

AGENDA  
BUTLER COUNTY BOARD OF ZONING APPEALS  
BUTLER COUNTY ADMINISTRATION CENTER  
130 HIGH STREET  
HAMILTON, OHIO 45011  
June 21, 2011

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.                      April 19, 2011 Meeting
- B.                      May 7, 2011 Meeting

III. New Business

- A.      BZA11-12V      James W. Chrisman  
   5904 Howe Road  
   Trenton, OH 45067

IV. Adjournment

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REGULAR MEETING: Tuesday, June 21, 2011  
Butler County Government Services Building  
Conference Room 1  
315 High Street, 1<sup>st</sup> Floor  
Hamilton, OH 45011

CALL TO ORDER: Ms. Steenken called the meeting to order at 7:00P.M.

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

Mr. Fox said there are four (4) Board members are present.

**APPROVAL OF MINUTES:**

Ms. Steenken made a motion to accept the Meeting Minutes of April 19, 2011. Mr. Salmon seconded the motion subject to some minor corrections. Motion approved.

AYES: Steenken, Salmon, Daniel, Bevington

NAYES: None

Mr. Salmon made a motion to approve the Meeting Minutes of May 17, 2011 subject to a few minor corrections as noted. Ms. Steenken seconded the motion. Motion approved.

AYES: Salmon, Steenken, Daniel, Bevington

NAYES: None

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**Case No. BZA11-12V**  
James W. Chrisman  
5904 Howe Road  
Trenton, Ohio 45067

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Mr. Chrisman, 5903 Howe Road, Madison Township, said he would like to build a 30-foot by 40-foot pole barn on the lot across the street, which he bought a couple of years ago.

Mr. Bevington asked the applicant what he will use it for.

Mr. Chrisman said he will store his car, trucks and tools in there in the winter time. His mother-in-law was in Hospice and the caregivers would have to park all the way over at the firehouse and walk over so when that lot became available he decided to buy it so they would have a place to park and thought he might as well put a barn over there.

Mr. Bevington asked Mr. Chrisman if he has a tractor.

Mr. Chrisman replied no.

Ms. Steenken asked Mr. Chrisman if he has any intention of running a business there.

Mr. Chrisman replied no, he is retired and figured it would give him a little hobby out there.

Ms. Steenken asked if anyone will be living in the structure.

Mr. Chrisman replied no.

Ms. Steenken asked Mr. Chrisman if he will have any utilities in the barn.

Mr. Chrisman said he may put in electric but he does not know yet. He thought about putting electric but could run it off a generator.

Mr. Fox said when Mr. Chrisman applied for the variance Mr. Chrisman was not sure if he wanted to do a garage or a pole barn. The garage he wants to do would meet the County's minimum size requirement. The pole barn is bigger than our zoning would allow, so if the Board decides to allow him to build it without a principal structure, we also want to allow him to big it bigger, up to 30-foot by 40-foot, which is 1,200 square feet, since it is a residential lot he would be limited to only 576 square feet the way our zoning code is written now. Mr. Chrisman wasn't really sure what he wanted at the time but now it sounds like he wants the 30-foot x 40-foot pole barn. So, he would read the request as, "to build an accessory structure without a principal structure and build it larger than zoning allows" so it covers all bases on that.

Mr. Fox said several years ago there used to be an old house on the property, which was cluttered with junk and debris. Something happened to the property owner, now deceased, and the building and debris was removed from the property. The property was then sold as a buildable lot. The person who bought it attempted to get a Building Permit and could not get Health Department approval because the lot was not large enough for a septic system so he was stuck with it. And then Mr. Chrisman bought the lot.

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Mr. Fox asked Mr. Chrisman if he remembers who he bought the lot from.

Mr. Chrisman said yes, (name inaudible).

Ms. Steenken said so that constitutes a hardship on the property in that it is not suitable for building a principal structure.

Mr. Fox said that is correct.

Mr. Daniel said you can put one (1) on it, but you can't put two (2) structures, which is a requirement.

Mr. Salmon asked Mr. Chrisman if he intends to build this himself.

Mr. Chrisman said he will have it done, but wants to make sure he knows what he can build and would rather have a pole barn but did not know what dimensions he could have.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION: None

NEUTRAL TESTIMONY: None

#### STAFF COMMENTS

Mr. Fox said BZA11-12V, James W. Chrisman, 5904 How Road, Trenton, Ohio, request is to build an accessory structure without a principal structure and to build a pole barn larger than zoning allows.

Staff Comments are as follows:

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 activity allowed.
  - C. Building cannot be used as a house.
  - D. No storage of any business equipment
  - E. No storage outside of the building

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- F. A 30 foot by 40 foot pole barn will be permitted – or any dimension so long as it does not exceed 1,200 square feet

Ms. Steenken noted that because there is a demonstrated hardship in that the Health Department has ruled that the lot is not suitable for the building of a home, and would not change the character of the area, and made a motion to approve BZ11-12V variance request subject to Staff Comments and conditions. Mr. Daniel seconded the motion. Motion approved.

AYES: Steenken, Daniel, Salmon, Bevington

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**ADJOURNMENT:**

A motion was made by Mr. Salmon, seconded by Mr. Daniel to adjourn. All in favor, motion carried.

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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  
June 21, 2011

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Tom Bevington, Chair

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James M. Fox, Secretary

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Lee Margraf