

---

AGENDA

BUTLER COUNTY BOARD OF ZONING APPEALS  
BUTLER COUNTY ADMINISTRATION CENTER  
130 HIGH STREET  
HAMILTON, OHIO 45011  
November 19, 2013

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

October 15, 2013

III. New Business:

1. BZA13-15V      Tim Sorrell  
                         4504 Elk Creek Road  
                         Middletown, Ohio 45042
2. BZA13-16C      Russell L. Pfeiffer, Sr.  
                         1991 Harris Road  
                         Hamilton, Ohio 45013

IV. Adjournment

---

**REGULAR MEETING:** Tuesday, November 19, 2013  
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. Henry W. Philpot  
Alan Daniel  
Mr. Gary Salmon  
Ms. Lee Steenken

**STAFF MEMBERS:** James Fox, Zoning & Floodplain Manager

---

**Approval of Meeting Minutes:**

No minutes to approve

---

**NEW BUSINESS:**

**BZA13-15V**  
Tim Sorrell  
4504 Elk Creek Road  
Middletown, Ohio 45042

Applicant, Mr. Sorrell said the reason for this variance request is because he has an existing barn, built in the 1950s, that is deteriorating badly and they are trying to build a barn behind it and to build it before they tear down the old barn.

The new barn will be 35' by 50' a little bit larger than the existing two-story barn which is 10' off his property line and this would allow them more parking room and vision for them and is the reason for the application.

Mr. Salmon asked Mr. Sorrell if he will build the barn himself.

Mr. Sorrell replied yes sir, and asked if the Board could waive the ten (10) day waiting period.

---

Mr. Bevington asked Mr. Sorrell what he will store in the barn.

Mr. Sorrell said the same stuff that is in his barn now and a couple other vehicles and some four-wheelers.

Mr. Daniel asked if any of the applicant's neighbors are opposed to it.

Mr. Sorrell replied no.

Ms. Steenken asked the applicant if he would be running a business from this barn or living in it.

Mr. Sorrell replied no to both.

Mr. Bevington asked if it will have electric.

Mr. Sorrell said he doesn't think he'll put electric in it because it's only going to be used for storage.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said case number BZA13-15V Tim Sorrell, 4504 Elk Creek Road, Middletown, Ohio 45042 is requesting to build a second accessory structure on the property.

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 condition:
  - A. A Building Permit is required.
  - B. Waive the 10-day waiting period.

---

Mr. Daniel stated the Township Trustees of Madison Township are not opposed to this.

Ms. Steenken made a motion to approve the variance for case BZA13-15V, Applicant Tim Sorrell, 4504 Elk Creek Road, Middletown, Ohio 45042 subject to staff conditions. Mr. Salmon seconded the motion. All in favor and motion approved 5 – 0.

AYES: Steenken, Salmon, Philpot, Daniel, Bevington

NAYES: None

---

**BZA13-16C**

Russell L. Pfeiffer, Sr.  
1991 Harris Road  
Hamilton, OH 45013

Mr. Russell Pfeiffer said he has always been interested in flying and he acquired an experimental aircraft which has a very good reputation and has 1,200 feet of fairly flat straight ground and he would like to have an airport based at his own home. He said he has FAA approval and the State of Ohio approval. There are power lines on one end and woods on the other end and he has done a lot of measuring and figuring said they took measurements and stakes down at the airport he currently goes to and has made sure that this is safe and he enjoys living and doesn't want any accidents. He said he has discussed it with the neighbors and they are all excited about it and that's all he can say about it – he may build a small hanger later on but doesn't know yet and it all depends on if he considers it being a nuisance to fold it up and put it in the garage every time he flies.

Mr. Fox asked the applicant to explain more on the time he will fly so that they understand there are no instruments in it and it will give the Board more information and know that you won't be flying it at night.

Mr. Pfeiffer said it is strictly a day time thing and it is a private airport and there may be some similar aircraft that lands someday but this is not going to be a base for other people to base their planes there.

Mr. Philpot said the FAA said (inaudible) and asked Mr. Pfeiffer if he wants it listed as an airport on the maps or what. Did the applicant have to answer that question say yes or no?

Mr. Pfeiffer said yes, he would like to have it on the map. He said he sent the form back in with some notes on it but he forgot to put that on there. If this gets

---

approved before he can take off he has to call flight service and let them know if it's not too late they can put it on the map.

Mr. Philpot asked the applicant about the measurement testing he did and asked if that was a concrete runway where he was gauging the distances.

Mr. Pfeiffer said no it was a grass strip just like his plan. The Insurance Company wanted him to have ten (10) hours of instructional flying in this plane because it is a tailwheel landing gear.

Mr. Philpot said the applicant has plenty of landing space.

Mr. Fox asked how many feet does it take to stop completely.

Mr. Pfeiffer replied 200 to 300 feet is plenty and there are strips down to measure so you know how much room there is and you always take off in the wind and you always land in the wind and is reasonably sure he will have ample room.

Ms. Steenken asked if there are any residences in the flight path.

Mr. Pfeiffer said the closest residence would be about one mile south, there are barn buildings but if he went straight up he would be 500 feet above their property line and when you are at 100 feet that is when you would make a turn and the only people next door is his neighbors and you kind of circle around be taking off and you always plan for an emergency landing – and people with a single engine usually handle emergency better than the guys who fly twin engines because they think they don't have to worry with a second engine to back them up.

Mr. Philpot asked the applicant if someone were to build a house across the street would he be regulated to go back to the FAA.

Mr. Fox said because this is a private airport it would not be regulated like the airport up in Oxford or the Butler County airport because those two (2) are public airports and not private. So if someone built a house across the street from him he would not have to go back to the FAA and he would not be subject to County regulated public airports.

Mr. Philpot said he was not talking about meeting county criteria but asking if the applicant would have to comply with FAA criteria.

Mr. Pfeiffer said it doesn't concern him because he has another 800 feet to the south so that is not a factor.

---

Mr. Fox said he will have to go back and look at his regulations to answer Mr. Philpot's question on private landing strips if we would regulate them or not – and he did not even think about that.

Mr. Bevington asked Mr. Pfeiffer how long he has owned that property.

Mr. Pfeiffer replied since 1980.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: Henry Sester, 1941 Harris Road, Hamilton, OH

Mr. Sester asked if a variance is permanent and stays with the property forever or does it apply to Mr. Pfeiffer conditionally.

Mr. Fox stated this is a Conditional Use. What the Board can do is make it for Mr. Pfeiffer only as a condition so if Mr. Pfeiffer were to sell his property it would not go to the next owner. They would have to apply to this Board.

Mr. Pfeiffer said he intends to own it until it has maybe 500 or 800 miles on it then sell it and neither of his sons, who are the heirs to his property, are interested in flying. He said he assumes it will only be of interest to him.

Mr. Sester said he has no objections but adding that “conditional” may not be such a bad idea, rather than a permanent Conditional Use.

Mr. Philpot questioned if Mr. Pfeiffer were to go into a rest home and owned the property it would still be an air strip, right.

Mr. Fox said if the Board makes it a condition that it is for Mr. Pfeiffer's use only, if there were any changes to ownership of this property they would have to come back to this Board for approval, or, you could include a statement in this is for Mr. Pfeiffer's use only.

Mr. Philpot asked Mr. Pfeiffer if he was going to bring anybody else in to land on that strip.

Mr. Pfeiffer said that doesn't mean that somebody who he knows may want to come and visit and land, but as far as having somebody else base their airplane there and keep it there and to use it – no, that is not his intention.

Mr. Philpot said he understands Mr. Sester's concern – if Mr. Pfeiffer still owns the property and someone else living there might have a plane even if Mr. Pfeiffer was in a rest home. The questions is, how do you want it.

---

Mr. Daniel asked if they could put a condition on it that Mr. Pfeiffer must be living there for this Conditional Use.

Mr. Fox said he could do that, but is unsure how to enforce it. Typically, when we have these types of questions come up, we put it in there that the Conditional Use is for Mr. Russell Pfeiffer only and any change in ownership must come back before the Board in order to use it.

Mr. Philpot said he is just trying to cover all scenarios because it does happen that people rent their properties out and live elsewhere.

**STAFF COMMENTS:**

Mr. Fox said Case No. BZA13-16C, Mr. Russell L. Pfeiffer, Sr., 1991 Harris Road, Hamilton, Ohio 45013, the request is to construct a landing field on his personal property.

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 Conditional Use to construct a landing field on his personal property.
4. The intent of the Conditional Use is to allow appropriate uses, which has been so identified by the zoning code, in locations where they are compatible with their surrounding; therefore the staff will recommend approval with the following required conditions:
  - A. Uses shall not be in conflict with the Comprehensive Development Plan for Butler County.
  - B. Uses shall be located in districts where they are designated as conditional uses by the regulations.
  - C. Uses shall not adversely impact the health, safety or welfare of the surrounding area.
  - D. Must be in compliance with applicable airport zoning regulations
  - E. Must have approval from all appropriate county, state and federal agencies.
  - F. No commercial use of the landing field and is limited to private use only by Russell Pfeiffer, Sr. only
  - H. All operations are conducted in VFR weather conditions.
  - I. Butler County concurs with the recommendations of the U.S. Department of Transportation Federal Administration and the applicant should do everything in his power to comply with the FAA recommendations.

- 
- J        The Conditional Use is for Russell Pfeiffer, Sr. and this Conditional Use would be no longer valid if any transfer of ownership of the property would occur.

Mr. Salmon asked Mr. Fox if he knows of any other airstrips like this within Butler County.

Mr. Fox said he does not know of any approved Conditional Use private use air strips Butler County like this one is.

Mr. Philpot made a motion to approve the Conditional Use for said case number. BZA13-16C, Russell L. Pfeiffer, Sr., 1991 Harris Road, Hamilton, Ohio 45013, subject to all staff conditions. Mr. Daniel seconded the motion. All in favor and motion approved 5 – 0.

AYES: Philpot, Daniel, Steenken, Salmon, Bevington

NAYES: None

**ADJOURNMENT:**

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



---

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

November 19, 2013

---

Tom Bevington, Chair

---

James M. Fox, Secretary

---

Lee Margraf