

6578 Kentuckyview Drive, LLC
Application for Zoning Variance
February 12, 2026

APPLICATION FOR ZONING VARIANCE

Anderson Township Board of Zoning Appeals

Date of Application: February 12, 2026

Hearing Date Requested: March 5, 2026



SECTION 1: APPLICANT INFORMATION

Applicant Name: Brett Lowery on behalf of 6578 Kentuckyview Drive, LLC

Mailing Address: 6578 Kentuckyview Drive, Cincinnati, OH 45230

Phone Number: Brett Lowery

Email Address: lowerybw@gmail.com

Legal Counsel: Gabriel J. Kurcab, Esq. Katz, Teller, Brant & Hild 255 East Fifth Street, Suite 2400 Cincinnati, OH 45202-4787 Phone: (513) 721-4532 Direct: (513) 977-3485

Site Planner/Engineer: Mike Morris Cindaco Design P.O. Box 19684 Cincinnati, OH 45219 Phone: (513) 909-4768

SECTION 2: PROPERTY INFORMATION

Property Address: 6597 Kentuckyview Drive, Cincinnati, OH 45230

Parcel Number: 050004030044

Current Zoning Classification: Single-Family Residence District A

Total Acreage: .54 Acres

Current Use of Property: Vacant/Undeveloped Land

Proposed Use of Property: Single-Family Residential Development (3 lots)

SECTION 3: VARIANCE REQUESTED

The Applicant respectfully requests a variance from the applicable rear setback requirements for Lot 1 of the proposed three-lot residential subdivision located at 6597 Kentuckyview Drive.

Specific Variance Requested: A reduction of the required rear setback by approximately twenty-five feet (25') for Lot 1, to permit the proposed single-family residence to be located approximately 25 feet from the right-of-way, rather than the standard setback distance required under the Anderson Township Zoning Resolution.

Zoning Provision(s) at Issue: Article 2.12,D,6 of the Anderson Township Zoning Resolution (permitting variation in yard requirements where practical difficulties exist due to irregular lot shape, topographic or other conditions); applicable residential district setback requirements as set forth in Article 3 of the Zoning Resolution

SECTION 4: STATEMENT OF PRACTICAL DIFFICULTY

Pursuant to the standards established by Ohio Revised Code Section 519.14 and Article 2.12,D,2 and Article 2.12,D,6 of the Anderson Township Zoning Resolution, the Applicant submits the following statement demonstrating that a practical difficulty exists warranting approval of the requested variance.

A. Nature of the Property and Proposed Development

The subject property is located on Kentuckyview Drive in Anderson Township, Hamilton County, Ohio. The Applicant proposes to develop the property into a three-lot single-family residential subdivision, with each lot to contain one single-family dwelling. The proposed development is consistent with the residential character of the surrounding neighborhood and the purposes of the applicable zoning district.

Lot 1, which is the subject of this variance request, presents unique topographical and site constraints that necessitate the requested setback relief. As shown on the attached Preliminary Site Plan prepared by Cindaco Design dated February 9, 2026, the proposed development has been carefully designed to accommodate the challenging site conditions while maintaining compatibility with the surrounding properties.

B. Unique Physical Conditions Creating Practical Difficulty

Article 2.12,D,6 of the Anderson Township Zoning Resolution authorizes the Board of Zoning Appeals "[t]o permit a variation in the yard requirements of any District where there are practical difficulties in the carrying out of these provisions due to an irregular shape of the lot, topographic or other conditions, provided such variations will not seriously affect any adjoining property or the general welfare."

The subject property is characterized by difficult topography, including significant elevation changes and steep slopes. These physical conditions create a practical difficulty in complying with the standard setback requirements for the following reasons:

1. Steep Slope Conditions: The rear portion of Lot 1 contains steep slopes that significantly limit the buildable area of the lot. The topographical survey included with the site plan

demonstrates elevation changes across the property that constrain where a residence can be practically and safely constructed.

2. Septic System Requirements: Due to the absence of public sewer service, each lot in the proposed development must accommodate an on-site septic system, including both primary and reserve leach fields. The Hamilton County Board of Health has specific soil and area requirements for septic system installation. On Lot 1, the only suitable area for the required septic system (primary and reserve fields) is located in the rear portion of the lot where the topography is most favorable for proper septic function.

3. Competing Site Constraints: The need to locate the septic system in the rear of Lot 1, combined with the steep slope conditions, effectively pushes the buildable envelope for the residence toward the front of the lot. By moving the house forward on the lot, the septic system can be accommodated in a single zone across the back of the property, which is the most efficient and practical design solution given the site constraints.

4. Configuration of Adjacent Lots: The proposed development includes three residential lots (Lots 1, 2, and 4) as shown on the site plan. When the property was purchased, there were 4 separate lots. Due to current septic system requirements, Hamilton County has advised we will have to lose 1 lot in order to receive septic system approval on the remaining 3 lots. The positioning of the residence on Lot 1 affects the available space for the adjacent Lot 4's septic system. By allowing the Lot 1 residence to be moved forward with the requested setback variance, the site planner is able to provide additional space for the Lot 4 septic system, resulting in a more functional overall development design.

C. The Variance Will Not Adversely Affect Adjacent Properties

Under Article 2.12,D,6, a variance may be granted "provided such variations will not seriously affect any adjoining property or the general welfare." Additionally, Article 2.12,D,2,b sets forth standards for area variances, including whether "the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance." The requested variance satisfies these standards for the following reasons:

First, the proposed residence on Lot 1 will be a single-family dwelling consistent with the existing residential character of Kentuckyview Drive. The variance does not seek approval for a use that is incompatible with the neighborhood; rather, it seeks dimensional relief to accommodate the practical construction of a home that is entirely consistent with the surrounding area.

Second, the site plan has been carefully designed to ensure appropriate spacing between the proposed residences and existing neighboring properties. The development team has worked with adjacent property owners to address any potential impacts, including coordination regarding existing utility lines and drainage patterns.

Third, the Applicant will provide architectural inspiration photos demonstrating that the proposed homes will be designed to complement the aesthetic character of the existing neighborhood.

D. The Variance Represents the Minimum Relief Necessary

Under Article 2.12,D,2,b of the Zoning Resolution, the Board must consider whether the requested variance is "substantial." The requested 25-foot setback reduction represents the minimum variance necessary to allow reasonable use of Lot 1 while accommodating the required septic system. The Applicant's site planner, Mike Morris of Cindaco Design, has prepared multiple iterations of the site plan to identify the optimal configuration that minimizes the setback encroachment while meeting health department requirements for septic system installation.

The current plan (Version 6000, dated February 9, 2026) represents the most efficient design solution. The house footprint and positioning have been calibrated to ensure that the variance requested is not excessive but is strictly limited to what is necessary to make the lot developable.

E. The Practical Difficulty Is Not Self-Created

Under Article 2.12,D,2,b,vi of the Zoning Resolution, the Board must consider whether "the property owner's predicament can be feasibly obviated through some method other than a variance." The practical difficulty giving rise to this variance request is not self-created by the Applicant. The topographical conditions, steep slopes, and soil characteristics of the property are natural features that predate the Applicant's ownership. The requirement to install on-site septic systems (rather than connecting to public sewer) is imposed by the absence of public infrastructure in this area, which is beyond the Applicant's control. The Applicant has not taken any action to artificially create the conditions requiring this variance; rather, the Applicant is simply seeking to develop the property in the most practical manner given its inherent physical limitations.

SECTION 5: CONSISTENCY WITH COMPREHENSIVE PLAN AND ZONING PURPOSES

Article 2.12,D,2,b,vii of the Zoning Resolution requires consideration of whether "[t]he spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance." The requested variance is consistent with the spirit and intent of the Anderson Township Zoning Resolution and Comprehensive Plan. The proposed single-family residential development is entirely compatible with the residential zoning classification of the property and the established character of the Kentuckyview Drive neighborhood.

Setback requirements are intended to ensure adequate light, air, and separation between structures. The requested variance will not undermine these purposes, as the residence on Lot 1 will maintain appropriate separation from neighboring structures and will not create any adverse impacts on sight lines, traffic safety, or neighborhood aesthetics.

The development will contribute positively to the community by adding three new single-family homes that will be designed and constructed to high standards, consistent with the quality of existing homes in the neighborhood.

SECTION 6: EXHIBITS AND ATTACHMENTS

The following documents are submitted in support of this Application:

1. **Preliminary Site Plan** - Prepared by Cindaco Design, Version 6000, dated February 12, 2026, showing all three proposed lots, building locations, septic system layouts (primary and reserve fields), topographical information, and relevant dimensions.
2. **Topographical Survey** - Demonstrating the elevation changes and steep slope conditions affecting Lot 1.
3. **Architectural Inspiration Photos** - Images depicting the style and character of the proposed residences.
4. **Legal Description of Property** - [To be attached]
5. **Adjacent Property Owner List** - [To be attached]

SECTION 7: CERTIFICATION

I, the undersigned Applicant, hereby certify that the information provided in this Application is true and accurate to the best of my knowledge. I understand that approval of this variance application is subject to the review and decision of the Anderson Township Board of Zoning Appeals, and that I or my representative must appear at the scheduled hearing to present this application.

I further authorize my legal counsel, Gabriel J. Kurcab of Katz, Teller, Brant & Hild, and my site planner, Mike Morris of Cindaco Design, to act on my behalf in connection with this Application.

Brett Lowery, on behalf of 6578 Kentuckyview Drive, Cincinnati, OH 45230, Applicant

Date: _____

SECTION 8: FOR OFFICE USE ONLY

Item	Entry
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6578 Kentuckyview Drive, LLC
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Date Application Received	
Application Fee Paid	
Receipt Number	
Hearing Date Assigned	
Case Number	
Staff Reviewer	

4919-3622-2607, v. 1

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Exhibit 1

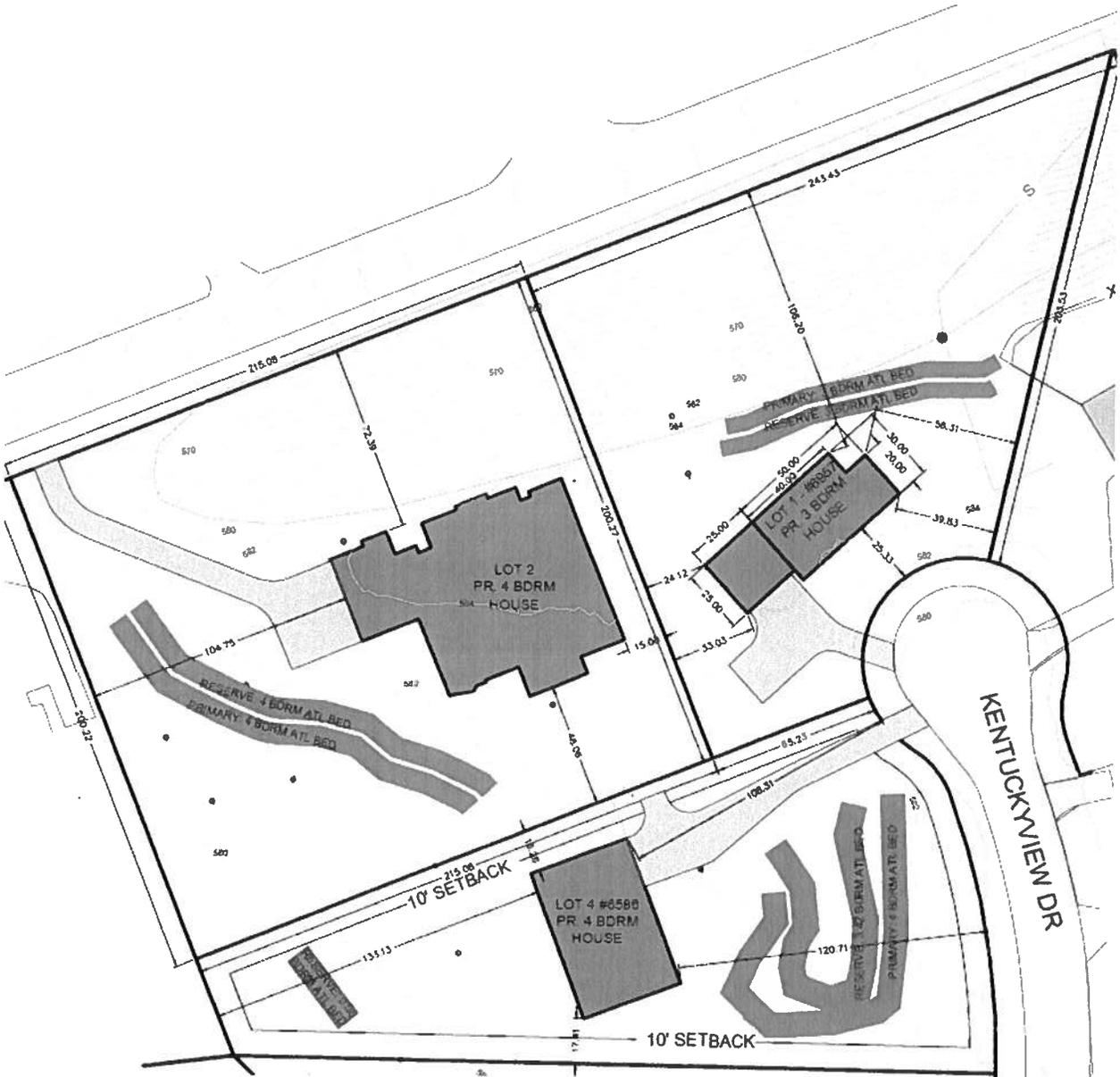


Exhibit 2
Topography



- There is approximately a 30 Ft Drop in elevation from the front of the property to the rear of the property

Exhibit 3
Inspiration Photos

Lot 1 Inspiration:



Lot 2 Inspiration:



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Lot 4 Inspiration:



Exhibit 4
Legal Description of Property

050004030044

Name	050004030044
Address Number	6578
Address Street	KENTUCKYVIEW
Address Suffix	DR
Annual Taxes	6,846.93
Appraisal Area Code	500,121.00
Appraisal Area Name	ANDERSON 121
Auditor Parcel ID	50004030044
Auditor Property ID	5000403004400
Bank Code	0
Board of Appeal	Y
<u>Zoom to</u>	...

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Exhibit 5

Adjacent Property Owner List:

The Adjacent Property Owner to the East is 6591 Kentuckyview Drive, GEORGETON PETER THOMAS TR & NANCY TR