



BUTLER COUNTY BOARD OF ZONING APPEALS

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

Meeting Agenda
Tuesday, September 18, 2018
7:00 p.m.

I. Opening

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

Absent Mr. Chad Norvell

II. Approval of Minutes

A. August 21, 2018

III. New Business

- A. BZA18-19V Lizbeth Proffitt
 4330 Walnut St.
 Darrtown, Ohio 45056
- B. BZA18-20V Christopher Staton
 5066 Hamilton-Eaton Rd.
 Hamilton, Ohio 45013
- C. BZA18-21V Ronald Dossenback
 2094 Gardner Rd.
 Hamilton, Ohio 45013
- D. BZA18-22V Michael Barry
 1573 Millville Shandon Rd.
 Hamilton, Ohio 45013
- E. BZA18-23V Steven O'Brien
 3106 Layhigh Rd
 Hamilton, Ohio 45013
- F. BZA18-24V John Witte
 4200 Layhigh Rd.
 Fairfield, Ohio 45014

- G. BZA18-25V David Beckett
5170 Trenton Franklin Rd.
Middletown, Ohio 45042

IV. Adjournment

REGULAR MEETING: Tuesday, September 18, 2018
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. Gary Salmon
Mr. Bryan Price
Mr. Alan Daniel

Absent: Mr. Chad Norvell

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

Approval of Minutes:

August 21, 2018

Mr. Salmon made a motion to approve the August 21, 2018 meeting draft Minutes. Mr. Daniel seconded the motion. Motion carried 4-0.

AYES: Salmon, Daniel, Price, Bevington

New Business:

BZA18-19V

Lizbeth Proffitt
4330 Walnut St.
Darrtown, Ohio 45056

Mr. Bevington swore in the applicant, Lizbeth Proffitt, 4330 Walnut Street, Hamilton, Ohio 45056. The applicant informed the board that she was requesting to build an accessory building larger than zoning allows.

Testimony in favor of: Lizbeth Proffitt explained that the building would be used for personal family storage for vehicles, large machinery and other tools.

Questions and Comments:

- Mr. Bevington asked if the applicant had spoken to her neighbors. The applicant stated that she had.
- Mr. Bevington also asked in the applicant was going to have electric and water in the building. The applicant stated she would have electric but was unsure of water at this point.
- Mr. Bevington asked in there would be a business run out of the building. Ms. Proffitt stated that there would be no business use of the structure.
- Mr. Salmon asked how the building would be accessed. The applicant stated that there was an alley behind where the structure would be built and it would be accessed by that.
- Mr. Price asked if a gravel pad would be added, to which the applicant stated that it would.

No testimony in opposition

No neutral testimony

Staff Comments

The request is to build an accessory building larger than zoning allows.

1. The property is zoned R-2 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 conditions:
 - a. A building permit is required.
 - b. No business is to operate from the building.

Mr. Salmon made the motion to approve **BZA18-19V** subject to staff comments. Motion was seconded by Mr. Daniel. Motion was approved 4-0.

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

BZA18-20V

Christopher Staton
5066 Hamilton-Eaton Rd.
Hamilton, Ohio 45013

Mr. Bevington swore in the applicant, Christopher Staton, 5066 Hamilton-Eaton Road, Hamilton, Ohio 45013. The applicant is requesting to build an addition to an accessory building larger than zoning allows.

Testimony in favor of: Christopher Staton wants to add on to his existing building to be able to store his personal belongings. Mr. Staton would be constructing the addition by himself.

Questions and Comments:

- Mr. Bevington asked if the applicant planned to have water and electric in the addition. The applicant stated that he would be tapping into the existing electric in the building, but would not have water.
- Mr. Bevington asked if there would be any business activity or any residents. The applicant said no to both.

No testimony in opposition

No neutral testimony

Staff Comments

The request is to build an addition to an accessory building larger than zoning allows.

1. The property is R-2 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 condition:
 - a. A Building Permit is required

b. No business use of the property

Mr. Price made the motion to approve **BZA18-20V**. Motion was seconded by Mr. Salmon. Motion carried 4-0.

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

BZA18-21V

Ronald Dossenback
2094 Gardner Rd
Hamilton, Ohio 45013

Mr. Bevington swore in the applicant, Ronald Dossenback, 2094 Gardner Road, Hamilton, Ohio 45013. The applicant is requesting to build an accessory building larger than zoning allows, and closer to the side property line than zoning allows.

Testimony in favor of: Ronald Dossenback explained that he wanted to build a pole barn in his backyard to use as a shop for his own personal hobbies and storage.

Questions and Comments:

- Mr. Price asked if there would be water in it. Mr. Dossenback stated that there would not.
- Mr. Salmon asked if the applicant had spoken with his neighbor closest to the proposed structure. He stated that he had.
- Mr. Price asked about the height of the building. The applicant stated that he was not sure, but he would have a 10-foot garage door.
- Mr. Price asked if a business would operate out of the structure. Mr. Dossenback said there would be no business activity.

Mr. Fox stated that he had worked with the applicant to get a good survey done and that the builder who would be installing it was a known and reputable builder.

Cynthia Dossenback, the wife of the applicant, stated that her husband needed the pole barn because it would be beneficial for his health and his well-being.

No testimony in opposition

No neutral testimony

Staff Comments

The request is to build an accessory building larger than zoning allows, and closer to the side property line than zoning allows.

1. The property is 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 condition:
 - a. A Building Permit is required
 - b. No business use of the property

Mr. Salmon made the motion to approve **BZA18-21V**. Motion was seconded by Mr. Price. Motion carried 4-0.

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

BZA18-22V

Michael Barry
1573 Millville Shandon Rd.
Hamilton, Ohio 45013

Mr. Bevington swore in the applicant, Michael Barry, 1573 Millville Shandon Road, Hamilton, Ohio 45013. The applicant is requesting to operate a one bay beauty salon from an accessory building.

Testimony in favor of: Michael Barry explained that he was requesting to build a pole barn and an adjoined room that would be a single-bay salon. Mr. Barry explained the proposed operation of the salon and explained the workings of the project with the land layout. He explained that it would have water, electric, and heat. He also stated that he had spoken with his neighbors and had no objections. He stated that there are other commercial businesses on his street. Mr. Barry explained that there would never be more than the single bay in the structure.

Questions and Comments:

- Mr. Price asked for the applicant to show on the aerial where the other commercial buildings are in relation to the applicants property. The applicant obliged.
- Mr. Salmon asked how the patrons would access the pole barn. Mr. Barry said that they would be using their existing driveway and adding a gravel path to the facility.

- Mr. Salmon asked about the septic issues proposed. The applicant stated that they would either tie into their existing septic or increase the capacity of the current septic and tie into it.
- Mr. Bevington asked if they had spoken to the health department, to which the applicant stated they had not.
- Mr. Fox stated that he spoke at length to the applicant about the requirements of the health department, and that it is up to the discretion of the board whether to send them to the health department.

No testimony in opposition

No neutral testimony

Staff Comments

The request is to operate a one bay beauty salon from an accessory building.

1. The property is 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, and since a hardship was not shown, the staff will recommend denial of the variance.

Mr. Daniel asked staff to review staff comments if the board were to move forward with an approval.

Mr. Fox explained that the following conditions would have to be met:

1. Hours of operation were to be contained to Wednesday through Friday, 10:00 AM to 6:00 PM, and Saturday, 9:00 AM to 3:00 PM.
2. Only one bay at the salon is permitted.
3. A commercial building permit is required.
4. The salon would be for Michael Barry's family only.
5. No driveway access from Millville Shandon Road.

Mr. Price made the motion to deny **BZA18-22V**. Motion was seconded by Mr. Salmon. Motion failed 2-2.

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

BZA18-23V

Steven O'Brien
3106 Layhigh Rd.
Hamilton, Ohio 45013

Mr. Bevington swore in the applicant, Steven O'Brien, 3106 Layhigh Road, Hamilton, Ohio 45013. The applicant is requesting to build an accessory structure closer to the front property line than zoning allows.

Testimony in favor of: Steven O'Brien explained to the board that he was requesting to build an accessory structure to house personal belongings. Mr. O'Brien stated that he was asking to put the building 20 feet closer to the middle of the road than zoning allows so his two daughters could also have access to their belongings that would be in the building. He stated that there would be electric but not water.

Questions and Comments:

- Mr. Salmon asked what would be stored in the building. Mr. O'Brien said he would be using it to house trucks and other recreational vehicles, as well as using it for personal storage.
- Mr. Price asked if the applicant would be building it himself, to which he said no.
- Mr. Price asked how tall the building would be. Mr. O'Brien said it would be 12-14 feet tall.
- Mr. Salmon asked how the building would be accessed, and the applicant stated that he would access using his existing driveway.

No testimony in opposition

No neutral testimony

Staff Comments

The request is to build an addition to an accessory building larger than zoning allows.

1. The property is 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 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 business use of the property

Mr. Price made the motion to approve **BZA18-23V**. Motion was seconded by Mr. Salmon. Motion carried 4-0.

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

BZA18-24V

John Witte
4200 Layhigh Rd
Fairfield, Ohio 45014

Mr. Bevington swore in the applicant, John Witte, 4200 Layhigh Road, Fairfield, Ohio 45014. The applicant is requesting to build an accessory structure larger than zoning allows and closer to the side property line than zoning allows.

Testimony in favor of: John Witte explained to the board that the barn would be used for personal storage of large items such as a boat, trucks, and motorcycles. There would be electric in it eventually, but no water and no business operation.

Questions and Comments:

- Mr. Salmon asked about the presence of the old building. Mr. Witte explained that there had been an old shed on the property at one time, but he had taken it down due to it being beyond repair. The plan is to build the new building over the footprint of the old.
- Mr. Salmon asked how much bigger the new one would be from the old one. The applicant stated that it would be approximately 3 times bigger than the old building.

Mr. Daniel stated that the township trustees had expressed no opposition to this variance.

No testimony in opposition
No neutral testimony

Staff Comments

The request is to build an addition to an accessory building larger than zoning allows.

1. The property is R-3 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 condition:

- a. A Building Permit is required
- b. No business use of the property

Mr. Salmon made the motion to approve **BZA18-24V**. Motion was seconded by Mr. Price. Motion carried 4-0.

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

BZA18-25V

David Beckett
5170 Trenton Franklin Rd.
Middletown, Ohio 45042

Mr. Bevington swore in the applicant David Beckett, 5170 Trenton Franklin Road, Middletown, Ohio 45042. The applicant is requesting to build an accessory structure closer to the front property line than zoning allows.

Testimony in favor of: David Beckett explained that his request was to build a new accessory structure closer to the front line because it is the only logical place he can build it. There is a considerable slope in his yard and the placement of his neighbor’s driveway also hinders any other options. The structure would be used for personal storage of property.

Questions and Comments:

- Mr. Price asked how the building would be accessed, and the applicant stated that his driveway runs through the property and he can access it from either direction.

No testimony in opposition

No neutral testimony

Staff Comments

The request is to build an addition to an accessory building larger than zoning allows.

- 5. The property is R-1 Residential.
- 6. This area is rural in character.
- 7. 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.

8. 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 condition:
 - a. A Building Permit is required
 - b. No business use of the property

Mr. Price made the motion to approve **BZA18-25V**. Motion was seconded by Mr. Daniel. Motion carried 4-0.

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

ADJOURNMENT:

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

AYES: Salmon, Daniel, Price, 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
September 18, 2018

Tom Bevington, Chair

James M. Fox, Secretary

Stephanie Foley, Administrative Secretary