

AGENDA
BUTLER COUNTY BOARD OF ZONING APPEALS
BUTLER COUNTY ADMINISTRATION CENTER
130 HIGH STREET
HAMILTON, OHIO 45011
November 18, 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. August 19, 2008

III. New Business

- A. BZA08-19V William & Vickie Patrick
 6850 Middletown Germantown Road
 Middletown, Ohio 45042

IV. Adjournment

REGULAR MEETING: Tuesday, November 18, 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. Bevington called the meeting to order.

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

MEMBERS ABSENT: Mr. Henry W. Philpot

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

APPROVAL OF MINUTES:

Mr. Salmon motioned to approve the minutes of the August 19, 2008 meeting. Ms. Steenken seconded. Motion carried.

AYES: Salmon, Steenken, Bevington

ABSTAIN: Daniel

NAYES: None

OLD BUSINESS

BZA06-26C

Shamrock Materials
3200 Radabaugh Road
Trenton, Ohio 45067

Mr. Jack Grove, representing Shamrock Materials, requested to have this case tabled until there are five (5) Board members present.

Mr. Fox said he will try to schedule for December 16th provided the applicant has all of his witnesses here and based on today, he anticipates that all five (5) board members should be present at that hearing, barring any issues, he has taken all of the phone numbers down to all of the people on Radabaugh Road and if, for some reason, a Board member is unable to attend, he will call the applicant and call the Radabaugh residents to reschedule but is doing everything he can to have this on the December 16 agenda. He asked that the applicant confirm with him (within the next couple of days) whether that will work for all of his expert people.

Mr. Grove said he talked with his client today and once we were assured of the target date, we'll be in touch with everybody to make sure that all witnesses can be present.

Mr. Fox asked Mr. Grove to contact him if for some reason he has somebody that can not be present on December 16th.

Mr. Grove said okay.

This item was tabled to the December 16, 2008 meeting.

NEW BUSINESS

BZA08-20V

Lawrence A. Waters
2193 Timberman Road
Hamilton, Ohio 45013

Ms. Wendy Waters, wife of Lawrence Waters, said she is here today to request a zoning variance for a garage addition that they are building and she has letters from neighbors on either side and across the street, and Mr. Ray Wurzelbacher, Ross Township Trustee, has visited them and gave us his approval that there would not be a problem with the garage addition.

Ms. Waters said the garage is 18 x 22 feet and will butt up against their existing garage and have the same roof line – and basically be a craft/hobby room with storage at the top and there will be electricity and heat but no water.

Ms. Waters also requested that the 10-day waiting period be waived.

Mr. Bevington asked Ms. Waters if she has any pictures of how this will look.

Ms. Waters said she made five (5) copies of everything that she gave to Mr. Fox and added, at some point down the road, that if someone would like to turn it into an additional bay in the garage, it could accompany that plan.

Ms. Waters said the access is through the inside corner of the garage – where the door is, and there will be no outside access.

Ms. Steenken asked Ms. Waters if she was the crafts person.

Ms. Waters replied yes.

Ms. Steenken asked Ms. Waters if this would be for their own personal use and not a business location.

Ms. Waters replied yes, not a business location and no persons will be living there.

Mr. Bevington asked to confirm that there will be electricity but no water.

Ms. Waters confirmed that – and said they currently have electricity in their garage now.

Mr. Salmon asked Mr. Fox if he got a Board of Health permit release.

Mr. Fox said yes, they got that when they applied for the building permit and it has been approved. He added that he looked it over himself and assures that they are in good shape with the Health Department.

Mr. Fox said the health release is in the information packets given to each Board member.

Mr. Bevington asked when they got the property.

Ms. Waters replied that they moved in 1989.

No further questions.

IN FAVOR: None

IN OPPOSITION: None

NEUTRAL TESTIMONY: None

STAFF COMMENTS:

Mr. Fox said the applicant has requested to build an accessory structure larger than zoning allows. Staff comments are as follows:

1. The property is zoned A-1 Agricultural
2. The 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 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 and the Board has just set a precedence in the area for this type of variance, therefore staff will recommend approval with the following conditions:
 - Waive the ten (10) day waiting period for the building permit

Mr. Fox said the reason why he said there was precedence was because the applicant's next door neighbor got a variance last year to build a pole barn larger than zoning allows and it was approved.

Ms. Steenken motioned to approve the application for BZA08-20V per Staff comments and waive the ten (10) day waiting period. Mr. Salmon seconded the motion. Motion carried.

AYES: Steenken, Salmon, Daniel, Bevington

NAYES: None

ADJOURNMENT:

A motion was made by Mr. Salmon, 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

November 18, 2008

Tom Bevington, Chair

James M. Fox, Secretary

Lee Margraf