



# Butler County Board of Zoning Appeals

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Government Services Center, Conference Room #1  
315 High Street, Hamilton, Ohio

AGENDA  
February 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. November 18, 2014 Meetings

III. New Business

- A. BZA15-01V Tim Mick  
                    1890 Vizedom Road  
                    Hamilton, Ohio 45013
- B. BZA15-02V Harrod Homes & Improvements  
                    3191 Old Oxford Road  
                    Hamilton, Ohio 45013

IV. Adjournment

**REGULAR MEETING:** Tuesday, February 17, 2015  
Butler County Government Services Building  
Conference Room 1  
315 High Street, 1<sup>st</sup> 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

Absent: Lee Steenken

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

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APPROVAL OF MINUTES

A. November 18, 2014 Minutes

Mr. Philpot made a motion to approve the draft Minutes for the November 18, 2014 meeting.  
Mr. Daniel seconded the motion. Motion carried.

AYES: Philpot, Daniel, Salmon, Bevington

NAYES: None

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Mr. Bevington said this is a five (5) member Board and because a Board member is absent, three or more members would have to vote in favor for a motion to pass; all applicants can have their case tabled until all Board members are present and they must declare their request to do so prior to presenting their case.

No applicants requested to table their case when asked.

**NEW BUSINESS:**

**BZA15-01V**

Tim Mick  
1890 Vizedom Road  
Hamilton, Ohio 45013

Mr. Mick, 1890 Vizedom Road, Hamilton, said he is requesting a variance to put up a secondary structure.

Mr. Bevington asked the applicant how many structures does he have now and what size, and Mr. Mick replied, “one – that is about 30’ x50’.

Mr. Bevington asked Mr. Mick why he needs another one.

Mr. Mick said he needs it for storage of lawn mowers and stuff like that.

Mr. Salmon asked the applicant if he intends to run a business out of either one and Mr. Mink replied no.

Mr. Bevington asked the applicant if he will have electric or water. Mr. Mick replied not at this time.

Mr. Salmon asked Mr. Mick if he will build it himself or have someone else do it.

Mr. Mick said no he’ll have someone else do it.

Mr. Bevington asked the applicant how long he’s owned the property – and he replied six (6) years.

Mr. Philpot asked the applicant if he had talked with his neighbors and Mr. Mick replied yes he had talked with all of them – all but the back two (2) off of Route 177 and their houses are probably 5 - 6 miles.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

**STAFF COMMENTS:**

Mr. Fox said case number BZ 15-01V, is to requesting a variance to build a second accessory structure on the property. Staff comments are as follows:

1. The property is zoned R-1 Residential.
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.

Mr. Philpot made a motion to approve the variance request for BZA15-01V, Tim Mick, 1890 Vizedom Road, Hamilton, Ohio 45013 subject to staff comment. Mr. Salmon seconded the motion. Motion carried unanimously.

AYES: Philpot, Salmon, Daniel, Bevington

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**BZA 15-02V**

Harrod Homes & Improvements  
3191 Old Oxford Road  
Hamilton Ohio 45013

Mr. Walter Harrod, 3639 Darrtown Road, Oxford said he is here to request a variance at 3191 Old Oxford Road, and would like to change the setback so we can build a new home.

Mr. Harrod offered to show the board his plans if they wanted to see and added it is on one (1) acre. There was a house there once but was taken down a few years back.

Mr. Fox said the reason a variance is necessary is the frontage on Darrtown Road and Old Oxford Road are all measured from the right-of-way, not the center of the road or edge of pavement and the right-of-way out there is a 60 foot full right-of-way so 30' plus another 40' makes it around 70' is the required setback from the right-of-way and he believes the applicant is only at 51 feet to the center of the road and that is why he needs a variance on Darrtown no matter what he does and this works best and fits better and there's plenty of site distance there on Old Oxford Road so the house will not be in the way. Mr. Fox said the applicant has asked to waive the ten-day waiting period.

Mr. Philpot asked Mr. Fox if staff had any problems with this and Mr. Fox replied no.

TESTIMONY IN FAVOR OF: Mr. Kirk Fritzsche, 2063 Darrtown Road, Hamilton Ohio

Mr. Fritzsche said he has lived out there on the corner since 1976 and there was an old house built in 1850-something for the first 20 years and said he's in favor.

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

STAFF COMMENTS:

Mr. Fox said case BZA 15-02V, Harrod Homes & Improvements, (address subject to change once they get their address on to Darrtown Road, Hamilton Ohio 45013), is requesting a variance to build a new home closer to the front setback line. Staff comments are as follows:

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 there is a hardship with the size of the lot and how the owner wants the house placed on the lot for aesthetics the staff will recommend approval with the following conditions
  - A. Waive the ten (10) day waiting period and issue the Building Permit in that time.

Mr. Salmon made a motion to approve the variance request for Harrod Homes & Improvements, 3191 Old Oxford Road, Hamilton, Ohio 45013 due the hardship of the size of the lot, and waive the ten-day waiting period. Mr. Daniel seconded the motion. Motion carried unanimously.

AYES: Salmon, Daniel, Philpot, Bevington

NAYES: None

**ADJOURNMENT:**

Mr. Daniel made a motion to adjourn and it was seconded by Mr. Salmon.

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

February 17, 2015

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Tom Bevington, Chair

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James M. Fox, Secretary

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Lee Margraf