



# BUTLER COUNTY BOARD OF ZONING APPEALS

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

Meeting Agenda  
Tuesday, February 20, 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

## II. Approval of Minutes

- A. January 16, 2018

## III. New Business

- A. BZA18-02V Donna Johnson  
6184 Hamilton Richmond Rd  
Somerville, Ohio 45064
- B. BZA18-03V Martin Jones  
4040 Nichols Rd  
Oxford, OH 45056
- C. BZA18-04V Chester Yeager  
7070 Middlemoor Ln  
Middletown, OH 45042
- D. BZA18-05V Jeff and Nancy Beckington  
2031 Gardner Rd  
Hamilton, OH 45013

## IV. Adjournment

**REGULAR MEETING:** Tuesday, February 20, 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. Chad Norvell  
Mr. Bryan Price  
Mr. Gary Salmon  
Mr. Alan Daniel

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

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**Approval of Minutes:**

**January 16, 2018**

Mr. Salmon made a motion to approve the December 19, 2017 meeting draft Minutes. Mr. Price seconded the motion. Motion carried 5-0.

**AYES:** Salmon, Daniel, Price, Norvell, Bevington

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**New Business:**

**BZA18-02V**

Donna Johnson  
6184 Hamilton Richmond Rd  
Somerville, Ohio 45064

Mr. Bevington swore in the applicant, Donna Johnson, 6184 Hamilton Richmond Rd, Somerville, Oh 45064. The applicant introduced the proposal for a variance to allow a shed to be built on a neighboring lot recently purchased by the applicant.

**Testimony in favor of:** Ms. Johnson specified that she is requesting permission to build a shed on a neighboring lot that she just purchased. The structure would have electrical connections only, with no water connections. There would be no business run from the structure, and there would be no tenants. The purpose of the building is for personal and recreational use. Ms. Johnson informed the board that it would be too costly to turn the 2 parcels into a single parcel at this point in time, and she instead is requesting a variance. She said she does plan on turning the parcels in a single one later on down the road.

**Questions and Comments:**

- Mr. Salmon questioned whether the applicant would be opposed to changing the deed of her house to reflect that the lots could not be sold separately and apart from one another, to avoid a possible eyesore if ever sold and left unkempt in the future. Applicant stated she would have no objection.

**No testimony in opposition to**

**No neutral testimony**

**No other questions or comments**

**Staff Comments**

The request is to build an accessory structure on vacant land.

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 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. There is to be no driveway access off Hamilton Richmond Rd.
  - c. The applicant must add a deed restriction that the property with the accessory structure on it cannot be sold separate and apart from the property with the principal structure.

Mr. Price made the motion to approve **BZA18-02V** subject to staff comments. Motion was seconded by Mr. Salmon. Motion carried 5-0.

**AYES:** Price, Salmon, Bevington, Daniel, Norvell

**NAYES:** None

**ABSTAIN:** None

**BZA18-03V**

Martin Jones  
4040 Nichols Rd  
Oxford, Ohio 45056

Mr. Bevington swore in the applicant, Martin Jones, 4040 Nichols Rd, Oxford, Oh 45056. The applicant introduced the proposal for a variance to build a structure larger than what current zoning allows. Zoning currently limits a structure to 3500 square feet. The proposed variance requests to allow for 6483 square feet.

**Testimony in favor of:** Mr. Jones informed the board that he currently has a structure on his property that serves as a garage. He is requesting a variance to allow him to add onto the existing building to make it large enough to house his restored cars. He also specified that the addition would coincide with the architecture of the existing structure, which also coincides with the architecture of the house on the property.

**Questions and Comments:**

- Mr. Norvell clarified the distance to the property line and whether there are any drainage issues. The applicant responded that the distance from the property line is well past the 75 foot requirement, and that there were no drainage issues to note.
- Mr. Price asked if the applicant bought and sold cars, and if he had a dealer’s license. The applicant said he only bought and sold cars as a hobby and he did not hold a license.
- Mr. Price asked for the applicant to show on the map where the addition would be in reference to the neighbors and the house currently located on the property.
- Mr. Price also specified if the existing structure was a pole barn, and the applicant stated that it was an architectural structure with a poured foundation and brick.
- Mr. Norvell questioned how many cars the applicant had and if they would fit in the addition. The applicant stated that he had 14 cars, and that they would fit in the addition.
- Mr. Price asked who would build the structure, and the applicant stated that he is a general contractor by trade, and he would subcontract the work out himself.

**Testimony in opposition:** Lawrence Miller, 4126 Nichols Rd, Oxford 45056, is in opposition to the new structure being built. He alleged that the applicant walked through his house while in was in the building stages, without permission. He alleged that the applicant removed a tree stand that Mr. Miller’s son had put up. Mr. Miller also alleged that the applicant drove over his leach lines. Other than those comments, Mr. Miller had no further objections to the structure.

**No neutral testimony**

**Other questions or comments:** Mr. Jones explained the allegations to the board, stating that he had never spoken to Mr. Miller before. He denied walking through Mr. Miller's house while it was being built, and he denied driving over Mr. Miller's leach lines. He did explain that 10 years ago, Mr. Miller's son built a tree stand on Mr. Jones' property. Mr. Jones said he removed the tree stand from the property and returned it to Mr. Miller's son.

Mr. Fox stated that the allegations were of no concern to the proposed variance, and he advised the board to cease any further discussion on the matter.

**Staff Comments**

The request is to build an accessory structure larger 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 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. Price made the motion to approve **BZA18-03V** subject to staff comments. Motion was seconded by Mr. Norvell. Motion carried 5-0.

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

**BZA18-04V**

Chester Yeager  
7070 Middlemoor Ln  
Middletown, Ohio 45042

Mr. Bevington swore in the representative for the applicant, Zach Posey, 7203 Germantown Rd, Middletown, Oh 45042. The applicant's representative introduced the proposal for a variance to allow an outside structure or pavilion to be built around an existing chimney. The property used to be a Girl Scout camp, and because there is no house on the property, current zoning does not allow this type of structure to be built.

**Testimony in favor of:** Mr. Posey stated that the purpose of the outside structure would be for personal recreational use by the applicant’s family. He stated that the property is adjacent to the applicant’s home property, within walking distance. He informed the board that the applicant will not run a business out of the property.

**Questions and Comments:**

- Mr. Daniel discussed with Mr. Posey the presence of an easement between the existing property and the neighboring property.
- Mr. Salmon clarified if the easement on the property goes all the way to the road.

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

**Staff Comments**

The request is to build an outside structure that zoning currently doesn’t allow.

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, and since no hardship was shown staff will recommend denial.
5. If the board decides to approve the variance, staff requests that the typical conditions should apply, meaning that a building permit would be required and no business can be done out of the structure.

Mr. Daniel made the motion to approve **BZA18-04V** subject to staff comments. Motion was seconded by Mr. Norvell. Motion carried 5-0.

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

**BZA18-05V**  
Jeff and Nancy Beckington  
2031 Gardner Rd  
Hamilton, OH 45013

Mr. Bevington swore in the applicant, Nancy Beckington, 2031 Gardner Rd, Hamilton, Oh 45013. The applicant is requesting a variance to allow them to keep 4 animals without proper road frontage, and to build a third accessory structure on the property.

**Testimony in favor of:** Mrs. Beckington explained that at the time when she bought the property, there was already a barn constructed on the land, and she was unaware of the zoning restrictions. She was also unaware that years before, when a piece of the land was parceled out to allow for a water tank to be placed there, it reduced her frontage, which reduced the number of animals she was allowed on the property. She did have more animals than zoning allows at the time the complaint was made, but now she has the proper number of animals. She stated that when she adopted her daughter, she was advised that having farm animals would be beneficial to the child. She is also requesting that she be allowed to build a third shelter that meets the regulations set forth by zoning to house the animals in at night.

**Questions and Comments:**

- Mr. Norvell asked what kind of animals were on the property. The applicant stated that she has a full sized horse, a dwarf horse, and 2 goats.
- Mr. Salmon asked what the animal mixture could look like in the future, and the applicant stated that in the future she would like to get another full sized horse, and would be adopting out the goats in its place.
- Mr. Fox explained that a complaint was received by email from a neighbor regarding the number of animals and the proximity their housing shelter was to his property. Mr. Fox said he went out to the property and took pictures of the violations, then notified the Beckington's of the violations via letter. He met with the family and suggested that they come before the board and request the variances for the animals and an additional building.

**Testimony in opposition:** Chad Hinton, 1157 Beissinger Rd, Hamilton Oh 45013, is the neighbor to the rear of the property where the current housing structure is located, and he is the complainant. He stated that at the time the complaint was filed, there were 7 animals on the property. He testified that the proximity of the animals to his property has affected the property value. He said that when he purchased his property, the structure was not being used to house animals, and he was under the impression that due to zoning, there could not be animals on the property.

**No neutral testimony**

**No other questions or comments**

**Staff Comments**

The request is to keep 4 farm animals without proper road frontage, and build a third accessory structure on the property.

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 for the new accessory structure.
  - b. Only 4 farm animals are permitted on the property.
  - c. The applicant must relocate the animals from the existing barn within 60 days of this variance.

Mr. Salmon made the motion to approve **BZA18-05V** subject to staff comments. Motion was seconded by Mr. Daniel. Motion carried 5-0.

**AYES:** Salmon, Daniel, Price, Bevington, Norvell  
**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, Price, Norvell, Bevington, Daniel

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  
February 20, 2018

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Tom Bevington, Chair

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James M. Fox, Secretary



Stephanie Foley, Administrative Secretary