

AGENDA
BUTLER COUNTY BOARD OF ZONING APPEALS
BUTLER COUNTY ADMINISTRATION CENTER
130 HIGH STREET
HAMILTON, OHIO 45011
December 18, 2007

I. Opening

- A. Roll Call Mr. Gary Salmon
 Mr. Thomas Bevington
 Mr. Alan Daniel
 Mr. Henry W. Philpot
 Ms. Lee Steenken

II. Approval of Minutes

- A. November 20, 2007

III. New Business

- A. BZA07-25V Fred & Gail Hautau
 6969 Stillwell Beckett Road
 Oxford, Ohio 45056
- B. BZA07-26V Chris Jarvis
 4629 Huston Road
 Hamilton, Ohio 45013

IV. Adjournment

REGULAR MEETING: Tuesday, December 18, 2007, 7:00p.m.
Butler County Government Services Building
Conference Room 1
315 High Street, 1st Floor
Hamilton, OH 45011

CALL TO ORDER: Mr. Bevington called the meeting to order

ROLL CALL: Mr. Gary Salmon
Mr. Thomas Bevington
Mr. Alan Daniel
Mr. Henry W. Philpot
Ms. Lee Steenken

MEMBERS ABSENT: None

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

APPROVAL OF MINUTES:

Ms. Steenken motioned to approve the minutes of the November 20, 2007 meeting subject to corrections on pages 2, 5, 7, 18 – 21 and 25. Mr. Daniel seconded. Motion carried.

AYES: Steenken, Daniel, Salmon, Bevington

NAYES: None

ABSTAINED: Philpot

NEW BUSINESS:

BZA 07-25V

Fred & Gail Hautau
6969 Stillwell Beckett Road
Oxford, Ohio 45056

Mr. Hautau said he is here to request a variance to build a pole barn closer to the property line than code specifies because of the lay of the land, where he would like to put the pole barn drops off very steeply towards a ravine and the direction of the barn would have to move to comply with the 25 foot regulation and the amount of fill required goes up exponentially because it drops back hill spilling into a creek at the bottom of the hill.

Mr. Bevington asked Mr. Hautau how long he has resided there.

Mr. Hautau replied fourteen years.

Mr. Bevington asked Mr. Hautau if his neighbors know what he is planning on.

Mr. Hautau replied no, he has spoken with them except the rear neighbor, who is 1,000 feet to the rear, who was notified by Zoning Staff and the neighbor across of Stillwell Beckett he has not talked with him and thought he was out of town. He added that he has spoke with neighbors on both sides and the one to the west said he could put it where ever he wants and the other neighbor called him up and asked if he needed to come down and speak up for him and Mr. Hautau told the neighbor no.

Mr. Bevington asked Mr. Hautau if he planned on having running water there.

Mr. Hautau replied no water, but he does want to have electricity.

Mr. Salmon asked Mr. Hautau if he intends on running a business from the barn.

Mr. Hautau replied no, this is strictly for his own use to store his things that are currently out in the yard (like a tractor).

Mr. Salmon asked Mr. Hautau if he will build the barn.

Mr. Hautau replied no.

Mr. Salmon asked Mr. Hautau when he plans on having it built.

Mr. Hautau said he would like to wait until it settles more and is not sure exactly when but probably late spring or summer to allow the concrete to settle.

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Mr. Fox said he did get a telephone call from Mr. Woody Hanger, who is the closest adjacent neighbor, and has no problem with this.

IN FAVOR: None

IN OPPOSITION: None

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said the applicants are here to request to build an accessory structure closer to the property line than zoning allows.

Staff Comments:

1. The property is zoned A-1 Agricultural.
2. This area is rural in character.
3. The applicant is seeking a variance, said applicant shall be required to establish to the board, proof by a preponderance of the evidence that unnecessary hardship will prevail unless the variance is granted.
4. The spirit and intent of the zoning regulation is not to allow this type of activity from a rural area, but since this will not change the character of the area and that a hardship exists with the property the staff will recommend approval with the following conditions:
 - A. A Building Permit will be required for the new accessory structure.

No questions asked to the Staff.

Ms. Steenken said because there is a hardship with the existing property she made a motion to approve case BZA 07-25V with the condition that a building permit will be required for the new accessory structure. Mr. Salmon seconded the motion. Motion carried.

AYES: Steenken, Salmon, Philpot, Daniel, Bevington

NAYES: None

Case No. BZA07-26V Chris Jarvis
4629 Huston Road
Hamilton, Ohio 45013

Mr. Jarvis said he is here to request a variance to build a garage closer to the property line than is allowed because of the layout of the property the house is built so close to the property line already. He added that if he were to build the garage 25 feet off it would restrict access to the field behind it and it would limit the view to the pond out there and he would have to go around the house to get to the field and would be going over the leach bed and it would require a drive in front of the house.

Mr. Bevington asked Mr. Jarvis if he plans to have water in the building.

Mr. Jarvis replied he intends to have water outside of the building.

Mr. Bevington asked Mr. Jarvis if he will have electric.

Mr. Jarvis replied yes.

Mr. Philpot asked Mr. Jarvis how close will he build from off the property line.

Mr. Jarvis replied there is an existing building there – five to eight feet off the line.

Ms. Steenken asked Mr. Jarvis if he intends to have any residential use in the building.

Mr. Jarvis replied no, just to store equipment.

Mr. Fox asked Mr. Jarvis if he will be getting some of the cars that are unlicensed out of yard and in there, and if his plan is to get most of that stuff in there.

Mr. Jarvis said yes that he does not believe he has any that are unlicensed.

Mr. Bevington asked Mr. Jarvis how long he has been there.

Mr. Jarvis replied a year and a half/two years.

Mr. Salmon asked Mr. Jarvis if he has spoken with any of his neighbors.

Mr. Jarvis replied all of them and there are no objections.

No further questions of the applicant.

IN FAVOR: None

IN OPPOSITION: None

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said the applicant is requesting to build an accessory structure closer to the property line than zoning allows.

- Staff Comments:
1. The property is zoned A-1 Agricultural.
 2. This area is rural in character.
 3. The applicant is seeking a variance, said applicant shall be required to establish to the board, proof by a preponderance of the evidence that unnecessary hardship will prevail unless the variance is granted.
 4. The spirit and intent of the zoning regulation is not to allow this type of activity from a rural area, but since this will not change the character of the area and that a hardship exists with the property the staff will recommend approval with the following conditions:
 - A. A Building Permit will be required for the new accessory structure.

Ms. Steenken said there is a hardship with the existing building and the location of the leach beds, and made a motion to approve case BZA 07-26V with the condition that a building permit will be required for the new accessory structure. Mr. Daniel seconded the motion. Motion carried.

AYES: Steenken, Daniel, Salmon, Philpot, Bevington

NAYES: None

ADJOURNMENT:

A motion was made by Ms. Steenken, seconded by Mr. Salmon to adjourn. All in favor, motion carried.

These Minutes represent a summary of the proceedings and do not purport to be the entire record. A complete transcription of these proceedings was taken from an audio tape by James M. Fox under supervision of the Secretary and may be obtained upon written request. Any charges associated with preparing such transcript shall be borne by the person requesting such same and must be prepaid.

Hamilton, Ohio

December 18, 2007

Tom Bevington, Chair

James M. Fox, Secretary

Lee Margraf