



BUTLER COUNTY BOARD OF ZONING APPEALS

Butler County Administration Center
130 High Street | Hamilton, Ohio 45011

Meeting Agenda
Tuesday, September 19, 2017
7:00 p.m.

I. Opening

- A. Roll Call
 - Mr. Gary Salmon
 - Mr. Thomas Bevington
 - Mr. Alan Daniel
 - Mr. Bryan Price
 - Mr. Chad Norvell

II. Approval of Minutes

- A. April 18, 2017

III. New Business

- A. BZA17-20V Jason Carr
1158 Kailyn Court
Hamilton, Ohio 45013
- B. BZA17-21V Patrick Goodpaster
8901 Bobby Drive
Middletown, Ohio 45042
- C. BZA17-22V Charles & Kaitlin Stone
7384 Middletown Germantown Road
Middletown, Ohio 45042
- D. BZA17-23V Jon McCormick
2646 Gardner Road
Hamilton, Ohio 45013
- E. BZA17-24 Watson Gravel
2362 & 2389 Hamilton-Cleves Road
Hamilton, Ohio 45013

IV. Adjournment



BUTLER COUNTY BOARD OF ZONING APPEALS

Butler County Administration Center
130 High Street | Hamilton, Ohio 45011

Meeting Minutes
Tuesday, September 19, 2017
7:00 p.m.

REGULAR MEETING: Tuesday, September 19, 2017
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
Mr. Chad Norvell
Mr. Bryan Price
Mr. Gary Salmon

Absent: Mr. Alan Daniel

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager
Kimberly Lee, Administrative Secretary

Approval of Minutes:

August 15, 2017

Mr. Salmon made a motion to approve the August 15, 2017 meeting draft Minutes. Mr. Price seconded the motion. Motion carried 4-0.

AYES: Salmon, Price, Norvell, Bevington

Mr. Bevington asked for a motion to table Watson Gravel.

Mr. Salmon made a motion to table BZA17-24C Watson Gravel to December 19, 2017. Mr. Price seconded the motion. Motion carried 4-0.

AYES: Salmon, Price, Bevington, Norvell

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.

BZA17-20V

Jason Carr
1158 Kailyn Court
Hamilton, Ohio 45013

Mr. Carr states he built a house last year and has no room in the back of the house due to a septic tank, 8 leach lines, and 4 curtain drains that take up the entire back yard. He is requesting to construct an in-ground pool in the side yard.

Questions and Comments:

- Mr. Norvell asked if there would be any drainage problems. Mr. Carr replied, no there will not be any issues.
- Mr. Fox states he heard from the neighbor on the right and they have no problem with the pool installation.

No testimony in favor of
No testimony in opposition to
No neutral testimony
No other questions or comments

Staff Comments

Request: Construct an in-ground pool in the side yard.

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 and the hardship that exists with the septic system in the rear yard the staff will recommend approval with the following condition:
 - A. A Building Permit is required.
- Mr. Salmon asked if a fence would be required. Mr. Fox replied, four (4) ft. high, self-closing, self-latching gate fence around the pool.

Mr. Price made the motion to approve **BZA170-20V** subject to staff comments. Motion was seconded by Mr. Norvell. Motion carried 4-0.

AYES: Price, Norvell, Bevington, Salmon
NAYES: None
ABSTAIN: None

BZA17-21V

Patrick Goodpaster
8901 Bobby Drive
Middletown, Ohio 45042

Mr. Goodpaster states he would like to build a Pole Barn in order to clean up and secure items due to current structure being broken in to constantly. The leach lines for the property are clear where they plan to put it.

Questions and Comments:

- Mr. Bevington asked will the current structure stay.
Mr. Goodpaster replied, no this will replace it.
- Mr. Bevington asked how close to property owners.
Mr. Goodpaster replied, 15 feet from the closest neighbor, 70 feet from the road, and 30 feet from back neighbors.
- Mr. Bevington asked, how long have they lived there.
Mr. Goodpaster replied 9 years, recently bought the house in April from the estate of deceased father & mother-in-law's estate.
- Mr. Bevington asked does he plan to run a business out of it.
Mr. Goodpaster replied, no.
- Board member asked will there will electric.
Mr. Goodpaster replied, yes.
- Mr. Bevington asked will there be water.
Mr. Goodpaster replied, no.
- Mr. Norvell asked will he build it himself.
Mr. Goodpaster replied, it will be professionally done, DYI Pole Barns will build.
- Mr. Goodpaster asked if approved, can the 10-day waiting period be waived.

No testimony in favor of

No testimony in opposition of

No neutral testimony

No other questions or comments

Staff Comments

Request: Build an accessory structure larger than zoning allows.

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

Mr. Salmon made the motion to approve **BZA17-21V** subject to staff comments and to waive the 10-day waiting period. Motion was seconded by Mr. Price. Motion carried 4-0.

AYES: Salmon, Price, Norvell, Bevington

NAYES: None

ABSTAIN: None

BZA17-22V

Charles & Kaitlin Stone (*Charles unable to attend due to work out of town*)

7384 Middletown Germantown Road

Middletown, Ohio 45042

Mr. Nicky Neal (father of Kaitlin)

7545 Michael Road

Middletown, Ohio 45042

(Present in Charles' absence)

Mrs. Stone is asking permission to build an enclosed lean to on back of her barn to store a boat, Jet Ski, trailer and other items.

Questions and Comments:

- Mr. Bevington, will that get everything that's outside in.
Mrs. Stone replied, yes.
- Asked, will there will electric.
Mrs. Stone replied, yes.
- Mr. Bevington asked, will there be water.
Mrs. Stone replied, no.
- Mr. Bevington, asked does she plan to run a business out of it.
Mrs. Stone replied, no.
- Mr. Salmon asked if it will be attached to the existing structure.

Mrs. Stone replied yes.

- **Comment:** Mr. Fox states that he needed to let her know that he did speak with a neighbor (who did not show up for the hearing) who states that they (Mr. & Mrs. Stone) are scrapping on the property. Mr. Fox states he saw no evidence.
Mrs. Stone states no they are not scrapping on the property.
- A Board Member asked are they building it themselves.
Mrs. Stone replied, yes her husband is building it.
- A Board Member asked will it have sides, will it have doors on it.
Mr. Neal states yes, it will be enclosed to make it secure.
- Mr. Norvell asked how big the existing barn is.
Mrs. Stone states 30x50.

No testimony in favor of
No testimony in opposition of
No neutral testimony
No other questions or comments

Staff Comments

Request: Build and accessory structure larger than zoning allows.

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.

Mr. Norvell made the motion to approve **BZA17-22V** subject to staff comments. Motion was seconded by Mr. Salmon. Motion carried 4-0.

AYES: Norvell, Salmon, Price, Bevington
NAYES: None
ABSTAIN: None

BZA17-23V

Jon McCormick
2646 Gardner Road
Hamilton, Ohio 45013

Mr. McCormick is requesting to build a Pole Barn for storage. Have two (2) brand new boats, lawn mowers and other items to store.

Questions and Comments:

- Mr. Bevington asked where it will be located.
Mr. McCormick replied it will be located at the back of the house.
- Mr. Bevington asked will he still be able to have vision out the back.
Mr. McCormick replied yes
- Mr. Bevington, asked does he plan use it as a business.
Mr. McCormick replied, no.
- A Board Member asked will there will electric.
Mr. McCormick replied, eventually.
- Mr. Bevington asked, will there be water.
Mr. McCormick replied, eventually.
- Mr. Norvell asked if he planning to extend his driveway.
Mr. McCormick replied states he's waiting on a price, he would like to do everything now.
- Mr. Salmon asked if he's spoken to his neighbors.
Mr. McCormick replied yes, they have no problems with it.
Mr. Fox states he has not received any calls.
- A Board Member asked will he be within six (6) feet of the property line.
Mr. McCormick replied yes.
- Mr. Norvell asked will he build a pad to elevate.
Mr. McCormick replied yes
- A Board Member asked who is building.
Mr. McCormick replied Barncraft.
- Mr. Bevington states he didn't see any stakes up.
Mr. McCormick replied due to bad experience in past he's waiting to see if this is approved before proceeding.
- Mr. Norvell asked if there are any current drainage issues.
Mr. McCormick replied there are no current draining issues that he's seen

No testimony in favor of
No testimony in opposition of
No neutral testimony
No other questions or comments

Staff Comments

Request: Build and accessory structure larger than zoning allows and closer to the side and rear property line than zoning allows.

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.

Mr. Norvell made the motion to approve **BZA17-23V** subject to staff comments. Motion was seconded by Mr. Salmon. Motion carried 4-0.

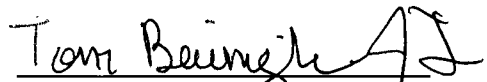
AYES: Norvell, Salmon, Price, Bevington
NAYES: None
ABSTAIN: None

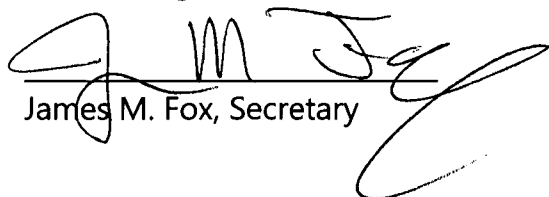
ADJOURNMENT:

Mr. Salmon made a motion to adjourn and it was seconded by Mr. Price. Meeting adjourned.
AYES: Salmon, Price, Bevington, Norvell

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 19, 2017


Tom Bevington, Chair


James M. Fox, Secretary