

AGENDA
BUTLER COUNTY BOARD OF ZONING APPEALS
BUTLER COUNTY ADMINISTRATION CENTER
130 HIGH STREET
HAMILTON, OHIO 45011
July 15, 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. June 17, 2008 meeting

III. New Business

- A. BZA08-13V Robert G. Douglass
 6925 Morning Sun Road
 Oxford, Ohio 45056
- B. BZA08-14V First Financial Bank, Trustee
 5920 Morning Sun Road
 Oxford, Ohio 45056
- C. BZA08-15V Michael E. Allgeier
 4279 Brown Farm Drive
 Hamilton, Ohio 45013
- D. BZA08-16V BAO Properties
 8722 Thomas Road
 Middletown, Ohio 45042
- E. BZA08-17C Steven C. Combs
 3024 Hamilton Richmond Road
 Hamilton, Ohio 45013

IV. Adjournment

REGULAR MEETING: Tuesday, July 15, 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. Gary Salmon
Mr. Alan Daniel
Ms. Lee Steenken

MEMBERS ABSENT: Mr. Henry W. Philpot

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

APPROVAL OF MINUTES:

Ms. Steenken motioned to approve the minutes of the June 17, 2008 meeting subject to some minor revisions of which Mr. Fox is aware of. Mr. Salmon seconded. Motion carried.

AYES: Steenken, Salmon, Bevington

NAYES: None

ABSTAIN: Daniel

Mr. Fox stated to all applicants that they have the right to have their case tabled until there are five (5) Board members present. If there is a 2-2 (tied) vote tonight the case will be denied and it requires at least three (3) “yes” votes this evening in order for a case to be approved. If an applicant wishes to have their case tabled, they must let the Board know prior to their case being heard.

NEW BUSINESS

BZA08-13V

Robert G. Douglass
6925 Morning Sun Road
Oxford, Oh 45056

Mr. Brian Watson, 6488 Kimberly Drive, Hamilton, Oh, said he is a contractor and will be speaking on behalf of the applicants, Mr. & Mrs. Robert Douglass (who were also present at the meeting).

Mr. Watson said the Douglass’ wish to live in their 173-year old home while he builds them a new home on the property. He added that they live on a 138-acre farm and the new home will not interfere with the old home, and the septic will not interfere.

Mr. Watson said Butler County Zoning has approved all of the necessary permits for the new home and the Board of Health has approved the new septic system and the applicants wish to keep their belongings in their existing home until the new home is complete, to avoid renting storage space.

Mr. Watson said the applicants’ intention is that as soon as they occupy of the new home, the old home will be torn down and the old septic system will be removed within a reasonable amount of time, and will comply with all regulations.

Mr. Bevington asked how long the Douglass’ have owned their property.

Mr. Douglass said since 1981.

Mr. Bevington asked if the square footage of the new home will be the same as the existing.

Mr. Watson replied that the new home will have less square footage – roughly 2,800 square feet, 2,857 to be exact.

Mr. Bevington asked Mr. Watson how long it will take to get the new house up.

Mr. Watson stated that they have figured it will be 210 days after the permit is in hand – approximately seven months, however, he did not feel it will take quite that long.

Ms. Steenken asked Mr. Watson if he is the contractor who will do the demolition.

Mr. Watson replied that he will subcontract that out to a demolition company.

Ms. Steenken asked how long will it take (after they assume occupancy of the new home).

Mr. Watson said he does not think it would take more than 90 days.

Mr. Watson said he has some drawings of the new home if the Board is interested in seeing them. He added that the old home is a two-story home and the new home will be more wheelchair accessible if ever the need arises.

Mr. Salmon asked Mr. Douglass if he is no longer running his transportation business.

Mr. Douglass replied no and that he sold it one year ago.

IN FAVOR: None

IN OPPOSITION: None

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said the applicant is requesting permission 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 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.
 - B. The old house must be removed totally from the property within 90 days after occupancy of the new home.

Mr. Salmon made a motion to approve BZA08-13V subject to Staff comments and will require a building permit per Staff Comments and to waive the ten-day waiting period. Mr. Steenken seconded the motion. Motion approved.

AYES: Salmon, Steenken, Daniel, Bevington

NAYES: None

BZA08-14V

First Financial Bank, Trustee
5920 Morning Sun Road
Oxford, Ohio 45056

Ms. Janice Walker, 1359 Eastern Avenue, Hamilton, Ohio, said she is here on behalf of First Financial Bank, and the applicant is requesting a variance to operate an office for the Three Valley Conservation Trust. She added that the applicant would like to operate an office for non-profit and needs to add on to the existing office.

Ms. Walker said the Board should have received a copy of a letter from Mr. Larry Frimerman (Executive Director of the Three Valley Conservation Trust) addressed to Mr. David Fehr, Butler County Planning Director.

Mr. Salmon asked Ms. Walker if the Beck's still have control of the property and are they aware of this request.

Ms. Walker answered yes to both questions.

Mr. Salmon said but we have no written paperwork that states Mr. Michael Beck is aware of this.

Ms. Walker said that the property is in a trust and we are the trustees and are recommending that.

Mr. Daniel asked if Mr. Beck is opposed to anything like this.

Ms. Walker said no and that they went over it in detail with him.

Ms. Steenken asked Ms. Walker if, based on the materials provided to the Board, the footprint of the house itself will not change and that it is a matter of enclosing an existing porch.

Ms. Walker said yes, that is correct.

Ms. Steenken asked if the structure will still only serve as offices for the trust.

Ms. Walker said that is correct.

Mr. Salmon asked Ms. Walker if there are three employees.

Ms. Walker replied, yes, that she knows of.

Mr. Salmon asked Ms. Walker if she knew what the hours of operation are.

Ms. Walker said she believes it is 8 – 5 Monday through Friday.

Mr. Bevington asked Ms. Walker if she knew how long the structure has been there.

Ms. Walker said it has been for many, many years.

IN FAVOR: None

IN OPPOSITION: None

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said applicant is requesting a variance to operate an office for the Three Valley Conservation Trust and add a small addition to the existing office.

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 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 addition.
 - B. The new addition should be in character with the rest of the structure.

Mr. Salmon asked Mr. Fox if the Board can dictate operating hours.

Mr. Fox said if the Board wants to set hours of operation, the Board can add that as a condition.

Ms. Steenken asked Mr. Fox if they can also add a condition that it is for the use of the Three Valley Conservation Trust office only.

Mr. Fox replied, yes.

Mr. Bevington asked what the hours and days of the week would be the hours of operation.

The Board members agreed upon 8:00 (a.m.) to 5:00 (p.m.) Monday through Saturday.

Mr. Salmon made a motion to approve this variance request subject to Staff conditions and hours of operation shall be 8 to 5 Monday through Saturday and that Three Valley Conservation Trust will be the only user of office space in the building. Ms. Steenken seconded the motion. Motion carried.

AYES: Salmon, Steenken, Daniel, Bevington

NAYES: None

BZA08-15V

Michael E. Allgeier
4279 Brown Farm Drive
Hamilton, Oh 45013

Mr. Allgeier said he is here to request a variance to have another accessory structure (shelter by their pool) more than zoning allows.

Mr. Allgeier said it would be “L” shaped and would be 32 feet in length by 16 feet wide and on the end it would be 22 feet and would tie into his existing patio.

Mr. Steenken asked Mr. Allgeier if the shelter would be for his family’s personal use.

Mr. Allgeier replied yes it will be used for parties and picnics.

Mr. Bevington asked if the shelter will block the view of the pool from the driveway and road and provide like a barrier.

Mr. Allgeier replied most of it but some may still be seen from the road.

Ms. Steenken asked if there would be any utilities running to it.

Mr. Allgeier said yes – electricity. He added that there is electricity out to the pool running on four-by-fours on an outside panel and we will incorporate that into the wall so that it is not exposed.

Mr. Bevington stated that on the application there was a request for water there.

Mr. Allgeier said there is a hydrant already there and a septic on the opposite side of the house.

Mr. Salmon said, in Mr. Allgeier's letter, he stated a (inaudible) concrete slab.

Mr. Allgeier replied and said he would pour a slab and put pavers over it instead of having sand.

Ms. Steenken asked if Mr. Allgeier had been in touch with his neighbors about the plan.

Mr. Allgeier said yes, and that the two closest neighbors are here tonight.

IN FAVOR: Jennifer Eschenbrenner, 3127 Cincinnati Brookville Road, Hamilton; Greg Meyer, 4245 Brown Farm Road, Hamilton

Ms. Eschenbrenner said the Allgeiers have added some stuff since they have lived there and everything they have done is very nice and top notch and she feels it really adds to the neighborhood and said she is in favor.

Mr. Bevington asked Ms. Eschenbrenner if Mr. Allgeier is a very positive neighbor.

Ms. Eschenbrenner said yes.

Mr. Meyer said he is Mr. Allgeier's next door neighbor and everything that he does is first class and adds to the property value to the whole neighborhood and his property looks good from all angles.

IN OPPOSITION: None

NEUTRAL TESTIMONY: None

STAFF COMMENTS:

Mr. Fox said the applicant is requesting to construct another accessory structure on the property; more 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 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.

Ms. Steenken asked Mr. Fox if there is a required building permit for this structure.

Mr. Fox replied that the Board can add that to the conditions if they wish but the applicant has already applied.

Mr. Steenken made a motion to approve BZA08-15V with the condition that a building permit be required for the structure and to waive the 10-day waiting period. Mr. Daniel seconded the motion. Motion carried.

AYES: Steenken, Daniel, Salmon, Bevington

NAYES: None

ABSTAINED: None

BZA08-16V

BAO Properties
8722 Thomas Road
Middletown, Ohio 45042

APPLICANTS: Wayne Kissell, 502 Shambord Circle, Dayton, Oh; 45429; Darren Oakley, 6606 Sloebig Road, Middletown, Ohio 45042

Mr. Daniel requested that he remove himself from voting on this case.

Mr. Bevington announced to the Applicant that because a Board member has requested to abstain, and another one is missing, it will require three “yes” votes in order for this to be passed and asked the applicant if they would prefer to have their case tabled or to go ahead.

The applicant asked how long would it be tabled for and when he learned it would be until next month he indicated it would be too late and decided to proceed tonight.

Mr. Kissell said they would like a conditional variance to build an eight-foot high fence wall around a portion of the parking lot of BAO Properties, known as “Land of Illusion” – a seasonal amusement park.

Mr. Kissell said they feel that an eight-foot fence wall would provide security to enclose and gate the parking area and it would also provide both visual and sound barriers for the neighbor that abuts this property.

Mr. Bevington asked what type of material will be used to construct the wall.

Mr. Kissell said it will be a reinforced precast concrete.

Mr. Bevington asked if it will have any decorations on it.

Mr. Kissell said it will have a relief of a stone finish inside the frame and will be stained to match some of the current facilities on the property. Mr. Kissell presented the Board members with a picture of the type of material intended to be used.

Mr. Bevington asked how long it will take to put up the wall.

Mr. Kissell replied three to four weeks – or all summer if it continues to rain but it goes up fast.

Mr. Bevington asked how long the barrier wall will be.

Mr. Kissell replied just under 500 feet.

Mr. Salmon asked how the wall will be fastened to footers.

Mr. Kissell said they will use steel I beams and concrete footers which will interlock around I beams. He added that it is a very sturdy system and the panels are thousands of pounds and will provide a very permanent barrier as well.

Mr. Bevington asked how deep the footer is and what is the diameter of a footer.

Mr. Kissell replied, six feet deep and two feet in diameter.

Ms. Steenken asked if this is somewhat similar to a sound barrier by a highway.

Mr. Kissell said it would be somewhat similar but definitely more upscale and intended for a residential or commercial barrier and is not made to stack or necessarily made with acoustical sound fibers inside (like some of the highway barriers).

Mr. Salmon asked if the applicant has had complaints from the neighbors.

Mr. Kissell said he personally has not, but said the owner has talked with the neighbors about this wall and they both thought it was a good idea.

Mr. Bevington asked if there will be any vegetation put in front of the wall or strictly the wall.

Mr. Kissell said there is some consideration for a slight hillside near it and considering vegetation for erosion.

Mr. Bevington asked if the sections are in eight-foot segments.

Mr. Kissell said they are eight feet tall and fifteen feet wide.

Mr. Salmon asked Mr. Kissell how they will deal with changes in elevation.

Mr. Kissell said it will be done in step form, the panels remain level and then a step and on the east side there is an incline and there will be approximately a seven-inch step to each panel to follow the rise.

IN FAVOR: Ray Steele, 8782 Thomas Road, Hamilton, Oh

Mr. Steele said he lives adjacent to the applicant's property and said it appears this wall will be a benefit to him for minimizing sound and dust and to improve the appearance.

Mr. Bevington asked Mr. Steele if he is being a good neighbor trying to help you.

Mr. Steele responded yes.

IN OPPOSITION: None

NEUTRAL TESTIMONY: None

STAFF COMMENTS:

Mr. Fox said the applicant is requesting a variance to build a wall fence in the front yard larger than zoning allows.

1. The property is zoned B-3 Business District.
2. This area is Business 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 commercial area, but since this will not change the character of the area the staff will recommend approval. Subject to the following condition:
 - A. A building permit is required for the wall.
 - B. The ten-day waiting period be waived

Ms. Steenken made a motion to approve BZA08-16V subject to Staff conditions. Mr. Salmon seconded the motion. Motion carried.

AYES: Steenken, Salmon, Bevington

NAYES: None

ABSTAINED: Daniel

BZA08-17C

Steven C. Combs
3024 Hamilton Richmond Road
Hamilton, Ohio

Mr. Steven Combs, 2818 George Road, Okeana, Ohio said he and his brother, William C. Combs, 1810 Amanda Avenue, Hamilton Ohio are purchasing said property and have many plans for the property, but the biggest thing is to bring the park back to its original events for family functions, gatherings, camping, baseball, softball activities for youth, and that is their primary goal for the park and they have talked to Township and was not denied. He added that he felt it is a need for Butler County residents.

Mr. Steve Combs said he has been here all his life and has great memories of that park and would like to pass that on to youth.

Mr. Steve Combs said they would like to have camping and picnic areas, and shelter rentals along with a lodge. Picnicking will be seasonal and as weather permits. There will be primitive and non-primitive camping, and camping for youth groups too, and it will be seasonal – probably starting March 15 until October 31 until water is turned off, but do want to keep it open for tent camping and cabins in November. He added that he is not looking to have it as a trailer park and people would not be living there for months.

Mr. Steve Combs said they would like to offer shelters and enclose the main pavilion for weddings and family reunions/outings – and most will be seasonal but they would like to have the enclosed pavilion for use in the colder weather.

Mr. Steve Combs said he has been a Board member of West Side Little League for the past eight years and there is a real need for senior league (for children 12 – 15 years old) ball here in Butler County - they have basically only one place to go to play ball.

Mr. Steve Comb said they plan to run both soft ball for girls (or adult co-ed) and youth baseball a few days a week.

Mr. Steve Combs said they would like to have mini golf, and have entertained the possibility of having car shows, flea markets, and music festivals if possible. He added that a lot of people would like to have this park to rent it to come in and have some functions and bring business in to Butler County – a lot of people want to have car shows but have no where to go – and they could be on the weekends and just a couple of times a year.

Mr. Steve Combs said hours of operation would be to close at 12 o'clock on the weekends and 10 o'clock during the week for courtesy and for any noise and so they can have time to clean up and have the place ready for functions the next day.

Mr. Steve Combs said any music would stop at 12 on the weekends and 10 during the week.

Mr. Steve Combs said they listed flea markets in as a function but they are not turning this into a flea market but would like to leave it open as an option that it be a flea market on either Tuesdays or Thursdays during the day but not both days – it might not take off at all, but they do not intend for it to be a “Traders World” flea market.

Mr. Steve Combs said, regarding outdoor musical events, he spoke a little bit to Hanover Township about it, and their take on that might be a bluegrass festival or if a church wants to have a gospel festival – but he is not sure how often it would happen.

Mr. Steve Combs said he spoke with the Environmental Protection Agency (EPA) and Butler County Board of Health and there is quite a lot of stuff that they have to take care of which does not seem to be a problem, it is just a matter of money and just making sure everything is up to code and operational. It was a surprise to them that Butler County Health Department actually has no say on the business end of it but it goes back to EPA. The Health Department does have say over food service and things of that nature but as far as sanitary, sewer runoff or things of that nature that all goes through the EPA. He added that the existing septic system will have to be inspected and brought up to code and they will do any updates necessary and are working with the EPA right now.

Mr. Steve Combs said they are not looking to change the structure or property there and later on they may build more shelter. He added that it is a beautiful park just the way it is, but they will be removing a few trees that were damaged by storms a few weeks ago.

Mr. Steve Combs said they want it to be a business open to the public and offer it to families and offer food service/catering and a concession stand. They plan to apply for a liquor permit within a year but do not feel it would make or break the business but they would like to offer it and do not want to surprise anyone.

Mr. Steve Combs said the existing residence on the property has been totally redone and will be occupied by a live-in caretaker 24/7 as a permanent resident, but the other house on the property will not be a residence.

Mr. Bevington asked Mr. Steve Combs why he waited until July 14 to go to the Township Trustees to talk about this.

Mr. Steve Combs said he had been up to the Butler County building several times speaking with them and they did not inform him that he needed to go out and having the blessing of Hanover Township and he did not think much about it and thought the final decision would be taken care and waiting was probably a mistake – but did not think the importance was stressed to him but they stressed heavily to get in touch the Butler County Board of Health, not so much the EPA.

Mr. Fox said, for the record, he spoke with Chris Combs and whole-heartedly suggested that they go speak to the Township Trustees and get their blessing. He added that he does not want it to come back to his department, saying that they did not suggest that they go to the Township.

Mr. Bevington told the applicant that this Board may be the final vote but if he does his homework, he needs to make sure to have all of his ducks in a row. He added that an earlier case heard tonight had the adjacent property owner here to support his request, and if Mr. Combs had one or more Township Trustees sitting here speaking in support that would be very important in weighing decisions.

Mr. Combs said he does understand that and did believe one would be here and he told him he would be present.

Mr. Bevington said Champions has been in the community for years and had a lot of things out there that perhaps some of the residents might not have agreed with – but they were a major force in the County that every body knew that if they had problems, things would get rectified when they talked to them. He said you (Mr. Combs) are coming in kind of cold and you can see there is a group of people here from Hanover Township that are very curious and weary of what you want to do.

Mr. Steve Combs said he totally understands that and he has been a business owner for six years and has 17 employees who work for him and knows what he is getting into, and he would be considered if he owned property around there and that is why he is here to answer any questions and I'm here to abide by the law.

Mr. Bevington said to Mr. Steve Coombs, people would feel more comfortable with their elected officials if they said "I think this might be good" then he might have a good chance but without them, he did not know and can not speak for the Board.

Mr. Bevington asked Mr. Steve Combs if he has given any thought to safety and any considerations about Sheriff's department: how many officers will he have at a function.

Mr. Steve Combs replied yes, they have and depending on what is going on they will have Butler County Deputies out there and he has insurance now and will be paying insurance and does not want anything coming back on him to take everything.

Mr. Bevington said there is a dangerous curve right out there that is not safe.

Mr. Steve Combs said they have definitely considered safety and in speaking with Butler County they said when you put your proposal together put everything that you would like to do – if flea markets is shot down no one will hurt my feelings or take my dream away, flea markets was just something we wanted to propose and try to offer it and if we can not offer a flea market that will not stop me from buying property.

Mr. Daniel said the Township is not in favor of flea markets or auctions and if we crossed off flea markets right now is he (Mr. Scott Combs) saying he could live with that.

Mr. Steve Combs replied that he would be fine with that and when he spoke with the Township he asked about auctions. He said his take on auctions is if someone wanted to sell some farm equipment and have an auction there to do that – like a farm auction, and he would be fine if the Zoning Board said “no” to flea markets and auctions.

Mr. Steve Combs said their goal is to bring this park back to what it was – for family events, youth baseball/softball and camping.

Mr. Salmon asked Mr. Combs if he has actually purchased the property already or is he in the process.

Mr. Steve Combs said it is in the process and there is a small group of investors that is coming in with us and all of them are from Butler County so it is not just for me and my brother – we are all looking at this as bringing it back to Butler County.

Mr. Steve Combs said there are other parties interested in the property although he does not know what their plans are, and that is why they are rushing this a bit. He added that he spoke with Mr. Bobby Grove and he is happy with what we are offering and what his plan is – and Mr. Grove has had functions out there as far as he knows.

Mr. Bevington asked Mr. Steve Combs if he wants it to be open seven days a week, year round or just the ability to have that.

Mr. Steve Combs replied, no, just the ability to have that option. Camping will be pretty much March 15 through October 31 but we do want to maintain the pavilion year round especially when it is enclosed so we can offer it for functions which will offset the cost when the rest of it is not being used.

Ms. Steenken asked if there are existing lights there.

Mr. Steve Combs said there are existing lights on the lower ball field that are supposed to be operational and he would like to add lights to the top field and turn the top field into the primary field. He added that in the summer lights aren't usually needed until 10pm but it will be dark earlier in the spring and late summer months.

Mr. Salmon asked Mr. Steve Combs if his request is granted, when he anticipates it will open.

Mr. Steve Combs said he thinks it will be too late to get anything going for this year, and there is a lot to be done but maybe offer some picnicking and camping; but would like to open it next year.

IN FAVOR: None

IN OPPOSITION: Brenda Milburn, 3055 Hamilton Milford Road; Stephen Kazin, 1851 Taylor School Road; Frank Huelsman, 1950 W. Taylor School Road; Jeff Buddo, 2436 Morman Road; Norbert Lerch, 2005 W. Taylor School Road; Kevin Carpenter, 3205 Hamilton Richmond Road

Ms. Milburn said she lives across the street and sees car wrecks that occur frequently and voiced her concern about safety.

Ms. Milburn spoke of the actual notice that was mailed out and said it was addressed only to her husband and that she is a property on record so therefore not all residents were notified.

Ms. Milburn said she spoke with Mr. Fox about a year ago when the property went up for sale originally to find out about it and that part of the property is in a flood plain.

Ms. Milburn said they bought property across from a park that was run as a religious facility and it was a much lower use than what is proposed but that is what they bought in to. She added that Liberty Township, West Chester Township and Fairfield Township are geared towards the proposed activities and Hanover is a beautiful Township as it is and want it to stay like it is.

Ms. Milburn said she is concerned for the need of public services, traffic and the history of vehicle accidents, and safety concerns about access at the entrances. She added that she is speaking on behalf of some neighbors who could not be at this meeting but they are opposed to this request.

Mr. Salmon asked Ms. Milburn how long has she lived there.

Ms. Milburn replied five years.

Ms. Steenken asked Ms. Milburn if she lives directly across.

Ms. Milburn replied yes – across from the pavilion and said she hears music played over there and Mr. Grove has always been respectful and the music stops by 7 or 8 o'clock at night.

Mr. Kazin said he sent the Board a letter and basically he really supports Mr. Combs and what he wants to do, and said his main concern is with noise – which he said the EPA recognizes as pollution.

Mr. Kazin said the current owner (of the park property) had some activities there that were quite loud and lengthy. This past Sunday they were all entertained by music, that some might find objectionable, and it was loud. He added that he lives one mile away

from the property, is the abutting property owner, and his main concern is the noise and hopes the Planning Commission will consider some sort of a restriction on the noise level that travels from that property.

Mr. Kazin said he understands that the County has done notification according to the law, but he believes there would not be an empty seat in this room if all property owners that would be affected by this property, had been notified.

Mr. Bevington asked Mr. Fox if it is only adjoining property owners that need to be notified.

Mr. Fox said that is correct, and it is also published in the newspaper.

Mr. Bevington added that it goes in the Legal section in the Hamilton Journal and the Middletown Journal.

Mr. Kazin said there are some neighbors which he notified, that could not make this meeting and he asked if the Board would consider delaying their decision until such time that all affected property owners can be made aware of the proposed plan for this property and feels a lot of people would be interested.

Mr. Daniel asked Mr. Kazin if he stated that he lives one mile away from the park. Mr. Kazin replied, yes – and the noise coming from that park public announcement system (PA) or amplified music is like it is in his front yard.

Mr. Bevington asked Mr. Kazin what type of music was played over the weekend.

Mr. Kazin replied, loud and played until after dark.

Mr. Daniel commented that Ms. Milburn spoke earlier and stated she lives right across the road and the music usually stops between 7:00p.m. - 8:00p.m.

Ms. Milburn spoke and said she heard music and it could have been the P.A. system pointing towards the highway – but could not pinpoint where it was coming from as her next door neighbor has a garage band and he plays.

Mr. Huelsman said he has lived on his 5-acre land since 1987 and loves it out there and it is quiet and secluded on a dead end street but he does not want to hear play-by-play calls from the ball games. He added that he lives further away than Mr. Kazin lives – his house is on a plateau and the acoustics travel and can hear everything that goes on through that P.A. system.

Mr. Huelsman said he is all for the ball park for the kids and thinks it is a great idea and backs it 100% but the sound and acoustics – he could hear the music on Sunday but he did not know if it was coming from that park and it may have been people playing music

a couple of houses away from Mr. Milburn as she had mentioned but he could hear it until 10:30pm.

Mr. Huelsman said some times the games would run until 12 o'clock at night during Championship baseball games quite a few times and it would keep us awake and if you don't believe it, then come out here and we'll have a cookout and you can sit and enjoy the music a mile away.

Mr. Daniel asked Mr. Huelsman what type of music was playing the other night.

Mr. Huelsman said he did not think it was church music but it sounded probably like rock.

Mr. Huelsman said there were so many people that were not aware of this meeting tonight and said he is in favor of postponing the hearing or meeting and a lot of other people that live closer to that place and many were not aware of this and does not think word got out as it should have.

Mr. Daniel asked Mr. Huelsman if he complained about the noise that was coming from the rock group.

Mr. Huelsman said no – that was Sunday and he did not call – and to be honest, he has not complained about it since 1987.

Mr. Daniel asked Mr. Huelsman if his major issue is the P.A. system/ amplification of the play by play and music.

Mr. Huelsman said yes, it is the noise and that he is all for the kids 100%.

Mr. Buddo said he is on the Land Use Committee for Hanover Township and on the Park Board and on the County Rural Zoning Commission, and back on July 14 at the Hanover Township meeting, that was the first that the Township had heard about this – and Mr. Combs, nor his associates, were not at that meeting and evidently he talked with Mr. Bruce Henry, Township Administrator, and that was brought up to the Township Trustees and that was the first they heard of this – and I'm sure they mentioned that in the letter.

Mr. Buddo said his take of it is that the Township is not in favor for it and has nothing on the Land Use map that we have today or the one that we will present before the Board next month.

Mr. Buddo said he knows there was a problem with flea markets there before over there – and as far as the noise or the hours of operation, most people do not know that Hanover Township has a noise ordinance that is 11:00 p.m.

Mr. Buddo said at the Township meeting the issue of traffic was brought up and there was a Township Trustee, Mr. Doug Johnson, at the meeting and he said it has always

been a problem in the past - and when he had duties out there it was just a nightmare for traffic.

Mr. Buddo said as far as the noise on Sunday evening, he lives at least 3 ½ miles away in the other direction and he heard it. His wife asked where it was coming from, and he said he drove over to Thompson Park and it was coming from there. He added that it was more rock music and he could hear it 3 ½ miles away.

Mr. Buddo said he sees some of the uses as good and some bad.

Mr. Salmon asked Mr. Buddo if his biggest concerns were traffic and the noise.

Mr. Buddo said yes, those are his major concerns and from what he gathers it is also the Trustees' concerns along with the flea market issue.

Mr. Lerch said he lives on a dead end on a certified tree farm and lives closer than to the park than Mr. Huelsman or Mr. Kazin and said his main concern is the noise due to the prevailing winds.

Mr. Carpenter said he lives across the north part of the park close to the creek and near the original ball diamond. He said he owns a small llama farm and the noise comes right through and echoes right through there.

Mr. Carpenter said he is concerned about the security as far as the campers as a lot of them are going to play in the creek and will follow the creek all the way up to his property where the llamas are in the back pastures.

Mr. Carpenter said he is concerned that Mr. Combs mentioned it was a family operation but then he spoke about getting a liquor license and he does not see how the two fit together. He added that if the wedding receptions go year round in the outdoor pavilion they will really be loud; even if they try to frame it in and he is concerned about how late they would run.

Mr. Carpenter said he is also concerned that if they were ever to sell the property, that whoever took it over could along the same lines as this but they would have more emphasis on the auctions and flea markets and outdoor music festivals – and asked if that is correct.

Mr. Bevington asked if the Board often votes for the person on the application, not carte blanche to the property or not.

Mr. Fox replied that they have done it in the past, but it is difficult for one zoning person to follow up and enforce and does not prefer to do it that way, but it is up to the Board.

Mr. Bevington said it can be done for just the individual asking for it.

Mr. Bevington said we heard there is a noise ordinance of 11:00 p.m. so if there is noise after 11:00 p.m. in Hanover Township then call the Sheriff.

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said the applicant is requesting to operate a recreational park & facilities that would include, but not limited to, camping, cabin rentals, picnic areas, youth baseball, softball, miniature golf, banquet halls, reception hall, car shows, flea markets, auctions & and outdoor festivals hosting music.

1. The property is zoned A-1 Agricultural.
2. This use is a condition use requiring Board approval and shall meet the following requirements:
 - A. The use is not in conflict with the comprehensive development plan for Butler County.
 - B. This use is located in a district where there are designated conditional uses by these regulations.
 - C. This shall not adversely impact the health, safety or welfare of the surrounding areas.
 - D. The use does have direct access to a major arterial or a collector street.
 - E. Where more than (10) parking spaces are required, there shall be a hard surface parking area provided.
 - F. A landscape buffer may be provided at the side and rear boundaries of the site at a height appropriate to the intensity of use. The front boundary may be required to be buffered in some way if the County deems it necessary.
 - G. Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.
 - H. All associated buildings, pools and playing fields shall be a minimum of one hundred (100) feet from any other lot in an R-District or a recorded residential subdivision.
3. The staff can recommend approval with the following conditions:
 - A. All music and bands must perform inside the buildings.
 - B. Other than the care-taker's quarters no permanent residence will be permitted. Camping and RV usages shall be temporary in nature.
 - C. All buildings will require a special inspection Building Permit and Electric Permit.
 - D. Need to submit Food License approval from the Health Department before Park can open

E. Need to submit EPA approval before park can open

Mr. Bevington asked Mr. Steve Combs if he wished to speak.

Mr. Steve Combs said he has listened to the voices of concern and wants to address them. As far as the liquor license, it is in the application primarily for if there are wedding receptions in the pavilion and has nothing to do with children or a beer stand over by a ball facility. Our intention is to enclose the pavilion and do not want noise to be a problem.

Mr. Steve Combs said, regarding noise, most campgrounds in the area have quiet hour rules and regulations and curfews, perhaps a 10:00 p.m. curfew Sunday through Thursday and 12:00p.m. on Fridays and Saturdays so if they want to sit out by a campfire and if it got bumped back to 11:00p.m. by the Board, then he would be fine with that.

Mr. Steve Combs said these would be seasonal campers and are usually driving in a \$120,000.00 camper – most campgrounds thrive on older people as they are the only ones that can afford it.

Mr. Steve Combs said we are not looking to have a wild place here and want to offer a nice place, a nice facility – we are not targeting a young group other than mini golf, softball and baseball.

Mr. Steve Combs said he is fully aware of how noise travels and he lives out in the country but when he opens up his window he can hear a cattle farm all night long and peacocks near his own house and hears all the noise from those and is not disagreeing with people because of the noise.

Mr. Steve Combs said regarding traffic, he wants to do whatever he has to do to make it work and has dealt with Ohio Department of Transportation and will comply with them for signage and does not want to set himself up for failure for someone to sue him for something he neglected but it is a state highway and there used to be caution lights there flashing at the park entrance and there is the college up there but he has no control how people drive. As for the gravel way back there that goes to the firemen's lodge and other residents, it is part of this property (and is deeded to the property) and so that is another access road but he does not intend to use it other than for emergency vehicles.

Mr. Steve Combs said he really wants it to work and is here to make it work and to make people happy and understands that noise and traffic are the greatest concerns.

Mr. Steve Combs said his intention for a P.A. system might be to be used as a warning system for campers or emergencies in case of storms or for someone to move a car. He said he would not mind having some sort of P.A. or warning system just for campers, but not for announcing ball games or entertainment, and they are hoping to have music only in the pavilion area.

Mr. Steve Combs said he brings his family camping and did a lot of camping while growing up and wants families to enjoy it – grandmas and grandpas bringing their grand children because a lot of parents can not afford a nice camper.

Mr. Steve Combs said he really, really wants this to work no matter what and wants to answer any questions but feels that some time in the future, that if he does not, some one else is going to do something to this property and he does not want to miss his opportunity and that is why he is here, and he wants to do it right.

Mr. Daniel said in all his years on this Board they (Staff) send out notification letters on a regular basis to adjoining neighbors and if you were to send flyers to the entire town you would be very fortunate to get 15% response – and this attendance tonight is a lot more people that what they usually have and the County does a good job of notifying people that are adjoining neighbors and putting it in the paper – and shame on me if I did not read the paper.

Mr. Huelsman said the mailing was sent only to people at adjoining property – but this affects more than just those people who live at adjoining property and said he would like this Board to table this to allow the other people who will be directly affected by this to come to the next meeting and have their say.

Mr. Bevington said he can hear Tri-State Drag Strip and he lives quite a distance away from there as the noise carries and you are in the country – and get all of the country smells and there are other things that we just some times have to overlook.

Mr. Bevington said he feels that they have come to a point where they are going to have to make a decision as to what they will and entertained a motion.

Mr. Daniel asked the Chair if he could ask the Board members a question.

Mr. Bevington allowed it.

Mr. Daniel asked the other Board members if they thought that if this item were tabled do they think it would make a difference in the Board's decision.

Mr. Bevington said he has no idea as he does not know how anyone will vote.

Mr. Bevington asked if the Board were to listen to an additional 30 people or 200 people would it make a difference in their vote.

Mr. Fox said he can not speak for the Board but by law and the Staff policy is notification to adjoining property owners – and by law we did the proper thing. Before we were to do a mass mailing to 150 or so people, he would have to get that approved and would suspect that, unless the applicant wishes to pay for the postage, we probably have done all that we will do in reference to notification.

Mr. Daniel said doing so could also set a new precedence.

Mr. Daniel said he would like to start a motion and motioned to approve BZA08-17C subject to Staff conditions and welcomed any other conditions or restrictions place on the applicant by other Board members such as changing hours of operation, or denial of or limiting alcohol or whatever other issues.

Ms. Steenken asked if that meant subject to the Staff comments. Mr. Daniel replied yes and if there are any additional conditions that need to be added.

Mr. Daniel said he would like to see a change and request that the hour of closing be changed to 10:00 p.m. (not 11:00 p.m.) Sundays through Thursdays.

Mr. Bevington asked what about Friday and Saturday.

Mr. Daniel said there was a recommendation from the Township that there be no flea markets or auctions.

Mr. Daniel asked Mr. Fox if he sent out notification to the Hanover Township Trustees in a timely manner.

Mr. Fox replied yes, he called the Township Trustees the day of the application and spoke with Mr. Bruce Henry and told him it was coming.

Mr. Daniel said so they were notified in a timely manner.

Mr. Bevington requested to add a condition that any alcohol must be consumed inside of the building.

Mr. Bevington added a condition that sound systems are only for emergency use only.

Mr. Daniel asked Mr. Fox if a conditional use can be reviewed annually.

Mr. Fox said they can add an annual review on to a decision, however, it would be difficult to monitor.

Mr. Daniel asked the Board members if there should be traffic control during special events and security.

Mr. Fox asked the Board to define “special event” – such as how many people.

Mr. Daniel suggested a special event be something like a car show.

Mr. Bevington commented that some weddings and family reunions can get very crowded.

Ms. Steenken asked how that would be quantified or enforced.

Mr. Fox said he would rather not get in to that detail and it would be very hard to enforce.

Mr. Salmon said he would like to have the applicant work with Ohio Department of Transportation in getting the flashing lights reinstalled.

Ms. Steenken asked if the Board wanted to add the stipulation that (should this be approved) this be granted for these property owners only.

Mr. Bevington said yes.

Mr. Fox asked the applicant if this will be an LLC (limited liability corporation) and if so, asked what the name of the LLC is.

Mr. Steve Combs replied, yes but no name has been confirmed yet.

Mr. Fox said right now they have not bought the property but if you put it as the applicants' name "Steven Combs" and he gets a group to invest and they go to an LLC, then it is different - he added that he is not an attorney ... and he said it is fine to add the condition but did not know ultimately how it would go from Mr. Combs to an LLC without knowing the LLC name.

Ms. Steenken asked Mr. Steve Combs what is "Advanced Underground."

Mr. Combs replied that he is a utility contractor.

Ms. Steenken said then that would not be the name on this.

Mr. Combs replied no.

Ms. Steenken said there is no point in putting a condition on something that can not be enforced.

Mr. Bevington asked if there is a second to the motion.

Mr. Salmon seconded the motion. Motion carried.

AYES: Daniel, Steenken, Salmon

NAYES: Bevington

ABSTAINED: None

Mr. Fox said motion is approved 3 -1 subject to all conditions stated.

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

July 15, 2008

Tom Bevington, Chair

James M. Fox, Secretary

Lee Margraf