



AGENDA
BUTLER COUNTY BOARD OF ZONING APPEALS
BUTLER COUNTY ADMINISTRATION CENTER
130 HIGH STREET
HAMILTON, OHIO 45011
November 17, 2015

I. Opening

Roll Call Mr. Gary Salmon
 Mr. Thomas Bevington
 Mr. Alan Daniel
 Mr. Henry W. Philpot
 Ms. Lee Steenken

II. Approval of Minutes

A. October 20, 2015 Meetings

III. New Business

A. BZA15-07V Matthew Schwan
 7893 Shera Road
 Oxford, OH 45056

B. BZA15-08C Cheryl Forte
 3884 Wallace Road
 Oxford, OH 45056

C. BZA15-09V Jenny Westrich
 2184 Ross Millville Road
 Hamilton, OH 45013

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D. BZA15-10V Beth Davidson/ Hamilton Christian Center
11940 Millville Avenue
Hamilton, OH 450514

E. BZA15-11V Jeff Bray
944 Oxford Street
Hamilton, OH 45013

V. Adjournment



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REGULAR MEETING: Tuesday, November 17, 2015
Butler County Government Services Building
Conference Room 1
315 High Street, 1st Floor
Hamilton, OH 45011

CALL TO ORDER:

Mr. Bevington brought the meeting to order at 7:00 p.m.

ROLL CALL:

Present: Mr. Thomas Bevington, Chair
Alan Daniel
Mr. Henry W. Philpot
Mr. Gary Salmon
Ms. Lee Steenken

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

Approval of Minutes:

A. October 20, 2015 Minutes

Ms. Steenken made a motion to approve the draft Minutes for the October 20, 2015 meeting with three (3) changes as noted. Mr. Salmon seconded the motion. Motion carried.

AYES: Steenken, Salmon, Daniel, Philpot, Bevington

NAYES: None



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NEW BUSINESS:

BZA15-07V

Matthew Schwan
7893 Shera Road
Oxford, OH 45056

Mr. Schwan, 7893 Shera Road, Oxford, OH 45056, said he is here to request a variance to build an accessory structure on his property. He stated he is a full-time farmer and operates a farm and they raise and sell grass-fed beef cattle and eggs to the local market which is the source of his family's economic livelihood. He stated he and his wife live in a modest 100-year old house and have a daughter and her family who live in another house on their property; however, they are not involved in the family farming operation and hold outside jobs. He stated they have four (4) other accessory buildings on the property: a 100-year old barn, an animal barn, a small storage shed and an open shed for farm equipment, and, in 2013 they built a 30' x 50' post and beam barn to be used as a heated space for offices, sewing, workshops and family gathering space which has heat and water but no bathroom facilities.

Mr. Schwan said his children were asked if they would like to come join the family business and the children accepted the offer and are planning to do so by the end of 2015 and the plan is to have them live in the old farm house and their intent is to add a kitchen, bathroom and septic system to accessory building built in 2013 for he and his wife to reside, however, they were informed by the Health Department they would need to obtain a zoning variance because of having another home on the property and it would be a third dwelling and this is the reason he is here today, to ask for a variance for the third dwelling. He said with a 74 acre property a person would normally be able to split the property up and go ahead with their plans and that is what they assumed they could do with this land; but they have an extremely small amount of frontage and the property goes back so they cannot go about it that way. He also stated a farm requires 24 hour attention and it would be more economical for his family to live there and work the farm.

Mr. Schwan said the Board of Health has reviewed their plans and they have no objections with their proposed septic or the addition of a bathroom and kitchen and it states that in his paperwork. He also said no new structure is being added, and he spoke with two (2) of his neighbors/adjacent property owners and they have no objections. He also said this would be a benefit to the county due to the increase in property value would mean higher real estate taxes due to the County.

Mr. Schwan said they are pretty much stuck with a hardship and without his son's assistance it would impact the family business and appreciate the Board's consideration.



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Mr. Philpot asked the applicant how much frontage there is and the applicant replied less than 100 feet.

Mr. Salmon asked if the farming would be his son's only income and Mr. Schwan replied yes and that is why they are trying to get him to live there to make their farm even more successful. They are at the point where they are almost at the point of making money and now they're buying calves but want to bring that back into their farm.

Mr. Daniel asked if it could be put in as regulation that only Mr. Schwan's son can live in the house and it is not to be rented out otherwise so if the son were to leave the arrangement would be null and void. Mr. Fox said it could be a stipulation however it would be very difficult to enforce.

Mr. Philpot asked Mr. Schwan if his son were to leave would he and his wife move back into the old house and Mr. Schwan replied they would end up with one vacant house and said they would not plan to rent it out.

Mr. Philpot stated sometimes people will go in a round-about way of building things however he is not accusing the applicant of this being his motive.

Mr. Schwan said he thinks another stipulation might be if they were to want to rent it out he would have to come before this Board in order to do so and he has no problem with that – but his motive is to keep his family on the property and they moved here away from the city in order to have a life to do this.

Mr. Salmon asked if there is anything else the applicant will need to do structurally to the barn building in order to convert it to a residential dwelling and Mr. Fox said he would have to bring it all up to Building Code and that would be a stipulation – full Building Code compliance.

Ms. Steenken asked if there is any actual way to split the property and Mr. Fox said he doesn't know the exact frontage. Mr. Salmon commented there is very little road frontage. Mr. Schwan said they didn't understand the significance of this when they purchased the land.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None



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STAFF COMMENTS:

Mr. Fox said the request, BZA15-07V, Matthew Schwan, 7893 Shera Road, Oxford, OH 45056 is requesting a variance to convert an existing accessory structure into a single family residence.

Staff comments are as follows:

- Staff Report
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 an unnecessary hardship will prevail unless the variance is granted.
 4. The spirit and intent of the zoning resolution is not to allow this type of variance. Therefore, staff will recommend denial.

Mr. Philpot said when he looks at this and what the applicant is trying to attain, it is not going to change the character of the area; so he said he will make a motion to grant the variance with the stipulation that he must obtain a Building Permit and it must be Building Code compliant and asked other Board members' if there were any additional stipulations necessary.

Mr. Bevington said what about a stipulation for family use only. Mr. Philpot said it will definitely be difficult for staff to enforce.

Mr. Fox said the variances would run with the property and 100 years from now they may have to sell off their property due to some unseen event, and it would be hard to enforce that stipulation. Mr. Salmon said what about "owners use" only permitted. Mr. Fox said that would be fine to have no rentals.

Ms. Steenken said her heart would like to grant this but she is concerned about the precedence. Mr. Philpot said he understands Ms. Steenken's concern but this is why we have hearings and when he looks at this he feels it should be granted and made the motion.

Mr. Fox asked Mr. Philpot if he wanted to include a restriction of no rental of housing units and does that mean all three (3) housing units or just limit it to this accessory building. Mr. Philpot replied it would be no rental of any of the three (3) units.

Mr. Philpot said he is fine with requiring the additional restrictions in addition to those stated by Mr. Fox:

5. A Building Permit is required to convert the barn to a home.
6. No rental of any of the three (3) dwelling units is permitted.
7. Building will comply with County Building Codes.



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Mr. Philpot made a motion to approve BZA15-07V as presented and subject to staff conditions. Mr. Daniel seconded the motion. Motion carried.

AYES: Philpot, Daniel, Steenken, Salmon, Bevington

NAYES: None

BZA15-08C

Cherryl Forte
3884 Wallace Road
Oxford, OH 45056

Ms. Cherryl Forte, 3884 Wallace Road, Oxford, OH 45056, was sworn in and said she is here to request a Conditional Use Permit to operate a bed and breakfast (B&B) in her residence. She provided some history of the home and property owned by her ancestors and at one point the family was considering selling the land to MetroParks and bulldozing the house and they felt it was a waste and with her inheritance she and her husband purchased 16 acres (the balance of approximately 190 acres is owned by MetroParks and is referred to as Sycamore Bluffs Park).

Ms. Forte said they have the house, a barn, a 4-room chicken mansion and felt operating a B&B would address the need for additional housing for Miami University visitors. Opening the B&B would allow us to share our lifestyle and they would like to make three (3) of the four (4) bedrooms available for guests to support Miami and people who support the MetroParks and local equestrian events and give people the opportunity to experience life a pre-Civil War home. She added they have horses on the property and cattle in the summer and their barn has been selected to be on the "Friends of Ohio Barn Tour" in 2016 when Butler County hosts that event. They renovated the house in 2013 and committed to bring it up to current code including all new electrical and plumbing and geothermal system and feel they have the opportunity to provide a secure environment and allow people to experience. She added they just added three (3) en suite bathrooms offer the guests.

Mr. Salmon asked the applicant if this house is their residence and she replied yes.

There was some discussion of the old mill that fell down and the applicant said there is a chance they may redo the mill.

TESTIMONY IN FAVOR OF: None



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TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

STAFF COMMENTS:

Mr. Fox said the request, BZA15-08C, Ms. Cheryl Forte, 3884 Wallace Road, Oxford, OH 45056 is requesting a conditional variance use to operate a Bed & Breakfast in her residence. Staff comments are as follows:

Staff Report:

1. The property is zoned A-1 Agricultural.
2. This area is rural in character.
3. The applicant is seeking A Conditional Use to operate a Bed & Breakfast.
4. The intent of the Conditional Use is to allow appropriate conditional uses, which has been so identified by the zoning code, in locations where they are compatible with their surrounding area and shall not be in conflict with the comprehensive development plan for Butler County and will not adversely impact the health, safety or welfare of the surrounding area. Therefore since this operation meets all the general requirements the staff will recommend approval with the following conditions:
 - A. Uses shall be permitted one home occupation sign.
 - B. Building permit will be required.
 - C. The parking shall require no more than seven (7) parking spaces and does not have to be buffered in any way from adjacent residences.
 - D. No more than three (3) bedrooms can be used for the Bed and Breakfast.

Mr. Bevington asked the applicant if she understood the conditions and if she had any problems with them and she replied that she understood and had no problems as they were at her request.

Ms. Steenken made a motion to approve BZA15-08C as presented and subject to staff conditions. Mr. Salmon seconded the motion. Motion carried.

AYES: Steenken Salmon, Philpot, Daniel, Bevington

NAYES: None

BZA15-09V
Jenny Westrich



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2184 Ross Millville Road
Hamilton, OH 45013

Ms. Westrich was sworn in and said she is here to expand their one-bedroom to allow them to put an addition on to add two (2) bedrooms, a living room, an additional bathroom, utility room and a master closet. To make this addition symmetric and appealing it will require them to be within ten (10) feet of the property line.

Ms. Westrich said she owns the property next door but she does not want to combine the two (2) properties and has spoken with her neighbors, of whom are present, and said there is no opposition from anyone.

Mr. Salmon asked if the home is in a flood plain and Mr. Fox replied no, it used to be but is no longer.

Ms. Westrich said the wooded parcel on the other side is owned by Ohio Department of Transportation so there is no residence there.

Mr. Salmon asked the applicant why she does not want to combine the two (2) lots and Ms. Westrich replied it is her understanding is speed involved – she has two (2) children and a one-bedroom house so she wishes to get this done quickly; and the expense of doing the combination process.

TESTIMONY IN FAVOR OF: Louis Colgate, 2194 Ross-Millville Road, Hamilton OH;

Mr. Colgate said he doesn't have any problem with it and there's enough space between the houses and noise won't be an issue and he's lived there since 1951 and said he thinks it will be a nice addition and the applicant has done a nice job keeping the house and landscape nice and thinks it's a good idea.

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

STAFF COMMENTS:

Mr. Fox said the request, BZ15-09V, Mr. Jenny Westrich, 2184 Ross-Millville Road, Hamilton OH 45013, is requesting a variance to Build an addition closer to the side property line than zoning allows.

Staff comments are as follows:

Staff Report:



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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 an unnecessary hardship will prevail unless the variance is granted.
4. The spirit and intent of the zoning resolution is not to allow this type of variance, but since this will not change the character of the area the staff will recommend approval with the following condition:
 - A. A Building Permit is required.

Ms. Steenken made a motion to approve the request for BZA15-09V as presented and subject to staff conditions. Mr. Daniel seconded the motion. Motion carried unanimously.

AYES: Steenken, Daniel, Philpot, Salmon, Bevington

NAYES: None

BZA15-10C

Beth Davidson/Hamilton Christian Center
1940 Millville Avenue
Hamilton, OH 45014

Ms. Beth Davidson was sworn in and said she is here to request a conditional use to run a daycare center at the church as a means of income for the church and also to provide a safe daycare for the community members and they would like to have 25 to 75 children (enrolled) over the next two to three years ages 3 to 5 and they currently have a nursery and large kitchen which they would be utilizing and they would like to begin between August 2016 and January 2017, and it would operate during week days from 6:00am to 6:00pm. She added they are not yet licensed but will start the process December 16th.

Ms. Davidson stated they were missing was an approval from the Health Department with their consent but they did receive it yesterday.

Mr. Fox said he would take the letter to keep for the file and show the Board and said the applicant is aware they will need a Building Permit and inspections and it will be a stringent process to comply with the State Code and she is aware of it and it isn't any easy or quick process.

Mr. Philpot asked if they are doing this under the auspices of the church and Ms. Davidson replied yes, there are appointed Board members that will oversee this and she is not on the



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board but a lay person at this point. She added she is a teacher and at some point may be the Director of the daycare.

Mr. Salmon asked if this would be open to the public or just church members and Ms. Davidson said it will be open to the public and they are hoping to open with 25 children and increase it to 75 children as the years go on.

Mr. Bevington asked about the quantity of staff and Ms. Davidson said it will depend upon the number of children enrolled and it is dictated by the State's staff/child ratio. It will depend on how many students are enrolled, probably 3 to 4 staff.

Mr. Philpot asked if the church had given her anything to show she is representing them. Ms. Davidson said a Trustee from the church is present; and the Pastor sent her to represent him in his absence as he could not attend due to a Board of Trustee's meeting.

TESTIMONY IN FAVOR OF: Louis Colgate, 2184 Ross-Millville Road, Ross Township, OH;

Mr. Colegate said he has been attending that church since 1971 and when they did the addition they did it with the intention of having daycare center and that is why it is set up the way it is with the kitchen but they never followed up with it. He feels it would be a good idea and he has confidence in them.

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

STAFF COMMENTS:

Mr. Fox said the request, BZA15-10C, Ms. Beth Davidson/Hamilton Christian Center, 1940 Millville Avenue, Hamilton, OH 45014, is requesting a conditional use to operate a child daycare center.

Staff Report:

1. The property is zoned A-1 Agricultural.
2. This area is residential in character.
3. The applicant is seeking a Conditional Use to operate a daycare center.
4. The intent of the Conditional Use is to allow appropriate conditional uses, which has been so identified by the zoning code, in locations where they are compatible with their surrounding area and shall not be in conflict with the comprehensive development plan for Butler County and will not adversely impact the health, safety or welfare of the surrounding area.



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Therefore since this operation meets all the general requirements the staff will recommend approval with the following conditions:

- A. Building permits will be required.
- B. All structures and play lots associated with these Uses shall be located a minimum of seventy-five (75) feet from any other lot in any R-District or a recorded residential subdivision.
- C. All exterior activity areas and play lots shall be fenced and screened with appropriate landscape materials.
- D. One (1) sign no more than 5 (five) square feet shall be allowed.

Mr. Philpot made a motion to recommend approval of BZA15-10C subject to all staff comments. Ms. Steenken seconded the motion. Motion carried.

AYES: Philpot, Salmon, Daniel, Steenken, Bevington

NAYES: None

BZA15-11V

Jeff Bray
944 Oxford Street
Hamilton, OH 45013

Mr. Bray, 2320 Indian Creek, Hamilton, OH, was sworn in and said he is here tonight to request a variance to allow him to continue to operate a commercial business from a pole barn located at 944 Oxford Street, Hamilton OH which is a rental property of his. He stated he has run his business there for eight (8) years out of the house and has a barn which he uses for personal use/construction materials he uses in flipping homes and stores his boat and a car in there. He and his secretary work the business operations out of the office there and he is asking for permission to continue using that and to have one other employee with a company vehicle, he helps maintain the rental properties, logistical services on the premises for his home-flipping building.

Mr. Bray said the property is a little over ten (10) acres and he also owns another property, approximately three (3) acres, adjacent to this one.

Mr. Bray said there were two people opposed to it and two he could not reach but those aren't adjacent but neighboring across the tree line. One of them said he'd get back to him and he never did and the other said it was not advantageous to him and was concerned about the traffic.



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Mr. Fox stated he did receive one (1) complaint on 8/24/ 2015.

Mr. Bray said he is not looking to change things just wants to be able to continue operating his business with his secretary and another employee.

There was some discussion about the lane nearby.

Mr. Bevington asked what job materials he keeps there and the applicant replied just doors and they are stored in the barn.

Ms. Steenken reference the applicant's statement stated Family entertainment as the main function and asked him to explain. Mr. Bray said they do a lot of family entertaining, gatherings being the primary reason. Mr. Bray said they do a lot with family out there and have cookouts, children's soccer teams and baseball cookouts, friends' gatherings, and have gatherings at least twice a month

TESTIMONY IN FAVOR OF: Mr. Kenneth Draper, 944 Oxford Street, Hamilton OH

Mr. Draper said he rents a house from Mr. Bray and does subcontracting work for the applicant and he fishes out there on the pond with his son and aside from trash removal there is no other traffic and have never had problems with the neighbors and there are no deliveries made there for the business. He added he stores the business vehicle outside of his rented house.

TESTIMONY IN OPPOSITION OF: Mr. Normal Wilson, 934 Oxford Street, Hamilton OH; Mr. Tom Turner, 938 Oxford Street, Hamilton OH; Mr. Tom Wilsey, 3421 New London Road, Ross Township

Mr. Wilson said he lives on the private lane, the first house, and he bought the house for the quiet and that is what attracted him to it and had been very happy until the past four or five (4 -5) years the silence has diminished and was concerned about the traffic and multiple trips going by with trailers and there has been significant damage to the lane due to the business trucks. There have been other inconveniences, such as nails strewn over the lane that likely bounced off the trucks and it's disconcerting to have the noise of the traffic.

Mr. Fox said Mr. Fox stated Mr. Bray is currently building a house out there and asked if the traffic is due to the reconstruction or due to the applicant's business.

Mr. Wilson said the reconstruction is recent but the traffic he mentioned has been over the past several years. He added the trucks are in conjunction with the business and he feels strongly that if the business were not there the problems would go away.



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Mr. Bevington asked Mr. Wilson if noise from children was an issue and Mr. Wilson replied no.

Mr. Turner said he's lived there for 26 years and they've seen the gamut of everything out there with a previous business that was sold to his grandson, who sold it to another individual. It smoothed out then around 7 or 8 years ago Mr. Bray bought the property and he did a good job of cleaning it up and maintaining it and he's doing his job to keep it clean. He said he was the one that found all of the nails and debris in the lane and didn't feel it had bounced off any truck. On any given day there are probably 6 – 10 trucks, 80% trucks/20% cars that are continuously going down the lane, pickup trucks coming in and out during the day and they see those trucks over and over and it's very annoying. They bought the property for peace and tranquility but that isn't the current situation now and a constant worry of vehicles on that lane. We did talk with Mr. Bray to join him at this meeting and he told Mr. Bray he wouldn't speak in favor because he came there for the peace and quiet. Mr. Turner also said he has since put his house up for sale and a potential buyer found out there was construction and more to come and that eliminated her as a buyer and is concerned about being able to sell the property due to Mr. Bray's business activity and it's a bad situation and none of us enjoy doing this but we're trying to protect our property and tranquility and hope the Board can understand and make the best decision they can. Mr. Turner shared a drawing he created of the area and showed the location of the lane, his house, Mr. Wilson's house, the house under construction's location and the pole barn in question.

Mr. Philpot asked Mr. Turner if the traffic is moving at a high speed and Mr. Turner replied yes, occasionally but not all the time.

Mr. Fox accepted the drawing from Mr. Turner for the record/file.

Mr. Wilsey said he got a call from Mr. Turner and then spoke with Mr. Bray then met with Mr. Bray at the property and said Mr. Bray has done a tremendous job cleaning up the property, but said Mr. Bray's opening statement pretty much says it all, "He moved his office there and now he's come to get permission to run his office". The building was built in a Residential area and remains a residential and he doesn't believe the spirit of the Building Permit was to allow it to be an office, garage or staging area for building materials and unlikely it would happen in the middle of a residential area. He told Mr. Bray there were concerns and he told Mr. Bray how he could rectify the situation and said he recommended to talk with all the neighbors and get them on board and he would have no problem with that, but the two (2) neighbors that Mr. Bray didn't reach are the ones that have the most at stake here and the ones that are most disrupted by this. Mr. Wilsey said zoning is to protect those who are already abiding. Mr. Wilsey said Mr. Bray runs a good business; but there are other places he do that and it's just not fitting to do that in Ross Township.

Mr. Philpot asked Mr. Wilsey for clarification on what he said about if it was just a matter of someone doing some office work back there as opposed to using it for storing business materials



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and if it would it make a difference between them and Mr. Wilsey responded that either way it's still a business and asked Mr. Bray to get everyone on board and that is why he is here.

Mr. Fox said even though this is in Ross Township a little bit of it is in the Village of Millville and he did receive a call from Mayor Settles because the entrance to that private lane does come down through the village of Millville and he said, "As a property owner and as Mayor, he does not have a problem with it." and could not be here tonight.

NEUTRAL TESTIMONY: Larry Gray, 936 Oxford Street, Millville, OH

Mr. Gray said he lives at the end of the lane and is neutral and can see both sides, but his main concern is if it gets done for business what will happen if he sells it and someone else wants to put a fishing pond or condos down there he doesn't want it but it is just Mr. Bray or his secretary then he doesn't have a problem with it. He added he has found nails but it isn't necessarily from the trucks and can't verify that; as far as speeding it seems like it has slowed down since they put in a speed bump there; but he tries to stay neutral with everyone there and is more concerned about a business being there, but Mr. Bray's office doesn't bother him and the speeding has slowed down but the speeding was his major concern over the past year or two.

Mr. Philpot asked Mr. Fox if the variance would go with the owner or with the property and Mr. Fox said they can grant a conditional use whereby the variance is for Mr. Bray only and any sale of the property would make it null and void.

Mr. Fox said before staff comments are read, it is staff's opinion that they wasn't as many trucks and people coming and going that was talked about by the other witnesses and we were unaware of the volume of traffic.

STAFF COMMENTS:

Mr. Fox said the request, BZ15-11V, Mr. Jeff Bray, 944 Oxford Street, Hamilton Ohio, is requesting a variance to operate a commercial office from his property.

Staff Report:

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 an unnecessary hardship will prevail unless the variance is granted.
4. The spirit and intent of the zoning resolution is not to allow this type of variance, but since this will not change the character of the area the staff will recommend approval with the following condition:
 - A. A Building Permit is required.



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- B. No deliveries for the commercial business.
- C. Hours of operation 7:30AM – 5:00PM
Monday – Friday. No Saturday or Sunday Business hours.
- D. No more than three (3) employees, including owner.
- E. One work truck and trailer allowed to haul lawn mowing equipment Monday – Friday, 8:00AM-5:00PM
- F. Variance is for Mr. Jeff Bray only if property is sold the Variance becomes void

Mr. Fox said his understanding of the situation was the amount of traffic wasn't as much as was discussed here tonight. Staff's recommendation of approval was based on it being Mr. Bray. His secretary and his one employee, who himself also lives on the property, with no deliveries being made, and no other business activity and felt it was an ok business. After hearing tonight's testimony, Mr. Fox said he heard one thing from the applicant; and heard opposing testimony tonight, so his stance with staff is if it was just a matter of Mr. Bray and his secretary coming and going in their own cars, and no work truck traffic, no deliveries coming and going, and if the renter leaves with mowers in the morning then comes back at the end of the day those were the terms staff made the recommendation for approval/

Mr. Daniel asked Mr. Fox if he has changed his mind since hearing testimony, and Mr. Fox said he is sticking with staff recommendations with the staff comment/restrictions based on it being a low impact business being run. Mr. Fox added Mr. Bray has assured him he would no longer bring doors and building materials back, and that falls under item B. in staff comments: No deliveries for the commercial business.

There was some discussion about traffic whether it be ongoing all the time or if it was just due to recent construction activity.

Mr. Daniel said the neutral testimony didn't seem to be neutral but more of concern as well as the nails found in the lane, and feels it will be a matter of business as usual later and for those reasons Mr. Daniel made a motion to deny the request for BZA15-11V, Mr. Jeff Bray, 944 Oxford Street, Hamilton, OH 45013. Mr. Philpot seconded the motion. Request denied unanimously.

AYES: Daniel, Philpot, Steenken, Salmon, Bevington

NAYES: None



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ADJOURNMENT:

Mr. Salmon made a motion to adjourn and it was seconded by Mr. Philpot. Meeting adjourned.

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 17, 2015

Tom Bevington, Chair

James M. Fox, Secretary

Lee Margraf