



BUTLER COUNTY BOARD OF ZONING APPEALS
December 15, 2015 Meeting Minutes

AGENDA
BUTLER COUNTY BOARD OF ZONING APPEALS
BUTLER COUNTY ADMINISTRATION CENTER
130 HIGH STREET
HAMILTON, OHIO 45011
December 15, 2015

I. Opening

Roll Call Mr. Gary Salmon
 Mr. Thomas Bevington
 Mr. Alan Daniel
 Mr. Bryan Price (Alternate for Henry W. Philpot)
 Ms. Lee Steenken

II. Approval of Minutes

III. New Business

A. BZA15-12C Family Promise of Butler County/Ms. Teri Trent Secretary
 1910 Millville Avenue
 Hamilton OH 45013

B. BZA15-13V Mr. Mark Von Hagen
 189 Tulipwood Drive
 Hamilton, OH 45013

V. Adjournment



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REGULAR MEETING: Tuesday, December 15, 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. Bryan Price (Alternate for Henry W. Philpot)
Mr. Gary Salmon
Ms. Lee Steenken

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

Approval of Minutes:

No draft minutes to approve



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NEW BUSINESS:

BZA15-12C

Family Promise of Butler County/Teri Trent Secretary
1910 Millville Avenue
Hamilton OH 45013

Ms. Teri Trent, 2188 Vizedom Road, Hamilton, OH representing Family Promise, said Family Promise of Butler County is an affiliate of the National Family Promise organization and they are a 501(c) 3 organization and they work with homeless children and their families and they are requesting a variance to use the property owned by the Hamilton Christian Center at 1920 Millville Avenue, Hamilton, OH as their program day center. She said their program works with other area churches and the homeless families spend their evenings at the churches and during the day their homeless families are at their day center. The children are picked up at the program day center by their home school district and so they are at school most of the day and at our center after school and on weekends. The children's parents are at the center if they are not working and care for their own preschool children there. She gave additional information about the program and said the Director will have an office there and can also provide supervision while the parents are there, or a trained employee or volunteer so they are always supervised and the center is a hub for the children. The Director could assist the parents in their job search with contacts and social agencies and help them make changes into permanent housing and it allows the parents a place to launch a job search or for housing or search for employment and have a mailing address too.

Ms. Trent said the program operates 8:00 a.m. to 5:00 p.m. seven (7) days a week and added the families do not spend the night there. The program currently has 13 churches that offer overnight housing for a week at a time Sunday through Saturday then and the families switch to another church over the weekend. They have a van that transports the families between the church and their location for the day program and then transports them back in the morning. The churches provide the evening meal and the breakfast and also provide a packed sack lunch which they bring to the day center and their program does not provide or serve any meal at the day center.

Ms. Steenken asked Ms. Trent if the building will require any renovations and Ms. Trent replied the building is in good shape and there's really nothing they feel necessary aside from the cleaning and painting and they will build some locking closets so the families have some locking storage space and they are waiting to hear if there will be any permits required.



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Mr. Fox said staff has a condition to require them to get a Building Permit and the applicant will have to meet with the Chief Building Official to find out how he will classify this building and it may possibly require something from a Commercial Building aspect but that has not yet been determined and it will be a condition from staff and the applicant is aware of this and the process.

Mr. Bevington asked how long a family stays and the applicant said nationwide the family usually leaves within 90 days' time but they do not have a strict timeline and is something that their Director (to be hired) and their Board can put in place and they try to get families into housing as quickly as possible and it is their goal to have them in housing within 90 days.

Mr. Salmon asked Ms. Trent about the screening process of these families and she explained they receive referrals from other social agencies and the families go through a screening and background check. She added their program is not appropriate where drug abuse is an issue or for violent offenders or anything like that and refer such cases to suitable agencies that can help them.

Mr. Salmon asked about the transportation and the applicant said it can vary depending on the location of the church and the work schedules of the parents and school hours of the children but it is generally 5:30 p.m. and the mornings are more variable.

Mr. Salmon made reference to a letter from the applicant and said it states the parents in the program are there to take care of their own children so they are solely responsible for their own children and Ms. Trent confirmed that is correct.

Mr. Salmon asked if the Director, or some other trained person, would be there until everyone was gone and Ms. Trent replied yes there must always be someone, as trained supervision, present whenever families are present.

Mr. Salmon asked if anyone brought this to the Township Trustees and Ms. Trent said she and Pastor (Curtus) Moak, from Hamilton Christian Center, attended the Hanover Township Trustees meeting as they wanted to start there to make sure the Trustees would be in favor of this before they pursued the process further and they gave the applicants their blessing and told them to come here next.

Mr. Fox said he spoke with the Township and they have no objections.

Mr. Fox asked if this is limited to Butler County residents or do they come from other Counties. Ms. Trent replied this will be for Butler County only.



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Mr. Fox asked if they had any plan for parking. Ms. Trent said the Director's vehicle and transport van would probably be in the driveway at the house. If the families had vehicles they would park them at the church parking lot.

Mr. Fox asked if this would operate seven (7) days a week and Ms. Trent say yes to seven (7) days a week.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: Jared Taylor, 1989 Millville Avenue, Hamilton, OH .

Mr. Taylor said he bought his house about three (3) months ago and his family was homeless for about three (3) weeks so he bought that off the church but the church never mentioned their intentions of this and since he's lived there he has had multiple items stolen from his garage and is worried about who is coming in and out and worries about when random people start coming around and is concerned about property and its value and has nothing against helping the homeless, but he is not in favor of this and has to protect his personal interests, property and his dog and is concerned about people scoping out what he has and coming back later and gives them the opportunity to steal.

Mr. Taylor asked if they Board members would want this next door to their house. Mr. Bevington asked Mr. Taylor if he knew his neighbors and Mr. Taylor replied the church owns two (2) acres behind so he has no neighbors back there; there is one (1) neighbor on the side and he spoke with him and gets along with him and he doesn't know the man's background and does not judge.

NEUTRAL TESTIMONY: None

STAFF COMMENTS:

Mr. Fox said the request, BZA15-12C, Family Promise of Butler County/Teri Trent Secretary, 1910 Millville Avenue, Hamilton OH 45013 is requesting a conditional use to operate a religious charitable institution serving homeless children and their families.

Staff comments are as follows:



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Staff Report:

1. The property is zoned R-1 Residential.
2. This area is residential in character.
3. The applicant is seeking a Conditional Use to operate a religious charitable institution serving homeless children and their families.
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. Building permits will be required.
 - B. No more than five (5) families or 14 people; whichever is greater, including employees.
 - C. No penal or corrective per Section 4.100.1 of the Butler County Zoning Resolution are permitted on the property.

Mr. Daniel asked Ms. Trent if this is in operation now and Ms. Trent replied no, this is not in Butler County right now.

Mr. Daniel asked Mr. Taylor how long has he been living in his house and he replied since September 25, 2015.

Mr. Fox said they have a whole bevy of items included in item C, and the details are very long, and if this is approved he will put detailed information in the Resolution and said it includes verbiage such things as *Wards of the State*, and people going to jail, etc. and he discussed this with the applicants and they have assured him none of that activity is going to happen.

Ms. Steenken asked what Section this pertained to in the County Zoning Regulations and Mr. Fox confirmed Section 4.100.1.

Mr. Salmon made a motion to approve the request for BZA15-12C as presented subject to staff conditions presented and added a fourth condition (D) being, There is to be no overnight family stays allowed. Mr. Daniel seconded the motion. Motion carried.

Mr. Bevington asked Mr. Trenton if she understood that part of the motion includes no overnights and she replied yes.



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Mr. Fox reiterated that no more than five (5) families, or 14 people, including staff, whichever is greater, are permitted. Mr. Trent said their general understanding is no more than five (5) families, or 14 people but not including staff members and we typically will have one or two staff members.

There was some discussion about whether to include or not include staff members and the consensus was the more staff meant more supervision and none of the board members made any objections to changing the wording to “plus staff” instead of “including staff” as part of Staff Comment B. Staff condition B is, No more than five (5) families or 14 people; whichever is greater; plus employees”.

Mr. Fox said he has a motion and a second per those four (4) staff conditions and called role. Motion carried 5 -0.

AYES: Salmon, Daniel, Steenken, Price, Bevington

NAYES: None

BZA15-13V

Mark Von Hagen
189 Tulipwood Drive
Hamilton, OH 45013

Mr. Mark Von Hagen, Von Hagen Homes, 4695 Industry Drive, Fairfield, OH was sworn in and said he is here on behalf of Mr. & Mrs. Michael Blakley, property owners of 189 Tulipwood Drive, Hamilton, OH, the property is about 31 acres and there are two (2) stub streets on that property and per the Zoning Resolution they can have one (1) dwelling per stub street. The owner wishes to split off another four (4) acres off of Karriwood Drive and we would have approximately 84 feet of road frontage whereas the requirement is 200 feet minimum frontage for any lot over one (1) acre and given this is connected to The Woods of Hanover subdivision there are quite a few lots that are below the 88 feet frontage and it will not change the character of the neighborhood or affect the property value there and that is basically that is it, we are just asking to be allowed one more dwelling on approximately four (4) acres.

Mr. Von Hagen said per his letter of intent, they have been granted easements for permanent sanitary sewer if any abutting properties were to decide to develop their acreage on the north and one on the side not to block up flow in the event of future



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development, however, the sanitary sewer only goes a little beyond the stub and that has been approved by Ms. Constance Kepner (Water & Sewer) per her email message to him.

Mr. Fox asked Mr. Von Hagen if he knows why the developer of that subdivision never finished building. Mr. Von Hagen replied he built one house there and said the property has changed hands at least two (2) times and sales were low and could not justify future phases and no one can justify the cost of completing it.

Mr. Salmon asked how long has the property owners owned the property and Mr. Von Hagen replied not quite a year or close to it and they approached him and two other people as potential builders to build for them.

There was some discussion about the easements.

Mr. Fox said the homeowner wants to build one (1) lot and has two (2) potential clients that want to build on the other two (2) lots.

Mr. Salmon asked Mr. Fox if this gets approved can these lots be split again later. Mr. Fox replied not before going through a Subdivision Plan process but in theory these 14 acres could become a subdivision and build a road to county standards and do what the developer did to the south, yes they could do that in theory. Mr. Fox said they would have to follow the subdivision process.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: Mr. Greg Puckett, 9293 West Street, Cleves, OH 45002.

Mr. Puckett said he and his wife own the property adjacent to the applicant said their only concern is that it remain residential and will not be commercial. His concern is based on their own residential property being in Whitewater Township has no zoning/is unzoned and he wants to make sure his property adjacent to the applicant's will never become something commercial. Mr. Fox said he will make that a condition.

STAFF COMMENTS:

Mr. Fox said the request, BZA15-13V, Mark Von Hagen, 189 Tulipwood Drive, Hamilton, OH 45013, is requesting a variance to split property without proper road frontage. Staff comments are as follows:



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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

Mr. Fox made note the properties to the south in that subdivision have road frontage that is less than 84 feet and staff recommends approval with an additional restriction that there be no business use from the properties.

Ms. Steenken made a motion to approve BZA15-13VC as presented and subject to all the conditions/restrictions mentioned by the staff. Mr. Salmon seconded the motion. Motion carried.

AYES: Steenken Salmon, Price, Daniel, Bevington

NAYES: None



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ADJOURNMENT:

Mr. Daniel made a motion to adjourn and it was seconded by Mr. Salmon. 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
December 15, 2015

Tom Bevington, Chair

James M. Fox, Secretary

Lee Margraf