.

BGW Land Development, LLC, an Ohio Limited Liability Company

By: *Benjamin Grant Webb*
Benjamin Grant Webb, Sole Member

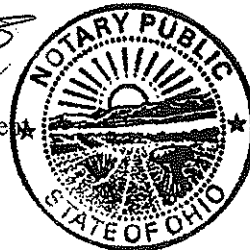
This is an acknowledgement certificate; no oath or affirmation was administered to the signer with regard to this notarial act.

STATE OF OHIO
COUNTY OF WARREN

The foregoing instrument was acknowledged before me this 25th day of August, 2023 by Benjamin Grant Webb, Sole Member of BGW Land Development, LLC, a OH Limited Liability Company on behalf of the Limited Liability Company.

Charles R. Barrowman III

Signature of person taking acknowledgment
Title or Rank
Serial number



CHARLES R. BARROWMAN III
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Date, Section 147.03 O.R.C.

This instrument prepared by:

Douglas W. Thomson, Attorney at Law
400 Techne Center Drive
Suite 400
Milford, OH 45150

*See Ohio R.C. §§ 5302.05 & 5302.06

**See Ohio R.C. §§ 5302.17 & 5302.20

[TTA 2023-M-9215 Deed signature page]

APPROVED FOR ACCURACY

Clinton County Engineers Map Dept.

Date: 9/14/2023 Survey Vol: 44 Page: 281

Per: kpollock

EXHIBIT "A"

TTA 2023-M-9215 - Legal Description

Situated in the Township of Adams, County of Clinton, State of Ohio, being a part of Village Military Survey Number 2371, being part of the 194.130 acres "Parcel I" as conveyed to BGW Land Development, LLC and recorded in Document Number 2022-00001955 of the Clinton County Recorder's Office and found in Survey Record 27, Plat 71 of Clinton County Engineer's record of land surveys, and being further bounded and described as follows:

Commencing at a point in the centerline U.S. Route 22-State Route 3 marking the Northwesterly corner of a 1.475 acres "Parcel 2" as conveyed to Penny A. Fouch (Document Number 2023-00000365) and found in Survey Record 27, Plat 56 of Clinton County Engineer's record of land surveys and marking a Northeasterly corner of the 194.130 acres "Parcel I" of which this is a part; thence with the centerline U.S. Route 22-State Route

South 80° 06' 57" West, a distance of 1169.52 feet to a point marking the true point of beginning of the tract of land herein described and having ODOT Ohio Clinton Coordinates (OCCS) Northing 507,647.763 feet, Easting 162,899.203 feet and based upon NAD 83 (2011-MYCS2); thence with a new division line for the next 4 calls:

- 1) South 14° 14' 40" West, passing a 5/8" iron pin (set) at 54.79 feet, a total distance of 299.90 feet to a 5/8" iron pin (set);
- 2) South 70° 30' 39" West, a distance of 69.33 feet to a 5/8" iron pin (set);
- 3) North 60° 54' 06" West, a distance of 153.80 feet to a 5/8" iron pin (set);
- 4) North 13° 32' 32" West, passing a 5/8" iron pin (set) at 126.71 feet, a total distance of 188.90 feet to a point in the centerline U.S. Route 22-State Route 3; thence with the centerline U.S. Route 22-State Route 3 North 80° 06' 57" East, a distance of 322.56 feet to the true point of beginning.

Containing 1.500 acres of land, more or less.

Subject to all legal easements and rights-of-way of record.

Bearings are based upon the Grid Azimuth (Az 87° 36' 25.8") between National Geodetic Survey CORS Station "LEBA" and McCarty Associates Onsite Geodetic Control Monument "2001" and derived from GNSS observations taken March 20, 2023, utilizing the ODOT Ohio Clinton County Coordinate System (OCCS) and the ODOT Ohio Real Time Network (Trimble Virtual Reference System).

Land surveyed in March 2023, under the direction of Jason C. McConnaughey, Registered Professional Surveyor Number 8509, the survey plat of which is referred to as Project Number S23-147 on file in the office of McCarty Associates, LLC, Hillsboro, Ohio, and found in Surveyor's Record Volume 44, Plat Number 281 of the Clinton County Engineer's Record of Land Surveys.

All iron pins (set) are 5/8" diameter with 1-1/4" diameter plastic caps stamped "McCarty Associates".

And the following Ingress, Egress and Utilites Easement:

Situated in the Township of Adams, County of Clinton, State of Ohio, being a part of Village Military Survey Number 2371, being part of the 194.130 acres "Parcel I" as conveyed to BGW Land Development, LLC and recorded in Document Number 2022-00001955 of the Clinton County Recorder's Office and found in Survey Record 27, Plat 71 of Clinton County Engineer's record of land surveys, being an easement for ingress, egress, and utilities and being further bounded and described as follows:

Commencing at a point in the centerline U.S. Route 22-State Route 3 marking the Northwesterly corner of a 1.475 acres "Parcel 2" as conveyed to Penny A. Fouch (Document Number 2023-00000365) and found in Survey Record 27, Plat 56 of Clinton County Engineer's record of land surveys and marking a Northeastly corner of the 194.130 acres "Parcel 1" of which this is a part; thence with the centerline U.S. Route 22-State Route 3

South 80° 06' 57" West, a distance of 1169.52 feet to a point; thence with a new division line South 14°14' 40" West, a total distance of 85.09 feet to a 5/8" iron pin (set) in the Southerly right-of-way line of U.S. Route 22-State Route 3, said iron pin marking the true point of beginning of the easement herein described and having ODOT Ohio Clinton Coordinates (OCCS) Northing 507,488.238 feet, Easting 162,916.817 feet and based upon NAD 83 (2011-MYCS2); thence with an easement line for the next three calls:

- 1) South 14° 14' 40" West, a distance of 24.49 feet to a point;
- 2) South 80° 06' 57" West, a distance of 271.38 feet to a point;
- 3) North 13° 32' 32" West, passing a 5/8" iron pin (set) at 38.02 feet, a total distance of 40.08 feet to a point in the Southerly right-of-way line of U.S. Route 22-State Route 3; thence with the Southerly right-of-way line of U.S. Route 22-State Route 3 for the next 3 calls:
 - 1) North 80° 06' 57" East, a distance of 141.06 feet to a point;
 - 2) South 83° 11' 06" East, a distance of 52.20 feet to a point;
 - 3) North 81° 45' 09" East, a distance of 296.97 feet to the true point of beginning.

Containing 0.214 acre of land, more or less, within said easement.

Subject to all legal easements and rights-of-way of record.

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Parcel Number:	010030201000100
Property Address:	4325 W US Highway 22 and 3, Wilmington, OH 45177

NOTICE OF PUBLIC HEARING
BOARD OF ZONING APPEALS

Notice is hereby given that the Board of Zoning Appeals of Clinton County, Ohio, will hold a public hearing on a variance request for Christopher Mess, as provided by the Clinton County Zoning Resolution. The meeting will be held on **Wednesday, April 24, 2024 at 6:00 pm** in the Clinton County Community Room, 111 S. Nelson Avenue, Wilmington, Ohio.

The board will consider the variance request under **Docket #BZA2024-1 to CCZR Section 4.01 (C)**. Specifically, the applicant is requesting a variance for a two (2) foot setback in lieu of the required ten (10) foot setback for an accessory building at the property located at 4325 W US 22 & 3, being parcel number 010030201000100, located in Adams Township, owned by Christopher & Julie Mess, 4325 W US 22 & 3, Wilmington, OH 45177, and Zoned S-R Suburban Residential District.

Written suggestions or objections relative to this appeal, conditional use or variance may be filed with the Board of Zoning Appeals, at 111 S Nelson Avenue on or before said meeting, and will be heard at the time and place specified. Said hearing may be continued from time to time as may become necessary.

Interested persons desiring to present their views upon this case, either in writing or verbally, will be given the opportunity to be heard at the above-mentioned time and place. Any person may appear personally or by an attorney.

BOARD OF ZONING APPEALS
CLINTON COUNTY, OHIO

Stephanie Austin, Manager
Building & Zoning Department

Page	: 1 of 1	04/08/2024 12:02:51	Ad Number	: 90356042
Order Number	: 90190383		Ad Key	:
PO Number	: BZA2024-1	April 24	Salesperson	: HL10 - Ann Runyon-Elam
Customer	: 40013893	Clinton County Board Of Zoning	Publication	: 3201-Wilmington News Journal
Contact	:		Section	: Legals
Address1	: 111 S. Nelson Ave.		Sub Section	: Legals
Address2	:		Category	: Legals
City St Zip	: Wilmington OH 45177		Dates Run	: 04/10/2024-04/10/2024
Phone	: (937) 382-3335		Days	: 1
Fax	:		Size	: 2 x 3.54, 30 lines
Credit Card	:		Words	: 259
Printed By	: ARUNYON-ELAM		Ad Rate	: Legal - lwnj03
Entered By	: ARUNYON-ELAM		Ad Price	: 132.50
Keywords	: NOTICE OF PUBLIC HEARING BOARD OF ZONING APPEALS N		Amount Paid	: 0.00
Notes	:		Amount Due	: 132.50
Zones	:			

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BOARD OF ZONING APPEALS CLINTON COUNTY, OHIO

Stephanie Auslin, Manager
Building & Zoning Department
(Wed., April 10, 2024)
90190383