

AGENDA
BUTLER COUNTY BOARD OF ZONING APPEALS
BUTLER COUNTY ADMINISTRATION CENTER
130 HIGH STREET
HAMILTON, OHIO 45011
February 19, 2008

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. January 15, 2008

III. New Business

- A. BZA08-02 James Blevins
 6734 Chrisman Lane
 Middletown, Ohio 45042

- B. BZA08-03V Dwayne D. Hacker
 882 Woodbine Road
 Hamilton, Ohio 45013

- C. BZA08-04V John J. Knebel
 4033 Christian Lane
 Hamilton, Ohio 45013

- D. BZA08-05V Dennis Davis
 4815 Wayne Milford Road
 Hamilton, Ohio 45013

- E. BZA08-06V MJB Realty of Cincinnati, LLC
 3600 Layhigh Road
 Hamilton, Ohio 45013

V. Adjournment

REGULAR MEETING: Tuesday, February 19, 2008, 7:00 p.m.
Butler County Government Services Building
Conference Room 1
315 High Street, 1st Floor
Hamilton, OH 45011

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

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

MEMBERS ABSENT: Mr. Thomas Bevington

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager
Michael F. Juengling, Director of Development

APPROVAL OF MINUTES:

Mr. Daniel motioned to approve the minutes of the January 15, 2007 meeting subject to changes on pages 8, 10 & 12. Mr. Philpot seconded. Motion carried.

AYES: Daniel, Philpot, Steenken, Salmon

NAYES: None

NEW BUSINESS

BZA08-02

James Blevins
6734 Chrisman Lane
Middletown, Ohio 45042

The Applicant, James Blevins, 6443 W. Alexandria Road, Middletown, OH, said ...

IN FAVOR: None

IN OPPOSITION: None

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said the applicant is here to request: an administrative review to determine if the existing use on the property is the same general character as a permitted use in the M-2 General Business District. This is allowed from under Sections: 20.01, 20.023, 20.024 & Article 26, of the Butler County Zoning Resolution.

The applicant is seeking a determination if the existing use on the property is the same general character as any of the allowed permitted use in Section 20.023.

It is the opinion of the staff that the existing use would be the same general character as the allowed permitted uses. Therefore, the staff will recommend approval that this use is the same general character with the permitted uses in Section 20.023 of the Butler County Zoning Resolution.

Mr. Daniels stated that the Township Trustees are in favor of this request and wanted to have it included for the record.

Ms. Steenken motioned to approve BZA 08-02. Mr. Daniel seconded the motion.
Motioned carried.

AYES: Steenken, Daniel, Philpot, Salmon

NAYES: None

BZA08-03V

Dwayne D. Hacker
882 Woodbine Road
Hamilton, Ohio 45013

Mr. Dwayne Hacker and Kendra Hacker, 882 Woodbine Road, Hamilton, Ohio,
Applicants said ...

IN FAVOR: None

IN OPPOSITION: None

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said the applicant is here to build a pole barn larger than zoning allows.

1. The property is zoned R-1 Residential.
2. This area is residential 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 evident that unnecessary hardship will prevail unless the variance is granted.
4. This spirit and intent of the zoning regulation is not to allow this type of activity from a residential area but staff will recommend approval because this will not change the essential character of the area, with the following conditions:
 - A. A Building Permit will be required.

Mr. Daniel motioned to approve BZA 08-03V subject to staff conditions. Ms. Steenken seconded the motion. Motion carried.

AYES: Daniel, Steenken, Philpot, Salmon

NAYES: None

BZA08-04V

John J. Knebel
4033 Christian Lane
Hamilton, Ohio 45013

Applicants, Mr. John and Barbara Knebel, 8650 Cheviot Road, Cincinnati, Ohio said ...

IN FAVOR: None

IN OPPOSITION: None

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said the applicant is requesting a variance to live in the existing home on the property while the new home is being built.

1. The property is zoned 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 residential area; but since this will not change the character of the area the staff will recommend approval with the following conditions:
 - A. A Building Permit will be required for the new structure.
 - B. The old house must be removed totally from the property within 30 days after occupancy of the new home.

IN FAVOR: Emily Young, 4163 Christian Road, Ross Township

Ms. Young said...

IN OPPOSITION: None

NEUTRAL COMMENTS: None

BZA08-05V

Dennis Davis
4815 Wayne Milford Road
Hamilton, Ohio 45013

Applicants, Mr. Dennis and Karen David, 4815 Wayne Milford Road, Hamilton Ohio said ...

IN FAVOR: None

IN OPPOSITION: None

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said the applicant is requesting to live in the existing home on the property while a new home is being built.

1. The property is zoned 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 residential area; but since this will not change the character of the area the staff will recommend approval with the following conditions:
 - A. A Building Permit will be required for the new structure.
 - B. The old house must be removed totally from the property within 30 days after occupancy of the new home.

Ms. Steenken motioned to approve BZA 08-05. Mr. Philpot seconded the motion.
Motion carried.

AYES: Steenken, Philpot, Daniel, Salmon

NAYES: None

BZA08-06V

MJB Realty of Cincinnati, LLC
3600 Layhigh Road
Hamilton, Ohio 45013

Mr. Mark Byrne, 1014 Vine Street, Suite 2300, Cincinnati, Ohio said he is here with his client Mr. James Kennedy, 6039 Ross Road, Fairfield, Ohio

IN FAVOR: John Mills, 2728 Sand Hills, Hamilton, Ohio

Mr. Mills said

IN OPPOSITION: Daniel Weber, 3679 Layhigh Road, Hamilton, Ohio; Gerald Hilbert, 3663 Layhigh Road, Hamilton, Ohio; Tom Willsey, Ross Township Trustee, Ferdinand Schmidt, 3690 Layhigh Road, Hamilton, Ohio; Michael Juengling, Director of Development, Butler County Department of Development

NEUTRAL COMMENTS:

STAFF COMMENTS:

Mr. Fox said the applicant is here to develop property with less frontage, reduced lot area and increased density than what is required in an A-1 Zoning District.

1. The property is zoned 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 a variance is required to prevent an unnecessary hardship which would be caused by compliance with the terms of the Zoning Resolution.
4. Because, the spirit and intent of the zoning regulation would not be met by approving this variance, staff will recommends denial of this application for the following reasons:
 - A. Staff has no knowledge of any information which would establish that there is no economically viable use for the property in the Agricultural District. The applicant can develop the property into one acre tracts of land or use it for agricultural purpose.
 - B. There has been no evidence that an unnecessary hardship exists based upon unique characteristics of the land in question.
 - C. Staff has no evidence that public sanitary sewer service is available to the property at the present time. The Butler County Land Use Plan currently prohibits the use of a sewer lift station to serve this property.
 - D. This application is based solely on the owner's desire to develop the property in a manner that is denser than is currently permitted in the Agricultural District: the appropriate procedure to obtain the relief the owner seeks would be a zone change request.
 - E. Approval of this variance would be contrary to the purpose of the Butler County Zoning Resolution & the variance procedure. See, Section 26.84 of the Zoning Resolution.

Ms. Steenken motioned to deny request for variance, BZA08-06V. Mr. Salmon seconded the motion. Motion carried.

AYES: Steenken, Salmon, Philpot, Daniel

NAYES: None

Mr. Daniel motioned to take a 5-minute break. Mr. Salmon seconded the motion and all were in favor. Motion carried.

ADJOURNMENT:

A motion was made by Ms. Steenken, seconded by Mr. Daniel 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
February 19, 2008

Tom Bevington, Chair

James M. Fox, Secretary

Trisha Reece