



# BUTLER COUNTY BOARD OF ZONING APPEALS

Butler County Government Services Center  
315 High Street | Hamilton, Ohio 45011

Meeting Agenda  
Tuesday, April 17, 2018  
7:00 p.m.

## I. Opening

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

## II. Approval of Minutes

- A. March 20, 2018

## III. Old Business (Withdraw Case)

- A. BZA17-24C Watson Gravel  
2362 & 2389 Hamilton-Cleves Rd.  
Hamilton, Ohio 45011

## IV. New Business

- A. BZA18-08V Rob Oswald  
8194 Thomas Rd.  
Middletown, Ohio 45042
- B. BZA18-09V Lisa Ellram  
5706 Forest Ridge Dr.  
Oxford, Ohio 45056

## V. Adjournment

**REGULAR MEETING:** Tuesday, April 17, 2018  
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  
Mr. Gary Salmon  
Mr. Alan Daniel  
Mr. John Burgess, Alternate

Absent: Mr. Chad Norvell  
Mr. Bryan Price

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager  
Stephanie Foley, Administrative Secretary

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**Approval of Minutes:**

**March 20, 2018**

Mr. Daniel made a motion to approve the March 20, 2018 meeting draft Minutes. Mr. Salmon seconded the motion. Motion carried 4-0.

**AYES:** Daniel, Salmon, Burgess, Bevington

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**Old Business:**

**BZA17-024C**

Watson Gravel  
2362 & 2389 Hamilton-Cleves Rd.  
Hamilton, Ohio 45011

Mr. Bevington introduced this as a formal withdrawal on the record to withdraw this case from consideration for board approval at this time, per a letter sent by attorney Jack Grove.

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

Mr. Salmon made the motion to approve **BZA17-24C**. Motion was seconded by Mr. Burgess. Motion carried 4-0.

**AYES:** Salmon, Burgess, Daniel, Bevington  
**NAYES:** None  
**ABSTAIN:** None

## **New Business:**

### **BZA18-08V**

Rob Oswald  
8194 Thomas Rd.  
Middletown, Ohio 45042

Mr. Bevington swore in the applicant, Rob Oswald, 8194 Thomas Rd., Middletown, Ohio 45042. The applicant introduced the proposal for a variance to allow an accessory structure to be built in the front yard and closer to the front property line than zoning currently allows.

**Testimony in favor of:** Mr. Oswald testified that he would like to build a pole barn on his property strictly to be used for personal storage. He stated that there would not be electric or water in the barn and that it would not be used to run a business.

### **Questions and Comments:**

- Mr. Salmon asked if the barn would be built behind the tree line shown in a picture representation from the road. Mr. Oswald said that the barn would be built behind the trees.
- Mr. Salmon asked if there would be access to the structure off the existing driveway or if new access would be constructed. Mr. Oswald stated that he would be using his existing driveway for access to the structure, and that new access would not be necessary.
- Mr. Salmon asked if the applicant was building the structure himself, to which Mr. Oswald responded that he would be having the barn professionally built.

Mr. Daniel stated that as a Township Trustee, he had no objection to the structure. He stated that the applicant keeps his property nice and that the trees would mostly hide the structure from view anyway.

**No testimony in opposition to  
No neutral testimony  
No other questions or comments**

**Staff Comments**

The request is to build an accessory structure in the front yard and closer to the front property line than zoning currently 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, staff will recommend approval with the following conditions:
  - a. A Building Permit is required.
  - b. No new driveway access to Thomas Rd. Must use existing driveway.

Mr. Daniel made the motion to approve **BZA18-08V** subject to staff comments. Motion was seconded by Mr. Salmon. Motion carried 4-0.

**AYES:** Daniel, Salmon, Burgess, Bevington  
**NAYES:** None  
**ABSTAIN:** None

**BZA18-09V**

Lisa Ellram  
5706 Forest Ridge Dr.  
Oxford, Ohio 45056

Mr. Bevington swore in the applicant, Lisa Ellram, 5706 Forest Ridge Dr., Oxford, Ohio 45056. The applicant introduced the proposal for a variance to build a house on a lot closer to the front property line than zoning currently allows.

**Testimony in favor of:** Ms. Ellram passed out printed topography maps of the land to the board members. The maps show the rough terrain that prevents her from building further away from the property line, as required by zoning. She testified that approximately 90 feet back, her property drops off severely.

**Questions and Comments:**

- Mr. Bevington asked if the applicant had spoken with any of her neighbors. She stated that she had and had not heard anything negative about.
- Mr. Fox stated that he had suggested that the applicant talk to the developer of the land, and Ms. Ellram stated that she had.

**Testimony in opposition**  
**No neutral testimony**

**Staff Comments**

The request is to build a house closer to the front property line than zoning allows.

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 with the hardship that exists with the land and since this will not change the character of the area, staff will recommend approval with the following conditions:
  - a. A Building Permit is required.

Mr. Salmon made the motion to approve **BZA18-09V** subject to staff comments. Motion was seconded by Mr. Burgess. Motion carried 4-0.

**AYES:** Salmon, Burgess, Daniel, Bevington  
**NAYES:** None  
**ABSTAIN:** None

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**ADJOURNMENT:**

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

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  
April 17, 2018

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Tom Bevington, Chair

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James M. Fox, Secretary

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Stephanie Foley, Administrative Secretary