



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY THE PLANNING COMMISSION ON NOVEMBER 26, 2024

Variance Case: V-02-24

APPLICANT: Doug Smith, c/o Abercrombie and Associates, Inc.
8111 Cheviot Road, Suite 200
Cincinnati, OH 45247

REQUEST: V-02-24 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 032021C040 and 032021C068) is located at 295 Judd Road in Batavia Township along the northern side of Judd Road just to the west of its intersection with Little Creek Drive.

HISTORY: The Planning Commission recommended approval of a map amendment for this property in May 2024, Batavia Township has approved that rezoning with conditions.

The Planning Commission approved the Willow Grove Design Plan in October 2024.

CONTENTS OF REPORT:

- Exhibit A: Variance Application
- Exhibit B: Letter from Township
- Exhibit C: Parcel Map
- Exhibit D: Proposal Map

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 Willow Grove Subdivision was approved by the Clermont County Planning Commission in October 2024 with a condition requiring the road to be 28 feet wide. The zoning of the parcel was approved by Batavia Township where as part of the Planned Development required the roadway width to be 24 feet wide and included a provision that does not permit any on street parking. The requirement for street width in Clermont County is dependent on the setback of the structures, due to spacing of vehicles parked in a driveway. The idea being that if the setback is shorter than 40 feet, vehicles would be parked on the street, and the street is required to be 28 feet wide. This application requests the smaller street width of 24 feet, while banning on street parking.

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.*

It is part of the Township's PD zoning that the roadway width be lessened to 24 feet wide. The zoning prohibits on-street parking on both sides of the road, and has added 23 off-street parking spaces as part of the development.

STAFF FINDINGS:

1. The particular physical surroundings and the shape of the lot would significantly limit the development as it is currently proposed.
2. 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 Township has taken health and safety measures into account during their PD zoning approval in regard to this, by prohibiting on-street parking, and requiring additional off-street parking.
3. The special circumstances leading to the request for this variance **are not** a direct action taken by the applicant, the Township is requiring this as part of the PD Zoning approval.
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.

STAFF RECOMMENDATION:

Based on Staff Analysis, move to **APPROVE** the variance case V-02-24 to allow the creation of a roadway with a width of 24 feet where 28 feet is required.

Exhibit 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: 10/31/2024 Application Number: _____
Complete Parcel ID Number (PIN) 032021C040., 032021C068.

Name Doug Smith c/o Abercrombie and Associates, Inc.
Address 8111 Cheviot Road, Suite 200, Cinti, OH 45247
City Cincinnati State OH Zip Code 45247

1. Location: 295 Judd Road - Willow Grove Subdivision

2. Nature of Variance Requested: Article V Section 504-B-2-Roadway Width Reduction

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: _____



**Abercrombie
& Associates, Inc.**

Civil Engineering + Surveying

Sept 30, 2024

Mr. Leonard Kendall
Clermont County Department of
Community and Economic Development
101 East Main Street, 3rd Floor
Batavia, Ohio 45103

RE: Variance Application
Willow Grove Subdivision
A&A No. 24-0075

Dear Mr. Kendall:

On behalf of the developer, 295 Judd Road, LLC. we request the Clermont County Planning Commission's review and consideration of a variance request to the Clermont County Subdivision regulations for the above referenced subdivision. We are requesting a variance approval from the Clermont County Subdivision Regulations: Article V, Section 504, B.2 to permit a 24-foot-wide public roadway for the Willow Grove Subdivision where a 28-foot-wide public roadway is required.

The proposed Willow Grove subdivision received a zone change amendment from "R-1" Single-Family Residential district to a "PD" Planned Development district by the Batavia Township Board of Trustees on September 3, 2024 and Subdivision Design Plan approval from the Clermont County Planning Commission on October 22, 2024. During the zone change amendment review process the Township had concerns with on street parking on both sides of the street as well as the closeness of the town home driveways. The Township approved the "PD" Planned Development with conditions that on-street parking would be prohibited on both side of the street and twenty-three (23) off-street parking spaces be required.

The requested variance would further support the Township's concerns and conditions for approval. The narrower street section would deter on-street parking as well as provide for additional "green" or pervious area within the public right-of-way to compensate for the impervious "hard scape" associated with the required off-street parking and close driveway locations. The reduced street section would also help improve safety within the subdivision by reducing the potential for vehicular speedy imposed by a narrower street.

Please see the attached letter of support, dated October 23, 2024 from Batavia Township supporting this variance request.

It appears a recent subdivision development located in Batavia Township; the Billingsley subdivision received a similar variance for a narrower street section.

Please note the following:

1. The variation from this regulation would not pose a significant threat nor be detrimental to the future subdivision community or the existing surrounding community's health and safety. In fact, the variation would improve health and safety within the community.

Mr. Leonard Kendall
Clermont County Department of
Community and Economic Development
Willow Grove Subdivision
Variance Application
October 31, 2024
A&A No. 24-0075
Page 2

2. The special circumstances leading this variance request are not a direct action taken by the developer.
3. The approval of this variance would grant the developer the same rights afforded to other property owners located in Batavia Township, Clermont County.
4. The requested variance is the minimum adjustment necessary to mitigate the adversity imposed by the Clermont County Subdivision Regulations and would permit the developer a full and reasonable use of the land.

Please schedule the above request for review and consideration at the November 26, 2024 Clermont County Planning Commission meeting.

Sincerely,

Abercrombie and Associates, Inc.



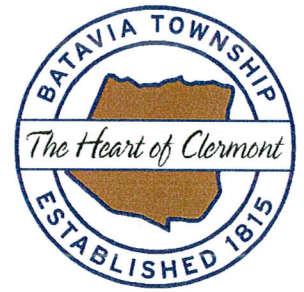
Douglas A. Smith, P.E., P.S.
Senior Project Manager

Cc: Mr. Josh Allen, 295 Judd Rd, LLC.
Mr. Nicholas Fore, 295 Judd Rd., LLC.

Encl.

Exhibit B

**BATAVIA TOWNSHIP
PLANNING & ZONING DEPARTMENT
1535 Clough Pike Batavia, Ohio 45103
(513) 732-3888**



October 23, 2024

Leonard Kendall, AICP
Clermont County Department of Community & Economic Development
101 E Main Street, 3rd Floor
Batavia, OH 45103

Mike Lober
Clermont County Engineer's Office
2381 Clermont Center Drive
Batavia, OH 45103

**Re: Willow Grove – Design Plan – Typical Roadway Cross-Section
295 Judd Road
PIN 032021C040. & 032021C068.**

Dear Mr. Kendall and Mr. Lober,

In response to the review letter from the Clermont County Engineer's Office dated October 15, 2024, Batavia Township acknowledges and accepts the proposed 24-foot street width for the Willow Grove – PD development, as outlined in the approved preliminary development plan.

The Willow Grove – PD development was approved by the Batavia Township Board of Trustees on September 3, 2024. Due to the unique lot layout and the limited width of the parent tract, the Board of Trustees determined during the hearing that on-street parking would be prohibited on both sides of the proposed street. To address this, the Board added a requirement for a minimum of 23 off-street parking spaces, as reflected in the Preliminary Development Plan.

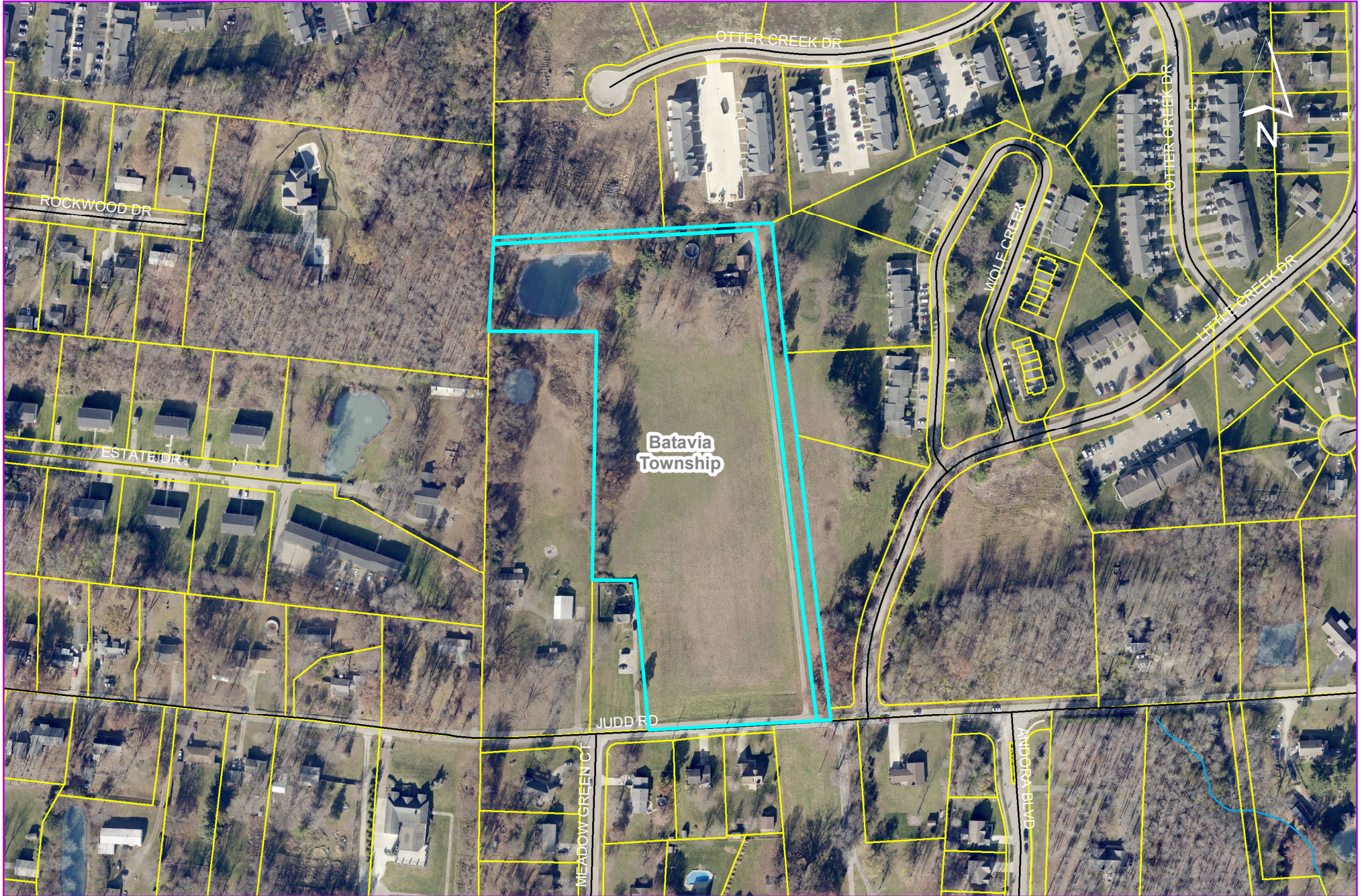
Considering that the right-of-way will have a speed limit of 25 mph and will terminate in a cul-de-sac with no future extensions planned, Batavia Township has no concerns regarding public health or safety. The reduction of the typical roadway cross-section from the standard 28-foot width to 24 feet is not expected to pose any safety risks and will adequately accommodate the parking needs of the development's density.

Therefore, we strongly advise the Clermont County Engineer's Office to accept this modification and allow the project to proceed through the development process.

Sincerely,

Taylor Corbett

Taylor Corbett
Director of Planning & Zoning
1535 Clough Pike
Batavia, OH 45103
(513) 732-3888, Ext. 2
Email: tcorbett@bataviatownship.org



PROPERTY INFORMATION:

Parcel Numbers: 032021C040 and 032021C068

Total Site Area: +/- 9.53 ac.

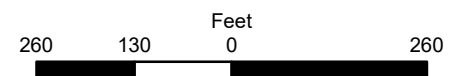


Exhibit D



VICINITY MAP



DESIGN PLAN

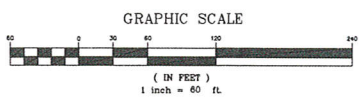
Date	10-1-24
Drawn by	G.R.
Checked by	D.A.S.
Scale	1" = 80'

SHEET INDEX

- C100.....PROPERTY MAP
- C101.....SITE PLAN
- C101A.....SITE PLAN LOT LAYOUT
- C102.....EXISTING CONDITIONS

OWNER:
 295 JUDD ROAD, LLC
 9830 MISTYMORN LANE
 CINCINNATI, OHIO 45242

APPLICANT & DEVELOPER:
 295 JUDD ROAD, LLC
 9830 MISTYMORN LANE
 CINCINNATI, OHIO 45242
 (765) 215-1444
 ATTN.: JOSH ALLEN



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PROPERTY MAP

WILLOW GROVE
 MILITARY SURVEY #1762
 BATAVIA TOWNSHIP
 CLEMONT COUNTY, OHIO

Abercrombie & Associates, Inc.
 Civil Engineering + Surveying
 6111 Oakley Road, Suite 401
 Cincinnati, Ohio 45227
 www.abercombie-associates.com



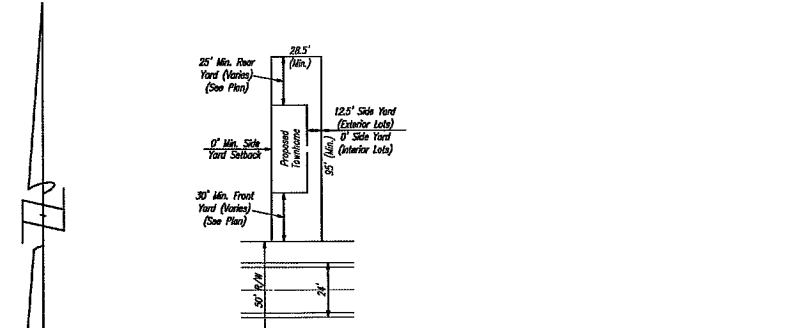
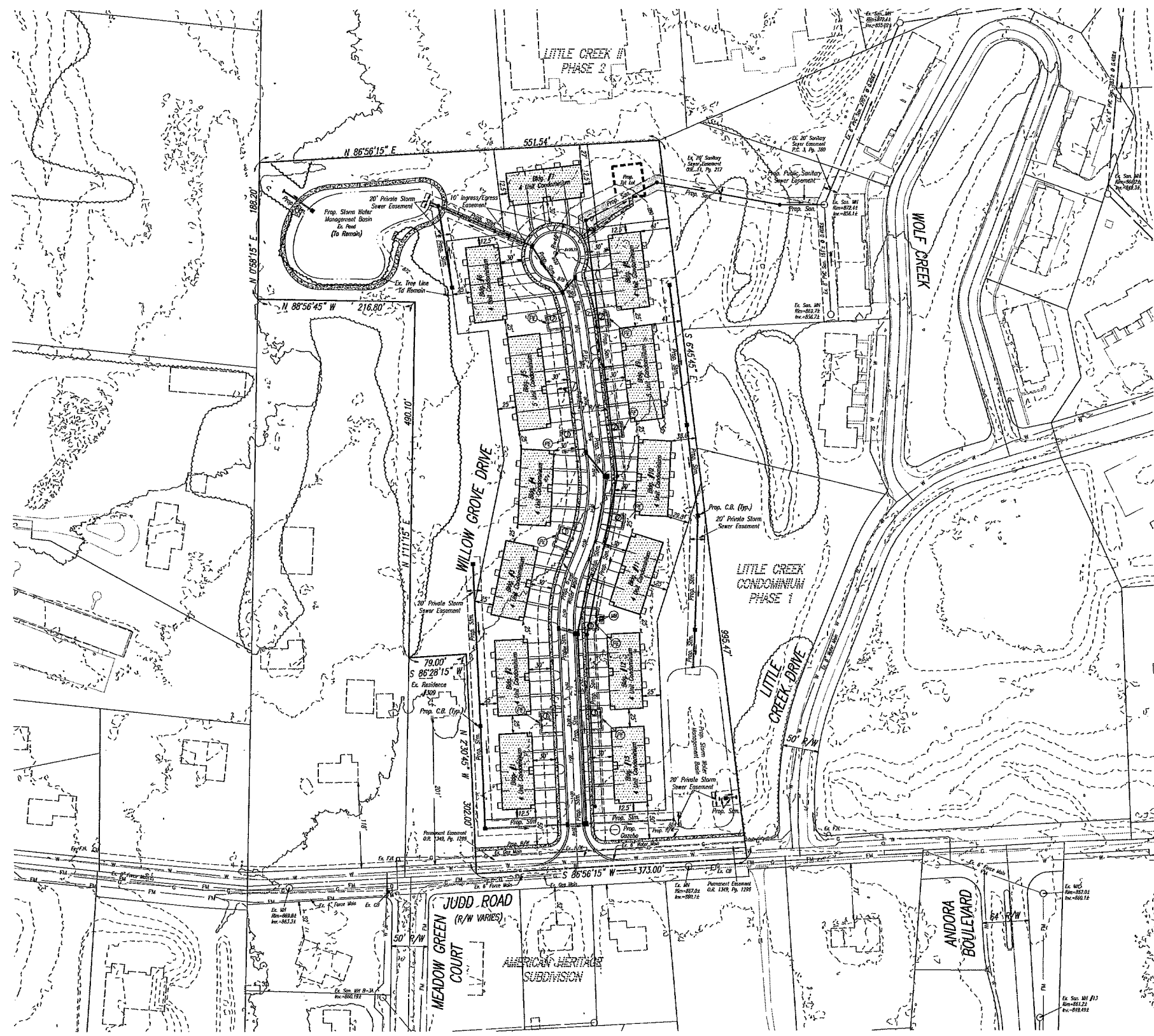


DESIGN PLAN

Scale	10-1-24
Drawn by	G.R.
Checked by	D.A.S.
Date	1" = 60'

SITE PLAN
 WILLOW GROVE
 LEWIS THOMAS' MILITARY SURVEY #1782
 BATAVIA TOWNSHIP
 CLEMMONT COUNTY, OHIO

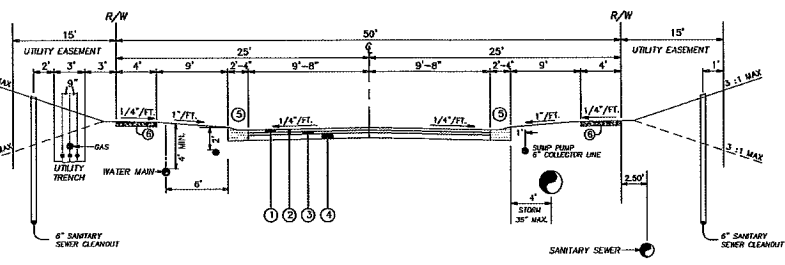
Abercrombie & Associates, Inc.
 Civil Engineering & Surveying
 9830 Mistymorn Lane
 Cincinnati, Ohio 45242
 www.aberacrombie-associates.com



PROPOSED LOT (TYP.)

MINIMUM LOT SIZE = 2,470 SQ. FT.

NOTE: DECKS AND COVERED PATIOS ARE PERMITTED TO EXTEND INTO THE REAR YARD SETBACK A DISTANCE OF 25% OF THE PRIMARY BUILDING REAR YARD SETBACK



MIN. COVER	UTILITY
24"	GAS
24"	SLUMP LINE
36"	ELECTRIC
36"	TELEPHONE
36"	CABLE TV
48"	WATER

- ① ITEM 448 1 1/4" ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG84-22
- ② ITEM 407 TACK COAT (APPLICATION RATE OF 0.1 GAL./SQ. YD.)
- ③ ITEM 448 2 1/4" ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE 1, PG84-22
- ④ ITEM 301 5" ASPHALT CONCRETE BASE COURSE
- ⑤ ITEM 609 CLEMMONT COUNTY STANDARD ROLL CURB AND GUTTER
- ⑥ ITEM 608 CONCRETE WALK, 5" THICK, CLASS C

TYPICAL ROADWAY SECTION
 NOT TO SCALE

Ⓜ Denotes Cluster Box Units (CBU) For Mail

PARCEL DATA:
 ADJACENT PARCELS 03-20-210-040 & 03-20-210-068

PROPERTY ADDRESS:
 295 JUDD ROAD, BATAVIA, OHIO 45102

ZONING:
 ZONING DISTRICT: "P" PLANNED DEVELOPMENT DISTRICT

SETBACKS:
 MINIMUM FRONT YARD SETBACK = 30'
 MINIMUM DISTANCE BETWEEN BLDGS. = 25'
 MINIMUM REAR YARD SETBACK = 25' MIN. (VARIES, SEE PLAN)
 MAXIMUM BUILDING HEIGHT = 35 FEET

STORM WATER DETENTION FACILITIES SHALL BE MAINTAINED BY THE HOME OWNERS ASSOCIATION.

OPEN SPACE AREAS AND LANDSCAPING FEATURES SHALL BE OWNED & MAINTAINED BY AN ESTABLISHED HOME OWNERS ASSOCIATION.

ALL UTILITIES SHALL BE UNDERGROUND.
 PARKING SHALL BE RESTRICTED TO OFF-STREET PARKING, SEE PLAN.

PROJECT IS LOCATED IN THE WEST CLEMMONT LOCAL SCHOOL DISTRICT.

DETAILS FOR ENTRY MONUMENTATION AND SIGNAGE SHALL BE PROVIDED AS PART OF THE FINAL DEVELOPMENT PLAN.

DEVELOPMENT SPECIFIC HOME OWNERS ASSOCIATION DOCUMENTS SHALL BE PROVIDED TO BATAVIA TOWNSHIP FOR REVIEW AS PART OF THE FINAL DEVELOPMENT PLAN.

NO ON-STREET PARKING SHALL BE PERMITTED.
 "NO-PARKING" SIGNS TO BE INSTALLED BY THE DEVELOPER.

STREET LIGHTING WILL BE PROVIDED - DETAILS TO BE INCLUDED ON FINAL DEVELOPMENT PLAN.

THE SUBDIVISION WILL BE SERVED BY PUBLIC SANITARY SEWER VIA AN EXTENSION FROM THE CLEMMONT COUNTY PUBLIC SEWER SYSTEM.

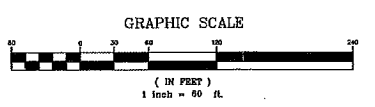
DURING SITE CONSTRUCTION, STORM WATER MANAGEMENT PONDS SHALL BE UTILIZED AS TEMPORARY SEDIMENT BASINS.

THE PROPERTY IS LOCATED IN FLOOD ZONE "X", AREA OF MINIMAL FLOOD HAZARD PER FEMA PANEL NO. 38025C0248C EFFECTIVE DATE MARCH 16, 2003.

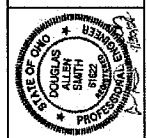
PLANNED DISTRICT DEVELOPMENT DATA:
 GROSS AREA = 9.53 ACRES
 EX. PUBLIC RIGHT-OF-WAY = 0.13 ACRES
 SLOPE'S SIDE OR CREEPER = 0.08 ACRES
 SUBTOTAL = 0.13 ACRES
 NET AREA = 9.40 ACRES
 TOTAL LOT YIELD = 57 (54 SINGLE FAMILY RESIDENTIAL LOTS & 3 OPEN SPACE LOTS)
 NET DENSITY = 5.74
 GROSS DENSITY = 5.67
 OPEN SPACE = 3.87 ACRES (41.2%)
 CENTERLINE LENGTH OF PUBLIC STREET = 856 L.F.
 OFF-STREET PARKING SPACES = 23 SPACES

OWNER:
 295 JUDD ROAD, LLC
 9830 MISTYMORN LANE
 CINCINNATI, OHIO 45242

APPLICANT & DEVELOPER:
 295 JUDD ROAD, LLC
 9830 MISTYMORN LANE
 CINCINNATI, OHIO 45242
 (765) 215-1444
 ATTN: JOSH ALLEN



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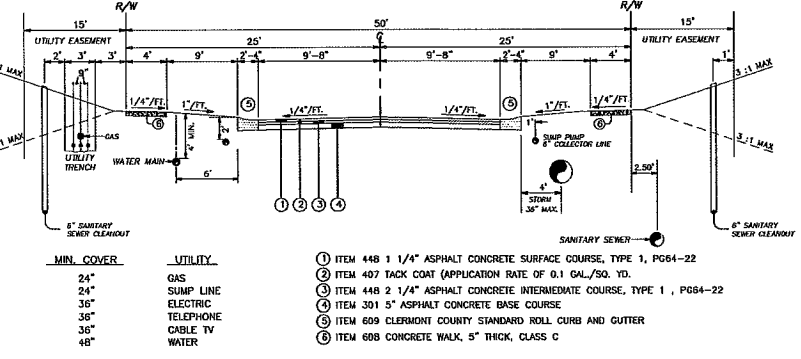
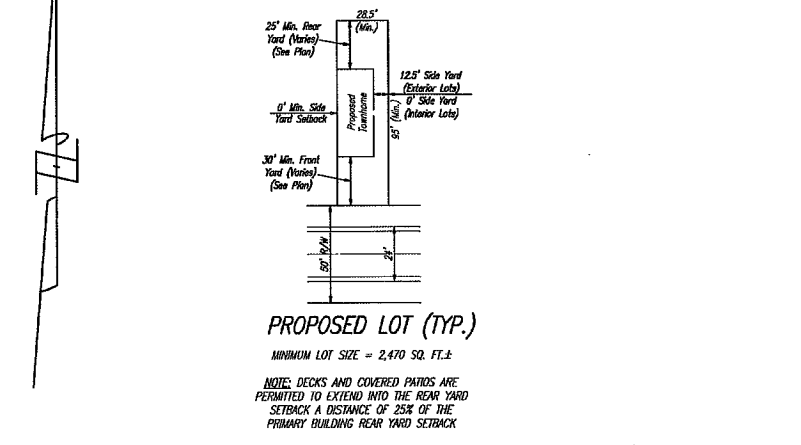


DESIGN PLAN

DATE	10-1-24
BY	G.R.
CHECKED BY	D.A.S.
SCALE	1" = 60'

SITE PLAN LAYOUT
 WILLOW GROVE
 LEWIS THOMAS' MILITARY SURVEY #1762
 BATAVIA TOWNSHIP
 CLERMONT COUNTY, OHIO

Abercrombie & Associates, Inc.
 Civil Engineering & Surveying
 8111 Carnegie Plaza, Suite 800
 Cincinnati, Ohio 45247
 www.abercombieandassociates.com



TYPICAL ROADWAY SECTION
 NOT TO SCALE

P.U.E. Denotes 15' Public Utility Easement
 PE Denotes Parking Easement
 Denotes Prop. Public Sanitary Sewer Easement

PARCEL DATA:
 MULTIPLE PARCELS 03-20-21C-040 & 03-20-21C-068

PROPERTY ADDRESS:
 235 JUDD ROAD, ALEXIA, OHIO 45102

ZONING:
 EXISTING ZONING DISTRICT: "R-1" SINGLE FAMILY DISTRICT
 PROPOSED ZONING DISTRICT: "PD" PLANNED DEVELOPMENT DISTRICT

SETBACKS:
 MINIMUM FRONT YARD SETBACK = 30'
 MINIMUM DISTANCE BETWEEN BLDGS. = 25'
 MINIMUM REAR YARD SETBACK = 25' SIDE YARD (VARIES, SEE PLAN)
 MAXIMUM BUILDING HEIGHT = 35 FEET

STORM WATER RETENTION FACILITIES SHALL BE MAINTAINED BY THE HOME OWNERS ASSOCIATION.

OPEN SPACE AREAS AND LANDSCAPING FEATURES SHALL BE OWNED & MAINTAINED BY AN ESTABLISHED HOME OWNERS ASSOCIATION.

ALL UTILITIES SHALL BE UNDERGROUND.

PARKING SHALL BE RESTRICTED TO OFF-STREET PARKING, SEE PLAN.

PROJECT IS LOCATED IN THE WEST CLERMONT LOCAL SCHOOL DISTRICT.

DETAILS FOR ENTRY MONUMENTATION AND SIGNAGE SHALL BE PROVIDED AS PART OF THE FINAL DEVELOPMENT PLAN.

DEVELOPMENT SPECIFIC HOME OWNERS ASSOCIATION DOCUMENTS SHALL BE PROVIDED TO BATAVIA TOWNSHIP FOR REVIEW AS PART OF THE FINAL DEVELOPMENT PLAN.

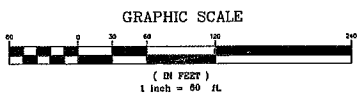
NO ON-STREET PARKING SHALL BE PERMITTED.

"NO-PARKING" SIGNS TO BE INSTALLED BY THE DEVELOPER.

STREET LIGHTING WILL BE PROVIDED - DETAILS TO BE INCLUDED ON FINAL DEVELOPMENT PLAN.

LOT #	ACRES	SQ. FT.	LOT #	ACRES	SQ. FT.	LOT #	ACRES	SQ. FT.
1	0.09	3,850	19	0.08	2,600	37	0.07	3,016
2	0.08	2,800	20	0.08	2,600	38	0.10	4,466
3	0.08	2,800	21	0.09	3,848	39	0.11	4,909
4	0.08	3,850	22	0.12	5,371	40	0.07	3,017
5	0.09	3,850	23	0.07	3,188	41	0.07	3,017
6	0.08	2,800	24	0.08	2,668	42	0.10	4,449
7	0.08	2,800	25	0.09	3,792	43	0.10	4,151
8	0.09	3,821	26	0.11	4,754	44	0.06	2,606
9	0.10	4,309	27	0.08	2,842	45	0.06	2,655
10	0.08	2,811	28	0.08	2,775	46	0.11	4,800
11	0.08	2,815	29	0.11	4,815	47	0.09	3,927
12	0.09	4,041	30	0.10	4,433	48	0.09	2,880
13	0.11	4,627	31	0.07	3,136	49	0.06	2,600
14	0.07	2,889	32	0.07	3,173	50	0.09	3,850
15	0.08	2,790	33	0.10	4,520	51	0.09	3,850
16	0.10	4,319	34	0.10	4,466	52	0.06	2,600
17	0.09	3,850	35	0.07	3,018	53	0.08	2,800
18	0.08	2,800	36	0.07	3,018	54	0.09	3,850

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SOILS LEGEND

Cle1A CLEWORTH SILT LOAM, 0-1% SLOPES
 JoR1A1 JONESBORO-ROSSMONE SILT LOAMS, 0-2% SLOPES
 JoR1B1 JONESBORO-ROSSMONE SILT LOAMS, 2-5% SLOPES
 JoR1B2 JONESBORO-ROSSMONE SILT LOAMS, 7-5% SLOPES
 JoR1C2 ROSSMONE SILT LOAM, 6-12% SLOPES
 WsS1A1 WESTBORO-SCHAFFER SILT LOAMS, 0-2% SLOPES

GROSS AREA = 9.53 ACRES
 SLOPES 20% OR GREATER = 0.00 ACRES
 Ex. PUBLIC RIGHT-OF-WAY = 0.13 ACRES
 NET AREA = 9.40 ACRES

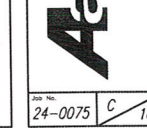


DESIGN PLAN

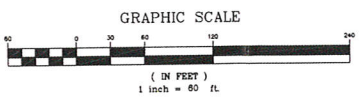
Date	10-1-24
Drawn by	G.R.
Checked by	D.A.S.
Scale	1" = 60'

EXISTING CONDITIONS
 WILLOW GROVE
 LEWIS THOMAS' MILITARY SURVEY #1762
 BATAVIA TOWNSHIP
 CLEWORTH COUNTY, OHIO

Abercrombie & Associates, Inc.
 Civil Engineering + Surveying
 8111 Chambers Road, Suite 200
 5153A825-027
 www.abercombieandassociates.com



Ohio
 Certified Professional Surveyor
 1-800-362-2764
 811
 How many ballers
 Call before you dig



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