



WARREN COUNTY | OHIO

**WAYNE**  
*Township*  
WWW.WAYNETOWNSHIP.US

Date: March 29, 2018

TO: Adjoining property owners  
Within 500' of the former  
Holly Hills Golf Course  
4900 block of Route 42

From: Wayne Township,  
Office of the Zoning Inspector

RE: Legal notice of Public Hearing

---

## NOTICE OF PUBLIC HEARING

The Wayne Twp., Warren Cty., Board of Zoning Appeals will conduct a public hearing at 7:00 p.m. on Thursday, April 19<sup>th</sup> at the Wayne Twp. Administration Bldg., 6050 N. Clarksville Rd., Waynesville, OH to consider a Conditional Use application to bring a non-conforming single family dwelling into conformance with the Wayne Twp. Zoning Resolution, filed by Richard B. Tranter, Esq., legal counsel and agent for buyer HHCC, LLC for PID: 091010014 *aka the former caretaker's house at the Holly Hills Golf Course*, 4900 Block Route 42, Waynesville, OH 45068.

Information is on file and available for public inspection at the Wayne Twp. Office of the Zoning Inspector and at [www.waynetownship.us](http://www.waynetownship.us).

Thank you,

Erin Hartsock

# Wayne Township, Warren County

## Application for Conditional Use



Date Received \_\_\_\_\_ **\$500 Filing Fee** Case # \_\_\_\_\_

Complete this form and return with check (payable to Wayne Township) to Erin Hartsock, 6050 N. Clarksville Rd., Waynesville, OH 45068. Phone: (513) 897-3010; Email: [erinhartsock@waynetownship.us](mailto:erinhartsock@waynetownship.us)

Applicant information OWNER or AGENT (circle one)	
<b>Name</b>	Richard B. Tranter, Esq., legal counsel and agent for buyer HHCC, LLC
<b>Address</b>	255 East Fifth St., Ste. 1900, Cincinnati, Ohio 45202
<b>Contact number:</b>	(513) 977-8424
Legal Description of the Property under consideration	
<b>Address or Parcel ID#</b>	09-10-100-014/09-10-100-005
<b>Subdivision name and lot# (if applicable)</b>	N/A
<b>Zoning District</b>	C (Recreational) Zone
<b>Nearest Intersection</b>	U.S. Route 42 and Old 122 Road

### Proposed Use

See attached.

### Complete the following sections:

<b>A</b>	<b>List additional permits or licenses required by other governmental/regulatory entities:</b> None.
<b>B</b>	<b>Hours of Operation (if applicable):</b> N/A From: _____ AM <input type="checkbox"/> PM <input type="checkbox"/> To: _____ AM <input type="checkbox"/> PM <input type="checkbox"/> <b>Days of Operation:</b> S <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> TH <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> <b>No. of Employees:</b> _____
<b>C</b>	<b>Number of Vehicles to be used with proposed use:</b> N/A _____ <b>Vehicle Desc.:</b> _____

Plot plan (required) include the following:	
<input type="checkbox"/>	Existing <u>and</u> proposed structures in relation to property boundaries to scale
<input type="checkbox"/>	Unusual Physical Features of the Site or Building
<input type="checkbox"/>	Abutting streets
<input type="checkbox"/>	List of all adjoining and adjacent property owners (and across the street) of subject property
<input type="checkbox"/>	Photographs (when available)
<input type="checkbox"/>	Traffic Ingress and Egress
<input type="checkbox"/>	Signage
<input type="checkbox"/>	Existing parking or expanded parking
<b>Additional requirements for secondary dwellings:</b>	
<input type="checkbox"/>	Statement from the Health Department that the onsite sewage treatment system can accommodate the added use.
<input type="checkbox"/>	Statement from all other applicable utility providers that residential service can be extended to the new building while remaining under one bill

**Purpose of the Board of Zoning Appeals**

The Board of Zoning Appeals (BZA) is a five member, quasi-judicial, citizen Board appointed by the Board of Trustees. The BZA is charged with the responsibilities outlined in the ORC 519 and more specifically defined in Section 30.01 of the Wayne Township Zoning Resolution.

The BZA hears appeals of decisions of the Zoning Administrator, including permit application refusals and violation citations, as well as Conditional Use applications, Expansion of a Nonconforming use applications, and Compatible Nonconforming Use applications. The BZA may authorize, upon appeal, variances from the terms of the Zoning Resolution where unique hardships exist and when the variance will not be contrary to the public interest.

In the event that any party disagrees with a decision of the Board, they may appeal to the Court of Common Pleas of Warren County.

**Board of Zoning Appeals Process**

A person filing a Conditional Use Application must have a legal and/or equitable interest in the property affected in the appeal or be an attorney representing the person having legal or equitable interest. The Board requires the legal owner or his counsel to be present at the public hearing.

The hearing in front of the BZA is a quasi-judicial process. All those speaking in favor of or against the applicant are sworn in. Attorneys for the appellant or the Township may question and cross-examine those giving testimony.

**The appeal must be received by the Zoning Office at least 3 weeks before the next scheduled meeting date.**

**A legal notice will be prepared by this office and placed in a newspaper of general circulation in the county 10 days prior to the public hearing. Notice of the hearing is sent to all property owners within 500 feet.**

**Failure to appear at the scheduled public hearing may result in the dismissal of the appeal.**

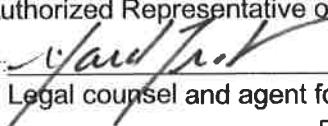
**An appeal will not be accepted unless and until all the above requirements are met.**

**For additional information, please contact the Wayne Township Zoning Department at 513.897.3010.**

I authorize Wayne Township (staff, appointed board, Trustees, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application.

I certify that all the above information in this Zoning Appeal Application is accurate to my fullest knowledge.

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Authorized Representative of owner HHGC Holdings, Inc.

Agent's Signature:  Date: 3/27/18  
 If different than owner: \_\_\_\_\_  
 Legal counsel and agent for buyer HHCC, LLC.

**BOARD OF ZONING APPEALS  
Wayne Township, Warren County, Ohio**

**Application for Conditional Use**

**ATTACHMENT**

Applicant ..... Richard B. Tranter, Esq., legal counsel and agent for buyer HHCC, LLC  
Parcel Nos. ... 09-10-100-14/09-10-100-005  
Date..... March 27, 2018

**PROPOSED USE**

The Applicant requests approval of a conditional use to permit the continuation of a single family residential use on a 4.0382-acre parcel to be created. Currently the residence, which fronts along the southeastern side of U.S. 42, occupies portions of Parcel Nos. 09-10-100-14 and 09-10-100-005. The buyer, HHCC, LLC, proposes to create a separate parcel for residential use.

The proposed parcel is located in the C (Recreational) Zone, which conditionally permits single family residential uses.

**1. Conditional Use Criteria**

As discussed below, the requested conditional use satisfies the applicable criteria to be considered by the Board of Zoning Appeals.

- (a) The proposed use is conditionally permitted in the applicable zoning district.

This criterion is satisfied, as single family residential uses are conditionally permitted in the C (Recreational) Zone. Zoning Code § 2.203 (table).

- (b) Whether the proposed use deviates from the Comprehensive Plan.

The current single family residential use does not deviate from the Comprehensive Plan. The Comprehensive Plan suggests recreational use for future land use of the subject property. As noted above, single family use is already recognized as conditionally permitted in the recreational zone. Furthermore, the future land use suggested for lands adjacent to the subject property include residential uses.<sup>1</sup>

---

<sup>1</sup> The specific future land uses stated in the Comprehensive Plan for the surrounding land is "Agricultural Rural Residential."

- (c) The proposed conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience.

The proposed single family residential use will have no impact on the surrounding parcels. The surrounding parcels include large, open spaces used for residential, agricultural, and airport purposes. Moreover, allowing the current residential use of the subject property to continue as it has for years will have no effect on public convenience.

- (d) The proposed use will be harmonious with, and in accordance with, the purpose of this Zoning Code.

As noted, the proposed single family residential use is recognized as a conditionally permitted use in the recreational zone. This fact alone renders the proposed use harmonious with, and furthers the purpose of, the Zoning Code.

- (e) The proposed use will conform to the general character of the neighborhood in which it will be located.

The single family residential use on the large proposed parcel will conform to the rural character of the surrounding area.

- (f) Imposing special conditions or requirements that would mitigate the special characteristics which are inherent to the use and enable compatibility with the existing neighborhood.

The proposed single family residential use will not require any special conditions to render the subject property compatible with the surrounding neighborhood.

- (g) The use complies with all applicable provisions of this Zoning Code.

With one exception described below, the proposed single family residential use will comply with the requirements of the Zoning Code.

The existing residence on the subject property includes a concrete porch that is set back from the U.S. 42 right of way by 45'8". The required setback from U.S. 42 is 50'. Consequently, the Applicant requests that the Board of Zoning Appeals recognize of the current setback of 45'8" as conforming.

Section 1.310.5(A)(2) of the Zoning Code permits the Board of Zoning Appeals to recognize non-conformities and conforming in connection with the approval of a conditional use. The Applicant requests such recognition in this case.

- (h) The proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and the use will not change the essential character of the area.

As discussed above, the current residential use of the subject property is consistent with the neighboring community, and no changes to the use or the improvements are proposed.

- (i) The use will not create excessive additional requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community.

No additional requirements are anticipated as a result of the approval of the requested conditional use.

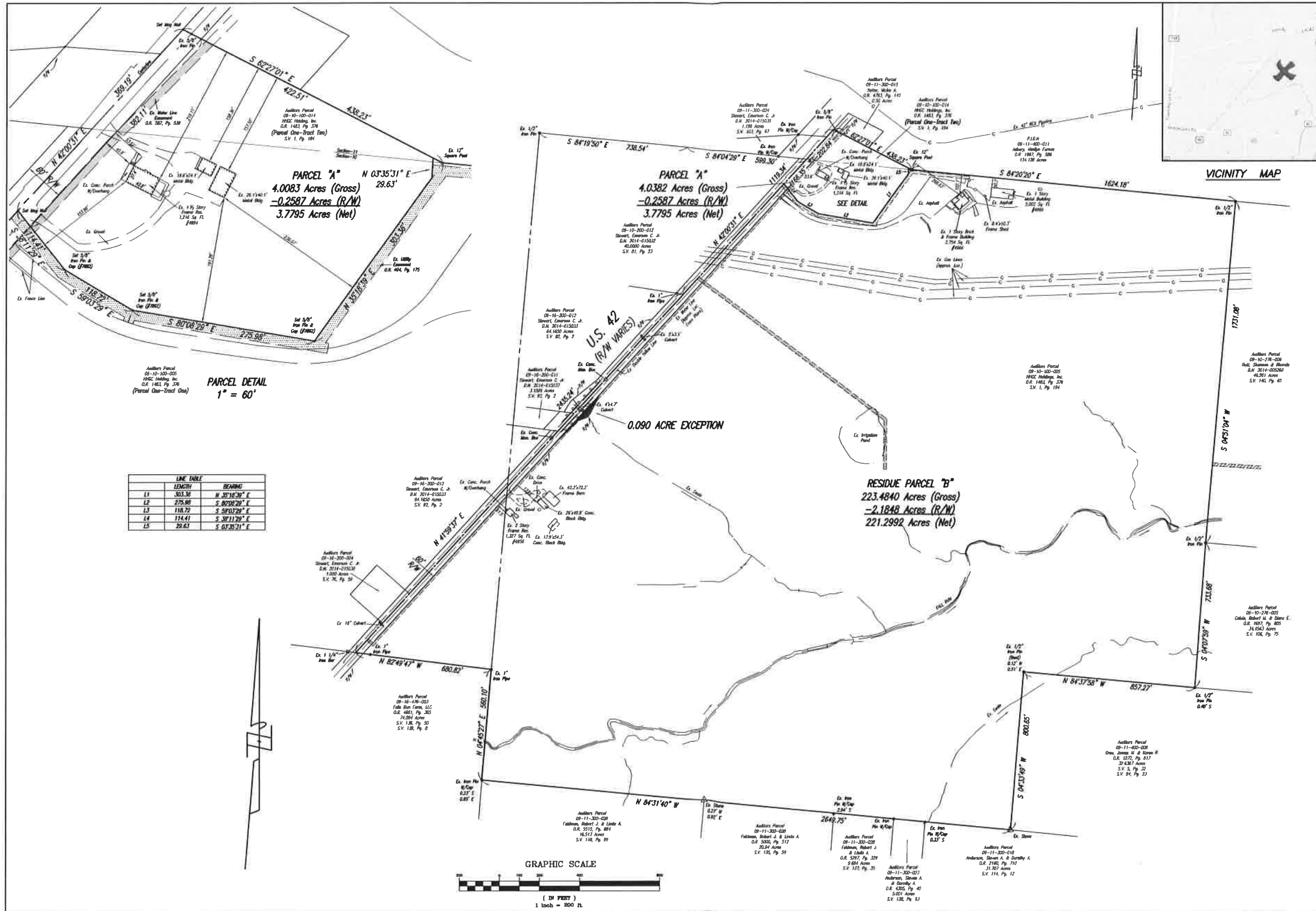
- (j) The proposed use at a particular location shall be shown as necessary or desirable in providing a service or facility that will not be detrimental to the general well-being of the surrounding area.

This criterion is not applicable to the present conditional use request

- (k) The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

As discussed above, continuation of the proposed single family residential use will have no impact on the surrounding community.

To summarize, the Applicant requests: (i) approval of a conditional use to permit the continuation of the existing single family residential use on the 4.0382-acre parcel to be created from portions of Parcel Nos. 09-10-100-014 and 09-10-100-005; and (ii) recognition that the existing residence's setback of 45'8" from U.S. 42 is conforming.



Scale	3-26-18
Drawn by	G.R.
Checked by	S.C.
Drawn	AS SHOWN

**PRELIMINARY LOT SPLIT**

SECTIONS-10 & 16, TOWN-4, RANGE-4, M.R.S.  
 WAYNE TOWNSHIP  
 WARREN COUNTY, OHIO

**Abercrombie & Associates, Inc.**  
 Civil Engineering + Surveying  
 2100 S. State St., Suite 120  
 Columbus, OH 43221  
 614.291.1100  
 www.aberacrombie.com

**AE**

17-0131 1 1