

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

III. New Business

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

IV. Adjournment

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

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

MEMBERS ABSENT: Mr. Alan Daniel

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

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**APPROVAL OF MINUTES:**

Ms. Steenken motioned to approve the minutes of the July 15, 2008 meeting. Mr. Salmon seconded. Motion carried.

AYES: Steenken, Salmon, Bevington, Philpot

NAYES: None

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## **NEW BUSINESS**

### **BZA08-19V**

William and Vickie Patrick  
6850 Middletown Germantown Road  
Middletown, Ohio 45042

Applicant, Mr. Patrick said he is here tonight because he would like to build a riding barn to board horses in the winter time and in inclement weather.

Mr. Bevington asked Mr. Patrick how big a barn is it that he wants..

Mr. Patrick replied 60 feet by 120 feet.

Mr. Bevington asked Mr. Patrick if there would be an inside arena.

Mr. Patrick said yes.

Mr. Bevington asked Mr. Patrick how many stalls would there be.

Mr. Patrick said he may put stalls in but there are stalls in the other barn but primarily this will be for training.

Mr. Bevington asked Mr. Patrick if he will have any horse shows in there.

Mr. Patrick said he is not planning in it but did not want to say that he would not.

Mr. Bevington said the reason why he asked is that if he did then he would be running a business in there.

Mr. Patrick said no.

Mr. Bevington asked Mr. Patrick if all of the horses would be his.

Mr. Patrick replied yes and said he thought he was only allowed to have so many horses any way.

Mr. Bevington asked Mr. Patrick how many acres he has.

Mr. Patrick said about ten acres – (9  $\frac{3}{4}$  acres).

Mr. Salmon said the applicant's letter stated that the project will take place at a later date when he gets the financing and asked if that would be a year or two away.

Mr. Patrick said he really did not know when he will be able to afford to do it, but when he can afford it he will build it.

Mr. Salmon said the reason he asked the question is that the variance goes with the piece of property and the applicant has all of these signatures from his neighbors supporting his wish to build this riding barn, and if for some reason he would have to sell that place then someone else could still build that structure and store vehicles or work on vehicles and make noise in the neighborhood and the neighbors might not appreciate that as much as someone riding a horse. He added that it says “a later date” is what has him concerned ... if you are looking five years from now or something.

Mr. Bevington asked Mr. Fox if the Board could approve it specifically for Mr. Patrick.

Mr. Fox replied yes, the Board could do that if they wish, but typically a variance goes with the property - but they can put on a condition that it is for Mr. Patrick only.

Mr. Philpot asked Mr. Patrick if he plans on putting water and electricity in there.

Mr. Patrick replied electricity for lighting.

Mr. Fox said, if he remembers correctly, stabling horses is a conditional use in that zoning district, so he could always come back if he wants to stable horses for other people and thought it used to be a permitted use but it was changed – then looked it up in the Zoning Code and stated that the applicant would have to get a variance because it is actually a prohibited use – kennels and riding stables in an R-2 Zoning District.

IN FAVOR: None

IN OPPOSITION: None

STAFF COMMENTS:

Mr. Fox said, for the record, he did receive a phone call from one of the Township Trustee and he said the Trustees do not object to this variance.

Mr. Fox said the applicant’s request is to build a larger pole barn than zoning allows and have more accessory structures than zoning allows.

- Staff Comments:
1. The property is zoned R-2 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 with the following conditions:

- A. A Building Permit will be required for the new structure.

Mr. Bevington asked the Board if they also wanted to add a condition that this be granted for Mr. Patrick only.

Mr. Salmon made a motion to approve BZA08-19V subject to Staff conditions; no business may be conducted from the accessory structure, and; this variance for construction will be granted specifically to Mr. William and Ms. Vickie Patrick as owners of the property. Ms. Steenken seconded the motion. Motion approved.

AYES: Salmon, Steenken, Philpot, Bevington

NAYES: None

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**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  
August 19, 2008

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Tom Bevington, Chair

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James M. Fox, Secretary

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Lee Margraf