



BUTLER COUNTY BOARD OF ZONING APPEALS
March 19, 2015 Meeting Minutes

AGENDA
BUTLER COUNTY BOARD OF ZONING APPEALS
BUTLER COUNTY ADMINISTRATION CENTER
130 HIGH STREET
HAMILTON, OHIO 45011
March 19, 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. February 17, 2015 Meetings

III. Old Business

A. BZA14-12V FD Ross Ohio Hamilton Cleves Road LLC
 4150 Hamilton Cleves Road
 Fairfield, Ohio 45014

IV. New Business

A. BZA15-03V Shawn & Holly Baker
 3996 Millville Oxford Road
 Oxford, Ohio 45056

V. Adjournment



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REGULAR MEETING: Thursday, March 19, 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

Absent: Lee Steenken

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

Approval of Minutes:

A. February 17, 2015 Minutes

Mr. Salmon made a motion to approve the draft Minutes for the February 17, 2015 meeting. Mr. Daniel seconded the motion. Motion carried.

AYES: Salmon, Daniel, Philpot, Bevington

NAYES: None



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NEW BUSINESS:

BZA15-03V
Shawn & Holly Baker
3996 Millville Oxford Road
Oxford, Ohio 45056

Mr. Fox stated the attorney for the applicant has withdrawn the applicant's zoning variance request therefore we will move on to Old Business.

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.

OLD BUSINESS:

BZA14-12V
FD Ross Ohio Hamilton Cleves Road LLC
4150 Hamilton Cleves Road
Fairfield, Ohio 45014

Mr. Fox provided a brief history on this application and stated there were some parking issues between the applicant for Family Dollar and Ross Township and they got things worked out and are ready to move forward to come before this board.

Mr. William Tippman, Vice President of Atwater Group, resides and works at 7533 Piners Drive, Cincinnati, 45244, said he is here to request a variance for the number of parking spaces allowed in a front yard and they have met with Ross Township Trustees several times and they have indicated support for the applicants' request for ten (10) parking spaces out front of a total of 37 spaces.

Mr. Fox said County code allows for ten percent (10%) of total parking spaces to be in a front yard and the applicant is requesting a variance for more than code allows.



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Mr. Tippman stated they are requesting a total of ten (10) parking spaces in the front yard rather than the allowed four (4) spaces and they have met with staff and the Township and both groups are in support of our request.

Mr. Daniel said he received a call from the Township Trustee President and they have no trouble with this application.

Mr. Fox said what we are trying to avoid is blocking vision of the front of the building and initially they had requested two (2) rows of parking but got rid of the row up front.

Mr. Salmon asked if this plan indicates the portions of land which the applicant is purchasing for this to which Mr. Tippman replied yes.

TESTIMONY IN FAVOR OF: Ms. Anne Burkhart, 107 Terrace Court, Fairfield Ohio, gave some background history on this property and said it is her property and she wants to sell it and the company will not build a building if they do not get the variance and Ross Township is strongly in favor of having a new, updated, larger Family Dollar store for the community and she feels it's a good thing for everybody.

Mr. Salmon asked Ms. Burkhart if she will have any ownership in this venture or is she just selling the land.

Ms. Burkhart said she is just selling the land.

Mr. Fox asked Mr. Tippman how they will get sewer and water hooked.

Mr. Tippman replied water will be taken from Hamilton Cleves Road and the sewer will come over Venice and he will give us an easement and in turn they will allow him to serve his building off that.

Mr. Fox asked Mr. Tippman if he was familiar with the history of the property and went on to explain what had transpired in the past and asked Mr. Tippman to confirm that he will be getting an easement across the entire property from the other property owner and Mr. Tippman replied yes. Mr. Tippman then proceeded to draw a picture to explain what they will be doing and where. Mr. Fox asked if the Atwater Group would be willing to meet with Butler County Water & Sewer staff to discuss getting the sewer up to the road and Mr. Tippman replied yes and said he feels it would be much cleaner to do it that way and he had not been aware of the history of this situation. Mr. Fox said he will call Mr. Tippman to follow through with this.

Mr. Tippman said being allowed the easement is part of the purchase agreement and for the record the purchase agreement has not yet been signed but is under serious negotiation.



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Ms. Burkhart said he is her ex-husband and unfortunately she jointly owns the northern most part of the property of the original lot – she owns 120 feet of that and he owns the remaining 40 feet so she signed it as fast as she could to have the sewer through her property; he has two (2) taps on the Venice side that was set up a long time ago and being available for the outside lot.

Mr. Fox said that is irrelevant to this case tonight.

No further questions.

STAFF COMMENTS

Mr. Fox said, Case No. BZA14-12V, FD Ross Ohio Hamilton Cleves Road LLC, 4150 Hamilton Cleves Road, Fairfield, Ohio 45014, is requesting a variance to locate more than the allowed ten percent (10%) of the parking in the front yard. Staff Comments are as follows:

1. The property is zoned B-2 General Business.
2. This area is business in character with some residential homes in the area.
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 staff will recommend approval.

Mr. Philpot made a motion to approve the variance for BVZA 14-12V, FD Ross Ohio Hamilton Cleve Road, LLC, 4150 Hamilton Cleves Road, Fairfield, Ohio per staff comments. Mr. Daniel seconded the motion. Motion unanimously approved.

ADJOURNMENT:

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



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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

March 19, 2015

Tom Bevington, Chair

James M. Fox, Secretary

Lee Margraf