

AGENDA  
BUTLER COUNTY BOARD OF ZONING APPEALS  
BUTLER COUNTY ADMINISTRATION CENTER  
130 HIGH STREET  
HAMILTON, OHIO 45011  
September 15, 2009

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.                      June 16, 2009

III. New Business

- A.      BZA09-11V   Eugene Cox, Sr.  
                         6980 College Corner Pike  
                         College Corner, Ohio 45003
- B.      BZA09-12V   Kevin Vollmer  
                         4318 Stillwell Beckett Road  
                         Hamilton, Ohio 45013

IV. Adjournment

REGULAR MEETING: Tuesday, September 15, 2009, 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. Alan Daniel  
Mr. Gary Salmon  
Ms. Lee Steenken

MEMBERS ABSENT: Mr. Henry W. Philpot

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

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**APPROVAL OF MINUTES:**

Mr. Salmon motioned to approve the minutes of the June 16, 2009 meeting subject to changing the word *licensed* to *unlicensed* on page 11. Ms. Steenken seconded. Motion carried.

AYES: Salmon, Steenken, Daniel, Bevington

NAYES: None

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**I. NEW BUSINESS**

**BZA09-11V**

Eugene Cox, Sr.  
6980 College Corner Pike  
College Corner, Ohio 45003

Mr. Bevington stated he knows Mr. Cox's wife, who worked with his wife, and said if there are any problems with that he will abstain from voting.

Mr. Fox said as far as he is concerned, he is not aware of anyone in opposition to this case and there is no one else present, except the other applicant for this evening, so he said Mr. Bevington may go ahead and vote.

Mr. Bevington said he wanted to state this for the record.

Mr. Eugene Cox, Sr. and Mr. Eugene Cox, Jr. stood before the Board. Mr. Cox, Jr. spoke on behalf of his father and said his father would like to build an accessory building and would really like for it to be located in the back of the house, which is an appropriate location and he is limited by the shape of the lot (as shown on the lot plan submitted) and it is a three-sided lot and to put it in the rear of the house and keep within the Butler County Rural Zoning Code, Section 6.124, would really encroach on the existing driveway as well as the turning radius that is there with the existing garage, which is entered from the rear of the house.

Mr. Cox, Jr. said given the agricultural nature of the area and because there are no objections from the neighbors, he hopes this Board will vote to approve this request.

Mr. Salmon asked if the existing building would be removed.

Mr. Cox, Jr. said yes and that it was already there when his parents bought the property.

Mr. Bevington asked Mr. Cox if he planned on putting electric or water in the building.

Mr. Cox, Sr. said yes to electric but no to water.

Ms. Steeken asked if the building would be used for storage.

Mr. Cox, Sr. replied yes.

Mr. Fox said he is aware that Mr. Cox used to be in the construction business, and asked if he plans on running his construction business out of the proposed building.

Mr. Cox, Jr. said no, he is not planning to run a construction business again.

Mr. Fox said it was a concern of one of the neighbors that called him.

Mr. Bevington asked Mr. Cox, Sr. how long he has owned that property.

Mr. Cox, Sr. said six years.

Mr. Salmon asked who will build the building.

Mr. Cox, Jr. said he and his father will build it.

Mr. Salmon asked Mr. Cox if he has talked with Mr. Joel Summers.

Mr. Cox, Sr. said yes, he spoke with him and it doesn't matter to Mr. Summers.

IN FAVOR: None

IN OPPOSITION: None

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said the applicant is requesting approval to build an accessory structure closer to the side property line closer than zoning allows. Mr. Fox stated staff comments as follows:

- 1 The property is zoned R-2 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.

Mr. Salmon made a motion to approve Case BZA09-11V with the condition that a building permit is required and the building will be for personal use only, no businesses. Ms. Steenken seconded the motion. Motion carried.

AYES: Salmon, Steenken, Daniel, Bevington

NAYES None

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**BZA09-12V**

Kevin Vollmer  
4318 Stillwell Beckett Road  
Hamilton, Ohio 45013

Mr. Kevin Vollmer, 4485 Stillwell Beckett Road, Oxford, Ohio 45056, said he would like to split property without proper road frontage. He presented pictures to show the Board and indicated where the drive will go and said his parents gave him the property to build a house for himself and his fiancé and the property is land-locked and the only way to approach this property is to (inaudible). The other house has more frontage but does not have line of sight for the hill and this is the only feasible way put a driveway in. He said he will build one single-family dwelling. He said that there are two other properties that abut this one and has 50 feet of road frontage and another has 100 feet or so.

Mr. Bevington asked Mr. Vollmer how long his family has owned that property.

Mr. Vollmer said he believes about eight or nine years and the land on the other side has been in the family for generations.

With regard to the drawing Mr. Vollmer submitted, which indicated the way he intends to subdivide the property, Mr. Fox asked Mr. Vollmer if that is still the way he is going to do it.

Mr. Vollmer said yes, that is exactly how.

Mr. Vollmer said (inaudible) other wise they will continue to farm. There is a tree line going all the way across there so it is cut off from the rest of everything.

Mr. Fox said the remaining 22.8 acres will be attached to the parcel in Reily Township, and asked Mr. Vollmer if that is correct.

Mr. Vollmer said that is correct.

Mr. Fox said, for the record, if you look at the recorded plat and look right up the street, they got a variance to subdivide that property in half approximately six or seven years ago for parcels labeled #86 and # 41.

Mr. Salmon asked if Mr. Fox was referring to those two back parcels.

Mr. Fox said yes, it used to be one big property.

Mr. Daniels made a motion to accept Mr. Vollmer's photographs for the file. Ms. Steenken seconded the motion. Motion carried.

Mr. Fox asked Mr. Vollmer if he could keep the photographs for the record.

Mr. Vollmer replied yes.

Mr. Salmon asked Mr. Vollmer if this property starts back at the tree line behind these lots.

Mr. Vollmer said it is way back in there and he pointed out where the tree line is and where the property line is.

Mr. Salmon asked Mr. Vollmer when he plans to build.

Mr. Vollmer said he and his fiancé are getting married June 15 and they will put her house on the market then build. He added that he plans to put in a driveway and a couple of out-buildings until they get her house sold.

Mr. Fox said he does not have a problem if the applicant wishes to modify his variance, but building an accessory building without a house on the property is not permitted. The way the code is written, an accessory building would not be allowed without already having a house built, so currently he would not be allowed to build a barn first and then come back and build a house – the house must be there first.

Mr. Fox told Mr. Vollmer he would have to have at least the footer and foundation on the house and it is up to the Board if they want to allow Mr. Vollmer one accessory building.

Mr. Fox said there is no one here objecting to this and he does not think anyone else would object to it.

Mr. Fox said Mr. Vollmer may wish to modify his application and ask to have the property split without proper road frontage and to allow him to build one accessory building before the house is built and that would be up to the Board to decide.

Mr. Daniel asked if the reason for the accessory building is for security – to use it for security for whatever he is going to put out back there before the house is built.

Mr. Vollmer said yes and added that he has a bunch of toys stored in his father's barn and would like to get them out of the barn as well.

Ms. Steenken asked Mr. Vollmer if then he would like to modify his request.

Mr. Vollmer said yes, to add one primary out-building.

No further questions.

**STAFF COMMENTS:**

Mr. Fox said the request for BZA09-12V is to split property without proper road frontage and construct an accessory structure before the house. 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 split from an agricultural district, but since this will not change the character of the area the staff will recommend approval.

Mr. Fox said with the precedence that has already been set by this Board splitting property in the general area without proper road frontage is also a supporting fact. He also added, with building the accessory building before building the house, there are a couple of conditions that would be required: a building permit is required for the barn, no business activity of any sort can be conducted from the building, no occupying the barn as living quarters and no storage of junk or debris outside of the building, everything must be stored inside the building and not spread around the property.

Ms. Steenken moved to approve the request per the staff comments. Mr. Daniel seconded the motion. Motion carried.

AYES: Steenken, Daniel, Salmon, Bevington

NAYES: None

**ADJOURNMENT:**

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A motion was made by Mr. Daniel, 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  
September 15, 2009

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Tom Bevington, Chair

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James M. Fox, Secretary

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Lee Margraf