

AGENDA
BUTLER COUNTY BOARD OF ZONING APPEALS
BUTLER COUNTY ADMINISTRATION CENTER
130 HIGH STREET
HAMILTON, OHIO 45011
October 16, 2012

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. July 17, 2012
B. September 18, 2012

III. New Business

- A. BZA12-18V Kenneth Keilholz
 1854 Millville Shandon Road
 Hamilton, Ohio 45013
- B. BZA12-19V Joseph Zeinner
 93 Fairy Drive
 Hamilton, Ohio 45013
- C. BZA12-20V Robert Myers
 2710 S. Main Street
 Middletown, Ohio 45044

IV. Adjournment

REGULAR MEETING: Tuesday, October 16, 2012
Butler County Government Services Building
Conference Room 1
315 High Street, 1st Floor
Hamilton, OH 45011

CALL TO ORDER: Mr. Bevington called the meeting to order at 7:00P.M.

ROLL CALL:

Present: Mr. Thomas Bevington
Mr. Gary Salmon
Ms. Lee Steenken

Absent: Mr. Alan Daniel
Mr. Henry W. Philpot

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

APPROVAL OF MINUTES:

Ms. Steenken made a motion to approve the draft Meeting Minutes from the July 17, 2012 meeting as submitted. Mr. Salmon seconded the motion. Motion carried 3-0.

AYES: Steenken, Salmon, Bevington

NAYES: None

Mr. Salmon made a motion to approve the draft Meeting Minutes from the September 18, 2012 meeting as submitted. Ms. Steenken seconded the motion. Motion carried 4-0.

AYES: Salmon, Steenken, Bevington

NAYES: None

Mr. Bevington said because two (2) of the Board Members are not present applicants have the option to table their case until all Board members are present. If any applicants wish to table their application, please let the Board know before the hearing starts.

NEW BUSINESS:

BZA12-18V

Kenneth Keilholz
1854 Millville Shandon Road
Hamilton, OH 45013

Mr. Keilholz, 6069 Christopher Lane, Cincinnati, OH, 45233, said they would like to get a variance so they can have a pole barn on their property, they have 32 acres on Millville Shandon Road, Hamilton, OH, and they do not reside there yet, and they won't build a home there for another year, and they have nowhere to store lawn mowers, a tractor or any equipment and they would also like to be able to use it for materials for when the home is to be built. He added he does not have anywhere to put anything.

Mr. Bevington asked Mr. Keilholz if he would want electric in the building.

Mr. Keilholz replied yes.

Mr. Bevington asked Mr. Keilholz if he would want water in the building.

Mr. Keilholz replied not necessarily, but maybe someday.

Mr. Bevington asked Mr. Keilholz if he would be using it for running a business.

Mr. Keilholz replied no.

Mr. Bevington asked Mr. Keilholz if it would be strictly for private use.

Mr. Keilholz replied strictly private.

Mr. Salmon asked Mr. Keilholz if he planned on living in it while the house is built.

Mr. Keilholz replied no.

Mr. Salmon asked if the barn will look like the photograph submitted.

Mr. Keilholz said yes, pretty close to it.

Mr. Bevington asked Mr. Keilholz if he has spoken to the neighbors.

Mr. Keilholz said he has spoken to all of the neighbors that would be in view/who could possibly see it and none of them said they had a problem with it and said, "yeah, sure go ahead and build it" and it will be well kept.

Ms. Steenken asked Mr. Keilholz if he knows where on the property it will be located.

Mr. Keilholz said originally they were going to put it over by the property line, but, they are going to move that over to here (pointed to on map) because we've put in a lake down in here, about a 4-acre lake in there now with no water in it now.

Mr. Fox said he had a lady call him recently and she asked if she needed to come and said she didn't have any objections, and her last comment was, "no he's fine.... He'll build a good barn," and that was the end of the conversation, so he did hear from one (1) neighbor.

Mr. Salmon asked Mr. Keilholz if he might build the house in not one (1) year but maybe two (2) or three years from now.

Mr. Keilholz said they would like to be out there in a year and a half.

Mr. Salmon commented that they have seen where someone says a house will go up in a year, and three years later there is still only a barn.

Mr. Keilholz said no, there will be a house there.

No further questions.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

STAFF COMMENTS:

Mr. Fox said Case Number BZA12-18V, Kenneth Keilholz, 1854 Millville Shandon Road, Hamilton, OH 45013, the request is to build an accessory structure before the residence. Staff Comments are as follows:

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 the staff will recommend approval with the following condition:
 - A. A Building Permit is required.

Ms. Steenken made a motion to grant approval for BZA12-18V, subject to staff conditions. Mr. Salmon seconded the motion. Motion carried 3-0.

AYES: Steenken, Salmon, Bevington

NAYES: None

Case No. BZA12-19V

Joseph Zeinner
93 Fairy Drive
Hamilton, OH 45013

Mr. Joseph Zeinner, 3761 Hubble Road, Cincinnati, 45247 and Paul Wedder, 93 Fairy Drive, Hamilton Ohio were sworn in.

Mr. Zeinner said he is the remodeler and this is Mr. Wedder, who is the home owner, and he requested an estimate to build a garage for his property and the situation is Mr. Wedder has a well maintained ranch up on Fairy Drive, and there is a two-car attached garage to the house right now, his wife's car and some lawn equipment are in the garage and it is basically full; and his oversized, 4-door truck and a 28 foot boat/trailer sit outside in the driveway. Mr. Wedder has requested a quote from me to build a garage and he accepted it. It is a little oversized – we are asking for 24' x 30' instead of the allowed 24' x 20' because he would not be able to get his truck in that, so we are asking for an oversized garage and requesting that the side yard be at 12' and he believes Mr. Wedder has contacted all of his neighbors and all are in favor and he does not believe anyone has called in to complain.

Mr. Fox said he has not received any calls on this case at this time.

Mr. Bevington said he notices the Health Department report said they don't really have any objections but if they ever need future replacement options there may be a problem.

Mr. Zeinner said he met with the Health Department and according to what we looked at there is a replacement area lower than the existing leach line (inaudible) his garage actually sits on the high side of the property no matter what you couldn't get the sewage to get up there from the septic system so there is a low place for that.

Mr. Salmon said the drawing doesn't show any access to it, and asked if he will extend the driveway all the way back.

Mr. Zeinner replied not under his contract. He said if you look, there is already an outbuilding, and that outbuilding will come down after we build the garage and then he

will hire a concrete company later on to extend his drive way, but right now the garage itself is just under my contract.

Mr. Bevington asked if the applicant would want to have water in there.

Mr. Wedder replied no.

Mr. Bevington said, just electric.

Mr. Bevington asked Mr. Wedder if he would run a business out of it.

Ms. Steenken asked if the applicant would be living in it.

Mr. Wedder said no and he retired back in May so he needs something to do.

No further questions.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said Case Number BZA12-19V, Joseph Zeinner, who is the contractor for the property owner, and the property address is 93 Fairy Drive, Hamilton, OH 45013, is requesting to build a structure larger and closer to the side property line than zoning allows.

Staff comments are as follows:

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. Salmon made a motion to approve Case Number BZA12-19V as requested subject to staff conditions and no business is to be run from the structure. Ms. Steenken seconded the motion. Motion carried 3-0.

AYES: Salmon, Steenken, Bevington

NAYES: None

Case No. BZA12-20V

Robert Meyers
2710 S. Main Street
Middletown, OH 45044

Mr. Bevington said before they start this next case, there were some questions.

Mr. Fox requested a brief recess.

Mr. Robert Meyers said he would like to table this until there is a full Board (with all five members) is present.

Mr. Fox said the next hearing will be held Tuesday of November 20, 2012.

Mr. Fox stated the applicant has requested to table his case for lack of having a full board present.

ADJOURNMENT:

Mr. Salmon made a motion to adjourn, which was seconded by Ms. Steenken. All in favor, motion carried.

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
October 16, 2012

Tom Bevington, Chair

James M. Fox, Secretary

Lee Margraf