

AGENDA
BUTLER COUNTY BOARD OF ZONING APPEALS
BUTLER COUNTY ADMINISTRATION CENTER
130 HIGH STREET
HAMILTON, OHIO 45011
June 17, 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. May 20, 2008

III. New Business

- A. BZA08-11V Jason Feltner
 8200 Myers Road
 Middletown, Ohio 45042
- B. BZA08-12V Glen Barnhill
 213 East Street
 Seven Mile, Ohio 45062
- C. BZA08-13V Jack Sharp
 2333 Oxford Middletown Road
 Hamilton, Ohio 45013

IV. Adjournment

REGULAR MEETING: Tuesday, June 17, 2008; 7:00 p.m
Butler County Government Services Center
Conference Room C-1
315 High Street, 4th Floor
Hamilton, Ohio 45011

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

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

MEMBERS ABSENT: Mr. Alan Daniel

APPROVAL OF MINUTES

Mr. Salmon moved to approve the May 20, 2008 Minutes. Ms. Steenken seconded.

AYES: Salmon, Bevington, Steenken, Philpot

NAYES: None

ABSTAIN: Steenken (also approved), Philpot (also approved)

NEW BUSINESS:

BZA08-11V
Jason Feltner
8200 Myers Road
Middletown, Ohio 45042

Jason Feltner said he is here to ask the board permission to run a small welding business from his residence. This business will be run from the accessory structure at his residence in the garage.

Mr. Bevington asked what Mr. Feltner does with the structure now.

Mr. Feltner said for the past several years he has a full time job and when his employer gets really busy, they allow him to bring some of his welding work home. They pay him to do this.

Lee Steenken asked how that has been different than what he is proposing to do.

Mr. Feltner said it is exactly what he wants to do.

Mr. Bevington asked if this will be his full-time job.

Mr. Feltner said no, he has a full-time job. He wants to make clear that when he does the welding at his house, he has all of his doors closed in his garage.

Ms. Steenken asked about the noise.

Mr. Feltner said there would be a little bit of noise. It shouldn't be enough to cause problems. He never does it any later than 6:30-7:00 in the evening.

Mr. Bevington said that part of the noise would be the hissing of the arc...

Mr. Feltner said it is not gas, it is electric.

Mr. Philpot asked if he does any galvanizing.

Mr. Feltner said no. He needs to wear a respirator and stuff like that to weld.

Mr. Daniel said he is concerned about the fumes.

Mr. Feltner said there is none.

Ms. Steenken asked if he had any customers other than his employer.

Mr. Feltner said absolutely not. No employees, no increased traffic. He does not sell to the public. He has no signs in front of his house.

Ms. Steenken asked if that would continue.

Mr. Feltner said yes.

Mr. Fox asked if it is or could it be stored inside the building.

Mr. Feltner said currently he has a forklift there. He very rarely uses this. It is stored right next to the garage at this time.

Mr. Fox asked about the metal....

Mr. Feltner said everything is indoors minus the forklift.

Mr. Bevington asked if it would be possible to get the forklift in there.

Mr. Feltner said if it was possible he would do that and he has tried it but it just nips the top of the garage door.

Mr. Philpot asked what he is welding.

Mr. Feltner said at work they make agricultural equipment. He welds mainly small parts for machines at his work. Everything can be carried by hands.

Mr. Philpot asked if he needed anyone to help him.

Mr. Feltner said no.

Mr. Bevington asked if it would be able to fit into a pick up truck.

Mr. Feltner said everything fits into a pick up truck. He has no big box truck. It is an 8 foot bed.

Mr. Fox asked if he has deliveries on site from his corporation to his house.

Mr. Feltner said no. It is all delivered by him in his truck.

Mr. Philpot asked if this is approved, can they put a stipulation that he cannot have an employee other than himself.

Mr. Fox said absolutely, you can put any conditions on the variance that you feel necessary.

Mr. Salmon said if they approve this, can all the welding be done on the inside.

Mr. Feltner said it would work for him. It would be rare occasions that he was speaking of. There has been some times that he has done work for friends and family like welding a part onto a tractor. It wouldn't fit in the garage so he had to do it outside.

Mr. Bevington said that would be more of a personal use for his friends.

Mr. Feltner said as the business end of it, he would never do it outside.

Mr. Fox said to protect his closest neighbor, he asked Mr. Feltner to tell the Board what he did.

Mr. Fox said he put an 8 foot privacy fence up along the property line.

Mr. Feltner said yes, he thinks it is 6 feet. He did this just to try and keep everyone happy.

Mr. Feltner said that there are many times that he only has work to do one day a week.

Mr. Salmon asked if he was planning on this to be a full-time job at his residence.

Mr. Feltner said no, he already has a full-time job. This would just be an evening thing.

Public Testimony:

FAVOR: Sherry Feltner, Charlie Burkhead, Larry Stacy

Sherry Feltner is the wife of Jason Feltner. She works part-time of the weekends when her husband is home. They put the fence up so they have no problems. Mr. Feltner said he only does it a little bit just to keep his wife home with their kids. She would rather him be home than have to rent some place.

Mr. Bevington asked if she felt her children would be safe around the equipment.

Ms. Feltner said yes.

Mr. Fox asked if you could see the light when everything is closed.

Ms. Feltner said no.

Mr. Fox asked her what they do about the fumes. Are there fumes related to what he does and does he vent it somehow.

Mr. Feltner said he doesn't know if it would cause any problems. He has a small exhaust fan. It goes out the back of the garage. It doesn't go towards anyone's house.

Mr. Fox asked if it has a smell.

Ms. Feltner never smells anything. The only thing she has ever smelled is the forklift and he only uses that for the boat.

Mr. Fox asked if the Board put an hours of operation condition on what he does, what would he want them to be?

Mr. Fox asked for example, 4 hours a day, 4 days a week. Is that Monday-Friday? Thursday-Saturday?.. The Board may like to have specifics.

Mr. Feltner said he didn't want to have.... He is fine with the amount of hours but he didn't really want to be nailed down to the days because sometimes if his wife goes to the store on Saturday, he can get a few things done on Saturdays. If the Board feels that this is necessary, he can work with that.

Mr. Bevington asked about the hours.

Mr. Feltner said during the week it would be 3-7 or no later than 8:00.

Mr. Fox said from a standpoint of any type of enforcement issue that he may have with adjoining properties... There isn't any here tonight but there is one gentleman that isn't really sure he approves of this but he couldn't be here tonight. He would like to see some set days and hours for his personal history on it and for enforcement power so Mr. Feltner knows when he can work on his business.

Mr. Burkhead said he is in favor of Mr. Feltner having his business there. They seem to take care of their own business.

Mr. Stacy said he lives directly to the east of Mr. Feltner. The Feltner's' are really good neighbors. If you didn't know it, you would never be able to tell that he welds in the garage. He is here to give his blessing. There is no safety hazard.

Mr. Philpot asked Mr. Feltner what metals he is melting.

Mr. Feltner said steel.

Mr. Bevington asked Mr. Feltner how long he has lived at his residence.

Ms. Feltner said it will either be 5 or 6 years in September but she thinks it is 5 years.

Mr. Fox said he had two complaints. One really serious and one that may have been started by the serious complainant.

IN OPPOSITION: None

NEUTRAL: None

Mr. Fox said he received a phone call from a Township Trustee and the Township Trustees do not object to the issuance of the small welding business.

Ms. Feltner said that the person that the complaint came from was the same person that sold Mr. Feltner every piece of equipment he owns.

Jim Fox read the staff comments.

The request is to operate a small welding business from an accessory structure on the property.

Staff Comments:

- (1) The property is zoned A-1 Agricultural.
- (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 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 an agricultural area; but since this type of business exists in the Township and that the Township Trustees do not object to this the Staff will recommend approval.

Ms. Steenken moved for approval of the request for the following conditions: that the business will be conducted for the applicant's employer only; that days and hours of operation be limited to Monday-Friday, working from 3:00 p.m. to 8:00 p.m.; all business welding must take place inside the structure with all windows and doors closed; and no employees. Mr. Salmon seconded. Motion carried.

AYES: Steenken, Salmon, Philpot, Bevington

NAYES: None

BZA 08-12V
Glen Barnhill
213 East Street
Seven Mile, Ohio 45062

Glen Barnhill is here for a variance to build a pole barn. He has three issues on the variance. He already has one out building on his property which is a two-car garage which is 20 x 24. It is not attached to the house. The second is the square footage, it is limited to 576 and he wants to increase this to 1620. It would be a 30 x 54 pole barn. The last issue is the back property line has a restriction of 10 feet off the back property line, he would like to change that to 2 feet. One of the reasons for the 2 feet off the back of the property line gives him more room between his existing garage and the one that will be behind it.

He is also trying to talk with the current owners of the concrete company behind him about possibly buying about 25 feet behind his property and 100 feet off the side of his property adjacent to Walnut Street. The barn is for personal use for his own personal vehicles. He has one daughter that will be 16 so she will be driving. He has a 12 year old son that will be driving in a few years. His father also spends the summers here with either himself or his sister. When his father goes to Florida for the winter, he stores his vehicle for him. He does all of his own maintenance and work on his vehicles so the back half of the barn will be a shop for himself to maintain his vehicles.

Mr. Bevington asked if he does any repair work for anyone else.

Mr. Barnhill said no, just his own personal stuff.

Mr. Bevington asked if he plans on running water to the barn.

Mr. Barnhill said no but he does plan on running electric and a concrete floor.

Mr. Salmon asked if he is going to build this himself.

Mr. Barnhill said no. He already has someone lined up to do the work for him. They are out of Kentucky. It would take about a week to build including the floor.

Mr. Salmon asked what type of doors it will have.

Mr. Barnhill said it will be 16 x 10 roll up door and an 8x10 roll up door with one pedestrian door on the side.

Ms. Steenken asked if he had any intentions of running a business.

Mr. Barnhill said no.

Ms. Steenken asked if he had any intentions of using it for residential use.

Mr. Barnhill said no. The reason he wants it 30 feet wide is to be able to park 3 cars across the front and then still be able to have an area in the back.

Mr. Salmon asked what the distance is from the existing drive to the new....(inaudible)

Mr. Barnhill said if he gets the variance of 2 feet it will be 44 feet.

Mr. Salmon asked if he was going to put a drive in.

Mr. Barnhill said he would like to eventually. His existing driveway is blacktop and comes around the garage and ends. He would like to blacktop up to the garage but he doesn't want to put any driveway beside the garage. He plans on putting gravel beside the garage.

Mr. Salmon asked him if he has spoken to all the neighbors.

Mr. Barnhill said both of the neighbors know and they don't care. They don't really take care of their properties.

Mr. Salmon said he is really concerned about putting a 1600 square foot pole barn 2 foot from the property line.

Mr. Barnhill said he has spoken to the Mayor in town and she has no problems with it.

PUBLIC TESTIMONY:

FAVOR: None

OPPOSE: None

NEUTRAL: None

Jim Fox read the staff comments.

The request is to construct an accessory structure larger than zoning allows, closer to the rear property line and have second accessory structure on the property.

- (1) The property is zoned R-3 Residential.
- (2) The area is residential in character with an industrial concrete block plant behind them.
- (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 regulations is not to allow this type of activity from the residential area, but since this will not change the character of the area the staff will recommend approval with the following condition:
 - (A) A Building Permit will be required for the new structure.

Ms. Steenken moved for approval of the request with the following conditions: that a building permit is required for the new structure, that there will be no business or residential use. Mr. Philpot seconded. Motion carried.

AYES: Steenken, Philpot, Bevington, Salmon

NAYES: None

Mr. Barnhill asked for the 10 day waiting period for the permit waived.

Ms. Steenken amended the motion to include waiving the 10-day waiting period. Mr. Philpot seconded. Motion carried.

AYES: Steenken, Philpot, Salmon, Bevington

NAYES: None

BZA08-13V
Jack Sharp (Robert Washington)
2333 Oxford Middletown Road
Hamilton, Ohio 45013

Robert Washington said his house burned down and he has applied to have a trailer put on the back of his property. It is 10 acres so it will not bother his neighbors. He went to each neighbor and asked them if it was o.k. and they said it was fine.

Mr. Salmon asked him when his house burned.

Mr. Washington said the 12th of this month.

Mr. Fox said it was the 12th of May.

Mr. Fox asked if he is just tearing down the old house and replacing it.

Mr. Washington said they are going to eliminate the garage and restore the rest of it.

Mr. Fox asked if they can restore it.

Mr. Washington said yes. It will be more of remodeling.

Ms. Steenken asked if once the house is approved for occupancy, will the trailer be removed.

Mr. Washington said yes. That is the first thing he wants to go.

Mr. Fox said it is an insurance trailer.

PUBLIC TESTIMONY:

FAVOR: None

OPPOSE: None

NEUTRAL: None

Jim Fox read staff comments.

The request is to live in trailer while new home is being built.

- (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 an agricultural 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.

Mr. Salmon moved for approval for the use of a trailer while the new house is being built with the condition that a building permit will be required for the new structure and the trailer will be removed upon completion of the new house. Mr. Philpot seconded. Motion carried.

AYES: Salmon, Philpot, Steenken, Bevington

NAYES: None

ADJOURNMENT:

Mr. Salmon moved for adjournment. Ms. Steenken seconded. All in favor.

AYES: Salmon, Steenken, Bevington, Philpot

NAYES: None

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.

Tom Bevington, Chair

James M. Fox, Secretary

Trisha Reece