



# PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY THE PLANNING COMMISSION ON MAY 28, 2024

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## Variance Case: V-01-24

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**APPLICANT:** Mark D. Walker, P.E., P.S.  
6809 Main Street, #1064  
Bethel, OH 45106

**REQUEST:** V-01-24 variance request to the Clermont County Subdivision Regulations. The applicant requests approval from the Clermont County Subdivision Regulations: Article V, Section 504.B.2, for a variance to allow a roadway width of 24 feet where 28 feet is required.

**LOCATION:** The subject property (PINs 393109C022 and 393109C185) is located at the current terminus of Terrace Hill Trail in Union Township.

**HISTORY:** This is the last section of the Terrace Ridge Subdivision. The existing Terrace Hill Trail was approved as 24 feet wide, as that was the requirement at the time in the Clermont County Subdivision Regulations.

**CONTENTS OF REPORT:**

Attachment A: Variance Application

Attachment B: Parcel Map

Attachment C: Proposed Section of Terrace Hill Trail Extension

**VARIANCE REQUESTED:**

The applicant requests approval from the Clermont County Subdivision Regulations: Article V, Section 504.B.2, for a variance to allow a roadway width of 24 feet where 28 feet is required.

**Article V, Section 504.B.2:**

- 2. All public streets in residential subdivisions (excluding Five Acre Plus Subdivisions) shall be the minimum width necessary to safely and adequately accommodate the vehicular traffic needs specific to the proposed subdivision.*

*Street width shall be determined based upon the building setbacks present in the proposed subdivision. In all instances, street widths shall be measured from back-to-back of the installed curb. Minimum street width requirements are contained in the following table:*

**PAVEMENT STANDARDS FOR ALL SUBDIVISIONS EXCLUDING FIVEACRE PLUS SUBDIVISIONS**

<i>Setback greater than or equal to 40 feet</i>	<i>24 feet (20 feet)**</i>
<i>Setback less than 40 feet</i>	<i>28 feet (24 feet)**</i>

*\*\*Widths shown in parenthesis apply only to streets where curb and gutter is not required, as permitted by Article V, Section 507 of these regulations.*

The applicant has requested a variance from the Clermont County Subdivision Regulations. The Terrace Ridge Subdivision was originally approved and platted with roadway widths of 24 feet. The previous iteration of the Clermont County Subdivision Regulations permitted this width and the up to date version of the Subdivision Regulations does not permit this width. As the current requirement is not met, the variance must be applied for and approved by the Clermont County Planning Commission. The variance would allow the extension of the existing Terrace Hill Trail at the existing 24 foot wide roadway.

**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 road width standard has changed since this subdivision was initially created and it is the preference of the Clermont County Engineer Office that the roadway continues at its existing width. The request is the minimum adjustment necessary and no concerns were raised by County or Township reviewing agencies.

**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. The Engineer's Office has stated that it is their preference for the road to be continued at its originally approved width.
2. The special circumstances leading to the request for this variance **are not** 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.
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 Union Township, the staff believes the variance request to be justified.

**STAFF RECOMMENDATION:**

Based on Staff Analysis, move to **APPROVE** the variance case V-01-24 to allow the creation of a roadway with a width of 24 feet where 28 feet is required.

# Attachment A

## VARIANCE REQUEST COMPLETE SUBMITTAL CHECKLIST

### SECTION 908 VARIANCES

#### **A. Procedures**

An application for variance shall consist of one copy of the drawing showing the parcel to be given the variance and one copy of the Clermont County Planning Commission Variance Request form completed and submitted to the Office of the Planning Commission. All applications shall be submitted no later than the second Tuesday of the month in which the applicant wishes to go before the Planning Commission.

#### **B. General**

A Variance(s) may be granted when the applicant can demonstrate to the Planning Commission each of the following:

1. The particular physical surroundings, environmental constraints, shape, topographical or other exceptional condition of the specific property involved would cause extraordinary hardship or exceptional practical difficulty to the applicant if the provisions of these regulations were strictly enforced.
2. The granting of the variation will not be detrimental to the public health, safety, to the intent and purpose of these regulations, to the desirable development of the neighborhood or community, to the general welfare, or to other property or improvements in the neighborhood in which the property is located.
3. The special circumstances or conditions are created by the provisions or requirements of these regulations and not the result from any act of the applicant.
4. The variation requested is the minimum adjustment necessary to mitigate the hardship brought by these regulations.

**CLERMONT COUNTY PLANNING COMMISSION  
SUBDIVISION REGULATIONS VARIANCE APPLICATION**

Date: 4/30/2024 Application Number: \_\_\_\_\_

Complete Parcel ID Number (PIN) 393109C022., 393109C185.

Name Mark D. Walker, P.E., P.S.

Address 6809 Main Street, #1064

City Cin State OH Zip Code 45344

1. Location: Terrace Hill Trail Extension  
\_\_\_\_\_  
\_\_\_\_\_

2. Nature of Variance Requested: Roadway Width  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Justification of Variance: On a separate sheet, please attach a statement relative to why the variance from requirements of the Clermont County Subdivision Regulations is requested. The statement should address such issues as:
- A. Exceptional topographical conditions or other conditions peculiar to this particular parcel of land
  - B. Why a literal interpretation of the regulations would deprive the applicant of rights enjoyed by other property owners
  - C. That the peculiar conditions do not result from the previous actions of the applicant
  - D. The requested variance is the minimum variance that will allow a reasonable division of the land

\* The applicant is required to include a sketch of the area showing the location and characteristics of the requested variance along with all other application materials.

I certify that all information contained in this application and the supplementary materials submitted here forth are true and correct.

  
Signature of Applicant

**Official Use Only**

Date Filed: \_\_\_\_\_

Review Fee Paid: \_\_\_\_\_

Check #: \_\_\_\_\_

Action Taken: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**April 30, 2024**

Clermont County Planning Commission

Re: Request for Variance for Street Width

**To whom it may concern,**

Please find contained herein our justification for the variance request.

Our request is for a waiver of the street width, required to be 28' as updated in the subdivision regulations after the approval of the original PUD proposal. We are proposing to match the street width in the existing section of townhomes with a 24' back to back of curb.

The width is necessary from the new updated regulations due to the topography of the site. The hillside construction is more stable with a narrower street due to lessening of the cuts and fills along the hillside.

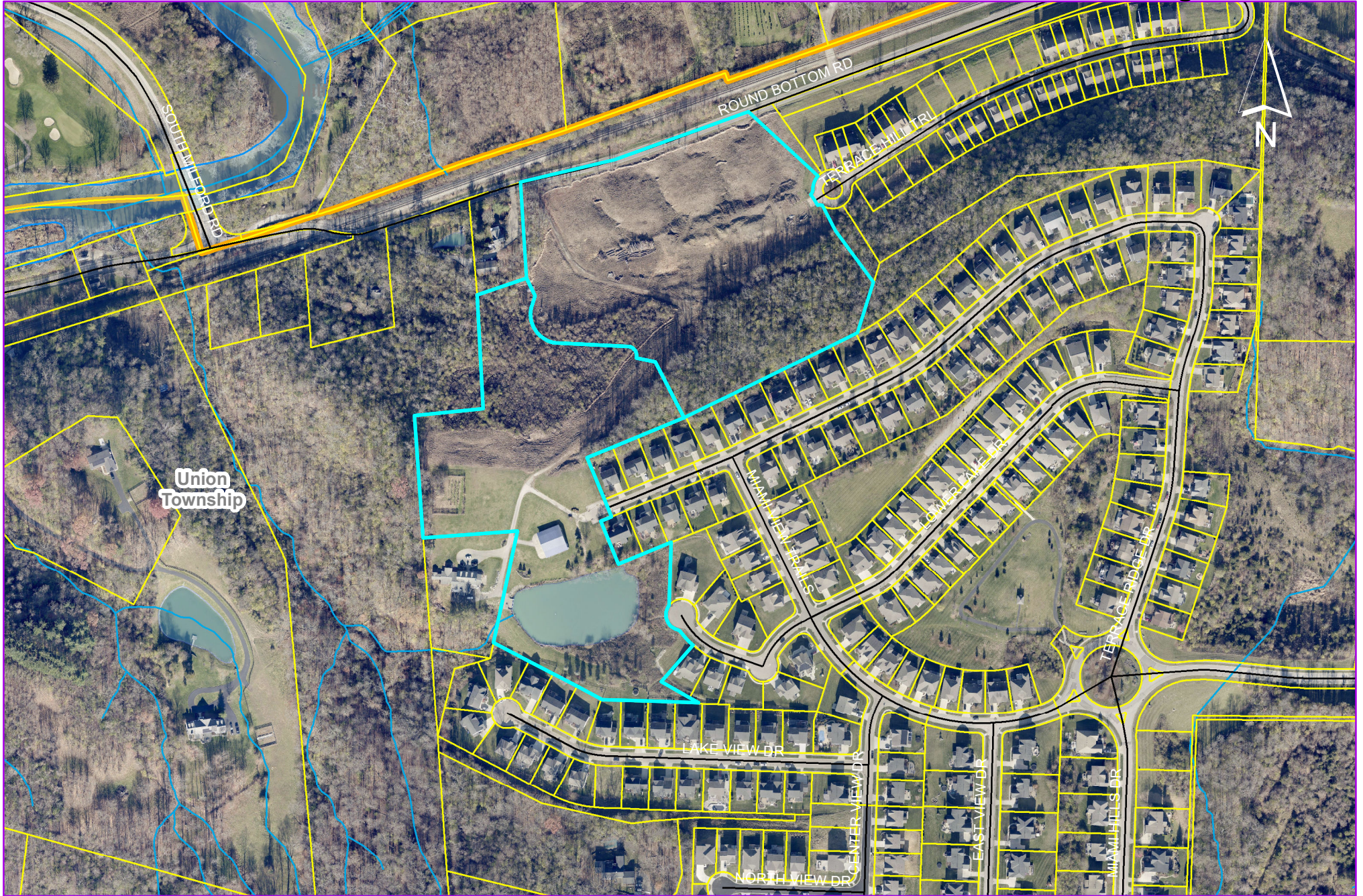
We appreciate your consideration in this matter. Should you have any questions or require any additional information, please do not hesitate to contact me at (513)284-3232

Regards,

**MD Walker & Associates**

Mark D. Walker, P.E., P.S.

President



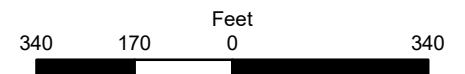
Union  
Township



**PROPERTY INFORMATION:**

Parcel Numbers: 393109C022 and 393109C185

Total Site Area: +/- 20.8.5 ac.



# Attachment C

SECTION 8 PROPOSED LOT COUNT  
 TOTAL DETACHED UNITS APPROVED ..... 7  
 TOTAL ATTACHED UNITS APPROVED ..... 44



BASIS OF BEARING:  
 OHIO STATE PLANE COORDINATES  
 NAD 83, OHIO SOUTH ZONE

TERRACE RIDGE SUBDIVISION		
SECTION 8 - SUBDIVISION DESIGN PLAN		
CLIENT CODE: Gallenstein	SHEET TITLE: Preliminary Plat Overview	SHEET NO. 4/16
DATE: 5/1/2024	M.D. WALKER & ASSOCIATES LAND SURVEYORS   CIVIL & STRUCTURAL ENGINEERS (513)284-3232 6809 MAIN ST. #1064 CINCINNATI, OH 45244	
SCALE: As Noted	SUBDIVISION STORMWATER CONTROL & RETENTION POND MAINTAINED BY THE TERRACE RIDGE HOMEOWNER'S ASSOCIATION	
REVISIONS	FILE NAME: 4 Preliminary Plat Overview.dwg FILE PATH: \\2023 Projects\Gallenstein_Paul\Terrace Ridge - Ryan Condos\Cad\Section 8 - Design Plan from Concept\SHEETS\	