

FAIRFIELD TOWNSHIP BOARD OF ZONING APPEALS
APPLICATION UNDER THE ZONING RESOLUTION FOR
VARIANCES/CONDITIONAL USES/APPEALS

6032 Morris Road
Hamilton, Ohio 45011

Telephone: (513) 887-4400
Fax: (513) 887-4405

Check all that apply:

- ☐ Variance
☐ Conditional Use
☐ Appeal
☒ Similar Use Determination

Newspaper Journal News
Case No. FT2A20-1354
Date Filed 9-18-20 Fees 450.00
FTZA Meeting Date 10-22-2020

APPLICANT: McBride Dale Clarion **PHONE:** 513-561-6232

ADDRESS: 5721 Dragon Way, Suite 300, Cincinnati, OH 45227

APPLICANT CONTACT: Anne F. McBride, FAICP **PHONE:** 513-673-4225

ADDRESS: _____

OWNER: Anchor Gilmore, LLC.

ADDRESS: 128 East Second Street, Covington, KY 41011

PHONE: 859-578-2609

*** The Applicant must file with the Township Zoning/Administration Representative:**

1. Reason for Variance/Conditional Use Request: Requesting a Determination of a Similar Use pursuant to Section 622.1 (Q) of the Zoning Resolution.

2. A clear and accurate description of proposed work or use.
3. Location of Property: Parcel No., Lot No., Section, Town, Range, Township, Address of property, and current zoning.
4. List OWNERS name and address of ALL abutting property, including those across road or street, obtainable in Plat Room, 3rd Floor, Butler County Administrative Center, 130 High Street, Hamilton, Ohio, 45011.
5. Submit site plans, drawn to scale, showing the exact shape and dimension of the lot, buildings and accessory buildings existing and lines within which the proposed buildings are to be erected or altered. The existing and intended use of each building or part of a building is designed to accommodate. Construction drawings are required for all new/proposed structures.
6. Submit Butler County Health Department approval in writing (if required). Located at 301 South 3rd Street, Hamilton, Ohio, 45011. Phone Number (513) 863-1770.
7. Copy of deed and subdivision restriction. Located 2nd floor, Butler County Administrative Center.

- 8: Additional information may be required per Article 25 of the Fairfield Township Zoning Resolution. It is the applicant's responsibility to file all required information at time of application.
- 9: The Board of Zoning Appeals and the staff reserve the right to require additional information as warranted based on the circumstances of the case.
10. **Applicant must submit nine (9) complete sets of Application.**
11. Each application shall be accompanied by a fee, as specified in the Zoning Resolution for the purpose of defraying expenses. FEES \$ 450.00

Any questions on part thereof not answered in full or with complete explanation will cause this office to return all papers to applicant as misfiled and no hearing will be held.

TO THE BOARD OF ZONING APPEALS

The undersigned, hereby applies for a Fairfield Township Zoning Resolution for permission to in accordance with plans, application and all data heretofore filed with said Zoning/ Administration representative, all of which are hereto attached and made part of this application. No previous application or appeal under the Zoning Resolution has been made by me affecting these premises.

I hereby depose and say that all the above statements and the statements contained in all the exhibits transmitted herewith are true.

Applicant or representative must be present at this meeting.

[Signature]

Applicants Signature

Sworn to and subscribed before me, this 15th day of September, 2020, by the above applicant.



JONATHAN WOCHER
Notary Public, State of Ohio
My Commission Expires 07-19-2022

[Signature]
Notary Public

7-19-2022
My Commission Expires

- Fairfield Township Zoning/Administration acknowledgement of receipt.

Chuck Gains / Chuck Gains Zoning Admin
Signature/Printed Name Title

9/19/2020
Date

PROPERTY OWNERS AFFIDAVIT

STATE OF OHIO
COUNTY OF BUTLER

I (we) Anchor Gilmore, LLC.

Hereby certify that we are all of the owners and of the real estate which is subject of the pending zoning application; that we hereby consent to the Zoning Appeals Board acting on my/our request for the subject real estate. I/we understand that our application will be considered and processed in accordance with the regulations as set forth by the Fairfield Township Zoning Department and Zoning Resolution; that we agree to accept, fulfill, and abide by those regulations and all stipulations and conditions attached to the decision by the Zoning Appeals Board. As owner(s) of the real estate which is the subject of the pending zoning application, I hereby consent to the Fairfield Township Zoning Department temporarily placing a sign advertising the zoning request on the subject property. The statements and attached exhibits are in all respects true and correct to the best of my/our knowledge and belief.

Thomas W. Bowen
Signature

Anchor Gilmore, LLC.

Printed Name

128 East Second Street

Mailing Address

Covington, KY 41011

City, State, Zip Code

859-578-2609

Telephone

Subscribed and sworn before me this 15th day of September 20 20

Bryan S. Blade
Notary Public



BRYAN S. BLADE
Notary Public, Kentucky
State At Large
My Commission Expires
January 6, 2023
Notary ID# 613505

Project Description and Justification Statement

Anchor Gilmore, LLC. is the owner of the 4.9 acres at the southeast corner of Gilmore Road and Anchor Drives (Parcel ID A0300021000051). They have owned the property since 2008 and have been actively marketing the site since acquiring the 4.9 and surrounding acres, the balance of which has been developed. Anchor Gilmore, LLC. has a contract with the Oakley Group to purchase the 4.9 acres for development as a self-service storage facility which would contain approximately 900 self-storage units in five buildings. The buildings will be constructed of steel and decorative panels. The site, which will be accessed from Gilmore Road and Anchor Drive, has been designed to take advantage of the site topography by creating two, two-story buildings with each level access at grade on different facades. The proposed development will be screened from Gilmore Road by decorative fencing and a retaining wall at the northwest corner of the site, which features a Fairfield Township sign. Additionally, the site will be surrounded by a variety of 2½" caliper trees including Glory Maple, American Elm, and Bowhall Red Maple. There will be no outdoor storage of vehicles, equipment, boats, trailers, or materials.

The property is located in the "M-1" Light Industrial District, which until very recently allowed self-service storage facilities as a permitted use. The inclusion of self-service storage is consistent with the development in the immediate area, including the "AAA Self Secured Storage" self-service storage facility located on the west side of Gilmore. Section 622.1 (q) of the Zoning Resolution provides for the following as a Principal Permitted Use within the "M-1" Light Industrial District:

"Any use that is determined by the Board, as provided in Article 25, to be of the same general character as the above permitted uses, but not including any use which is first permitted in the "M-2" District."

We are requesting that the Board make the determination that the proposed self-service storage facility is of the general character, but less intrusive, than other uses permitted in the "M-1" District. We would offer the following as a basis for our request:

- 1) The inclusion of storage and warehouse facilities as a Principal Permitted Use is first found in the "B-2" General Business District (Section 621.1 (h)), not the "M-2" District.
- 2) The "M-1" District, per Section 622.1 allows for the following Principal Permitted Uses, all of which are more intensive and have a greater impact on the surrounding area than the proposed use:
 - Warehouse;
 - Trucking and motor freight stations or terminals;
 - Underground storage of inflammable liquids;
 - Building material sales yards, including concrete mixing, lumber yards, open yards for storage and sale of feed and/or fuel.

- 3) The proposed self-service storage facility is a retail-type operation in that its customers are homeowners and small businesses located in the area which is consistent with the customers of other retail and service providers in the immediate area.

Based on the information presented, and consistent with the provisions of Section 622.1 (q), we would respectfully ask that the Board approve the use of the 4.9 acres as a self-service storage facility.



TRANSFERRED
DATE 5/7/15
CONVEYANCE S
FEE \$ 0
EXEMPT 4045 CLK

Roger Reynolds, Butler Co. Auditor

This conveyance has been examined and the
grantor has complied with Sec 319.202 of the ORC.



Image ID: 000009111943 Type: OFF
Recorded: 05/07/2015 at 03:16:22 PM
Fee Amt: \$36.00 Page 1 of 3
Workflow# 0000247970-0003
Butler County, Ohio
Dan Crank COUNTY RECORDER
File# 2015-00016936

SK **8792** PG **633**

LIMITED WARRANTY DEED

010-27-0063 ANG

ANCHOR GILMORE HL, LLC, an Ohio limited liability company, ("Grantor"), for valuable consideration paid, grants, with limited warranty covenants, to **ANCHOR GILMORE, LLC**, an Ohio limited liability company, whose tax mailing address is 128 East Second Street, Covington, KY 41011, the real property described in *Exhibit A* attached hereto and made a part hereof (the "*Property*").

Prior Instrument Reference: Official Record 8792, Page 630, of the Butler County, Ohio records.

The Property is conveyed subject to and there are excepted from the limited warranty covenants, the following:

- 1) Easements, covenants and restrictions of record;
- 2) Taxes and assessments not yet due and payable;
- 3) Zoning and building laws and regulations; and
- 4) Legal highways and rights of way.



Image ID: 000009111944 Type: OFF

Page 2 of 3

File# 2015-00016936

BK 8792 PG 634

IN WITNESS WHEREOF, Grantor has caused this deed to be executed as of this ____ day of May, 2015.

ANCHOR GILMORE HL, LLC,
an Ohio limited liability company

By: ANCHOR GILMORE, LLC,
an Ohio limited liability company
Its: Sole Member

By: Anchor Properties, Inc.,
an Ohio corporation
Its: Manager

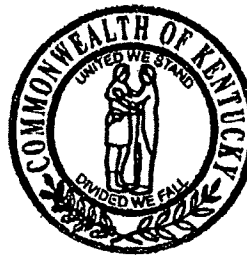
By: Thomas W. Bowers
Thomas W. Bowers
President

COMMONWEALTH OF KENTUCKY)
) SS:
COUNTY OF KENTON)

The foregoing instrument was acknowledged before me this 5th day of May, 2015 by Thomas W. Bowers, the President of Anchor Properties, Inc., as the manager of Anchor Gilmore, LLC, an Ohio limited liability company, as the sole member of Anchor Gilmore HL, LLC, an Ohio limited liability company, on behalf of the limited liability company

Bryan S. Blade
Notary Public

This instrument was prepared by:
Andrew D. Graf, Esq.
Griffin Fletcher & Herndon LLP
3500 Red Bank Road
Cincinnati, Ohio 45227
(513) 421-1313



BRYAN S. BLADE
Notary Public, Kentucky
State At Large
My Commission Expires
January 6, 2019
Notary ID# 524197

{00115956-1}



Image ID: 000009111945 Type: OFF

Page 3 of 3

File# 2015-00016936

BK 8792 PG 635

**EXHIBIT A
LEGAL DESCRIPTION**

**APPROVED
BCEO
BY BSA
5-7-15**

Legal Description: 1.412 Acres (Parcel E-2)

A6300-021-000-050

Situated in Section 19, Town 2, Range 3, Fairfield Township, part lot 430, Butler County, Ohio and being more particularly described as follows:

Commencing at the northwest corner of Section 19 and the centerline intersection of Princeton Road and said Gilmore Road, thence South 05° 16' 01" West, 713.44 feet; thence departing the said centerline of Gilmore Road, along the south line of said lot 8933, North 89° 21' 33" East, 267.00 feet; thence North 77° 11' 28" East, 115.23 feet; thence North 66° 34' 40" East, 112.80 feet; thence North 80° 53' 37" East, 91.62 feet to the point of beginning of the parcel herein described; thence North 5° 17' 47" East, 215.39 feet; thence South 84° 42' 13" East, 285.54 feet; thence South 5° 17' 47" West, 215.39 feet; thence North 84° 42' 13" West, 285.54 feet to the point of beginning.

The above described tract contains 1.412 Acres of land and is subject to all easements and restrictions of record.

Basis of Bearings: Bearings based on Ohio State Plane Coordinate
 System – South Zone

This description was prepared by Robert J. Trenkamp, Licensed Land Surveyor in Ohio (No. 8304) and is based on a survey made by Thomas Grahm Associates, Inc. dated January 28, 2015, of record in Vol. 57, Pg. 47 of the Butler County Engineer's Records.

{00115956-1}

Page 4 of 18

Burr
010-27-002-3GENERAL WARRANTY DEED

G129, LLC, an Ohio limited liability company, ("Grantor") for valuable consideration paid, grants, with general warranty covenants, to Anchor Gilmore, LLC, an Ohio limited liability company, whose tax mailing address is 128 East Second Street, Covington, Kentucky 41011, the real property described in Exhibit A, attached hereto and made a part hereof (the "Property").

Prior Instrument Reference: Official Record 7599, Page 762 of the Butler County, Ohio records.

The Property is conveyed subject to and there are excepted from the general warranty covenants, the following:

- 1) Easements, covenants and restrictions of record;
- 2) Taxes and assessments not yet due and payable;
- 3) Zoning and building laws and regulations; and
- 4) Legal highways and rights of way.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed as of this 30th day of June, 2008.

G129, LLC,
an Ohio limited liability company

By: Thomas R. Fisher
Print Name: Thomas R. Fisher
Its: partner/managing member

STATE OF OHIO, COUNTY OF Butler, SS:

The foregoing instrument was acknowledged before me this 30th day of June, 2008 by Thomas R. Fisher, the Managing Member of G129, LLC, an Ohio limited liability company, on behalf of the limited liability company.

[Signature]
Notary Public

This instrument was prepared by:
Brian W. Weis, Esq.
Griffin Fletcher & Herndon LLP
3500 Red Bank Road
Cincinnati, Ohio 45227
(513) 421-1313



DAN O. LEFKOWITZ, Atty. at Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
O.R.C. Sec. 147.03

LAClient\mcboraz\p\mccommon and gilmore\Deed (0623-08).doc

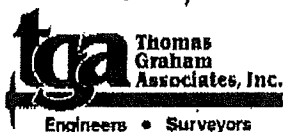
TRANSMITTED
DATE 08-21-08
CONVEYANCE 512
FEE \$ 270.00 (900.00)
EXEMPT

Roger Reynolds, Butler Co. Auditor

This conveyance has been examined and the grantor has complied with section 319.02 of the revised code.

Image ID: 000007100085 Type: OFF
KIND: DEED
Recorded: 07/01/2008 at 12:21:46 PM
Fee Amt: \$28.00 Page 1 of 2
Workflow# 1843085
Butler County, Ohio
Dan O'Grady COUNTY RECORDER
File# 2008-00031802
BK **8029** PG **1285**

Page 5 of 18



809 Compton Road
Cincinnati, Ohio 45231-3819
(513) 521-4760
Fax (513) 521-2439

June 13, 2008



Image ID: 000007100089 Type: OFF

Kind: DEED

Page 2 of 2

File# 2008-00081802

BK 8029 PG 1286

Description: Parcel "A" - 8.553 Acres (Gross)

Situated in Section 19, Town 2, Range 3, Fairfield Township, Butler County, Ohio, and being more particularly described as follows:

Beginning at an existing railroad spike at the northwest corner of Section 19, said point being at the centerline intersection of Princeton Road and Gilmore Road; thence along the north line of said Section 19 and the centerline of Princeton Road, South 84° 42' 13" East, 563.13 feet; thence departing the said north line of Section 19 and the centerline of Princeton Road, South 05° 17' 47" West, 573.02 feet; thence South 80° 53' 37" West, 91.62 feet to a set iron pin; thence South 66° 34' 40" West, 112.80 feet to a set iron pin; thence South 77° 11' 28" West, 115.23 feet to a set iron pin; thence South 89° 21' 33" West, 267.01 feet to the said centerline of Gilmore Road; thence along the said centerline, North 05° 16' 01" East, 713.44 feet to the Point of Beginning.

The above described parcel contains:

Now known as part of
lot 430

Gross Area = 8.553 Acres

P.R.O. = 1.383 Acres

Net Area = 7.170 Acres

VOLUME 52 PAGE 86
BUTLER COUNTY ENGINEER
LAND
RECORD OF SURVEYS

FAIRFIELD TOWNSHIP ZONING

DATE 6-24-08

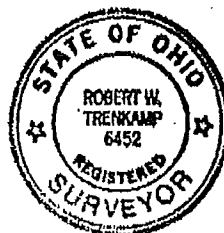
☒ APPROVED ☐ UNAPPROVED
Subject to all easements and rights-of-way of record.
☐ APPROVED WITH COMMENTS

Bearing Reference: Bearings are based on the Ohio State Plane Coordinate System-South Zone.

This description was prepared by Robert W. Trenkamp, Registered Land Surveyor in Ohio #6452 and is based on a survey made by Thomas Graham Associates, Inc. dated June 13, 2008.

Robert W. Trenkamp
Robert W. Trenkamp

Professional Land Surveyor in Ohio No. 6452



APPROVED BY
BUTLER COUNTY PLANNING COMMISSION
FOR THE PURPOSES OF CONVEYANCE
THIS DOES NOT CONSTITUTE A
GUARANTEE OR BUILDING PERMIT.
NO PLAT REQUIRED. 6-30-08

Surrounding Property Owners

Subject Property

1. Anchor (Private) Road

Mailing:

Anchor Gilmore LLC
128 E. Second Street
Covington, KY 41011
Parcel ID#: A0300021000051

Surrounding Properties

1. Joseph Drive

Mailing:

Lorven Menards LLC
7106 Corporate Way
Dayton, OH 45459
Parcel ID#: A0300025000094

2. 2981 Princeton Road

Mailing:

Global New Millennium Partners LTD
4415 Highway 6
Sugar Land, TX 77478
Parcel ID #: A0300025000083

3. 3012 Anchor (Private) Drive

Mailing:

PRD Owner LLC
C/O Professional Resource Dev. Inc.
PO Box 768
Effingham, IL 62401
Parcel ID#: A0300021000045

4. 3034 Anchor (Private) Drive

Mailing:

Bridgestone Retail Operations LLC
535 Marriott Drive
Nashville, TN 37214
Parcel ID#: A0300021000044

5. 3050 Anchor (Private) Drive

Mailing:

National Retail Properties LP
450 S. Orange Avenue, Suite 900
Orlando, FL 32801
Parcel ID#: A0300021000043

6. 3077 Princeton RoadMailing:

PNC Bank
C/O National Tax Search LLC
130 S. Jefferson Street, Suite 300
Chicago, IL 60661
Parcel ID#: A0300021000030

7. 3101 Princeton RoadMailing:

Balaloski Princeton LLC
C/O Restaurant Management Inc.
300 Main Street
Cincinnati, OH 45202
Parcel ID#: A0300021000027

8. 3111 Princeton RoadMailing:

JTA Holdings LLC
2549 Richmond Road, Suite 100
Lexington, KY 40509
Parcel ID#: A0300021000024

9. 3173 Princeton RoadMailing:

Indian Springs Holding Company LLC
1400 Buford Highway, Suite R-3
Sugar Hill, GA 30518
Parcel ID#: A0300021000037

10. 6718 Gilmore RoadMailing:

NS Retail Holdings LLC
5910 N. Central Expressway, Suite 1600
Dallas, TX 75206
Parcel ID#: A0300021000049

11. 6711 Gilmore RoadMailing:

R/E Realty Services LLC
Jason M. Ross
7684 Kyles Stateion Road
Liberty Township, OH 45044
Parcel ID#: A0300025000044

12. 6671 Gilmore RoadMailing:

DT Retail Properties LLC
3601 Spring Hill Business Park, Suite 201
Mobile, AL 36608
Parcel ID#: A0300025000085