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AGENDA  
BUTLER COUNTY BOARD OF ZONING APPEALS  
BUTLER COUNTY ADMINISTRATION CENTER  
130 HIGH STREET  
HAMILTON, OHIO 45011  
January 17, 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

III. New Business

- A. BZA12-01V      Tragesser Automotive, Inc.  
                         4055 Hamilton Cleves Road  
                         Fairfield, Ohio 45014  
                         1760 Black Road
- B. BZA12-02V      Elizabeth Farris  
                         1041 Brunner Road  
                         Hamilton, OH 45013

IV. Adjournment

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**REGULAR MEETING:** Tuesday, January 17, 2012  
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. Henry W. Philpot  
Mr. Gary Salmon  
Ms. Lee Steenken

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

**APPROVAL OF MINUTES:**

There were no draft Meeting Minutes to approve.

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**NEW BUSINESS:**

**BZA12-01V**

Tragesser Automotive, Inc.  
4055 Hamilton Cleves Road  
Fairfield, Ohio 45014

Mr. David Tragesser, 3879 Silax Drive, Hamilton Ohio 45013, offered some background information and said Tragesser was a Ford dealership in Ross Ohio for nearly 100 years, and the Ford Motor Company felt the Cincinnati Region was oversaturated with Ford Dealers and there 26 of them and it was constant competition and in 2011 they asked us to resign our franchise, which we did then we moved into the used car market. There are a lot of used car dealers and not a whole lot of good merchandise available so they are looking for something else to do so they signed an agreement with the Polaris Corporation and Victory Motorcycles Sales to sell their products. Polaris offers off road vehicles, mostly recreation but some commercial applications.

Mr. Tragesser said they signed a contract and part of the agreement with them is that we display signs so we purchased signs and have it up a pole that has been abandoned and used to be a used car lot sign that Polaris wants us to put up their sign up and we already have the automotive sign at one end of the lot and at the other end, where we used to have used cars, is where we would put the Polaris sign.

Mr. Bevington said so there were two (2) signs there below.

Mr. Tragesser said they had two (2) signs there before, the poles were there and the electric was there – yes, we've always had two (2) signs.

Ms. Steenken asked if the second sign would be electric as well.

Mr. Tragesser replied yes. He said the pole is approximately 10 feet, and he should have measured it today. He added the current sign is maybe 30 feet.

Ms .Steenken asked if the second sign will remain shorter.

Mr. Tragesser replied yes and said they are not allowed to increase the height of it.

Mr. Salmon asked how long has it been abandoned.

Mr. Tragesser said they resigned in January and the sign came down maybe in March and they had to take it down and destroy it – they wanted to take it down themselves and not let us do it.

Mr. Salmon said so it has been less than a year.

No further questions asked.

Mr. Fox said the County no longer allows pole signs anymore and that is why we considered it an abandoned pole sign even though the pole is there, he wants to go back on the pole sign. If the applicant had come in for a ground sign it would be no problem, but he wants to use the pole again and that is why we are here tonight.

Mr. Salmon asked Mr. Fox if there would be any problems with the dimensions of the sign.

Mr. Fox said there won't be any problems with it, then asked Mr. Tragesser how big the sign is.

Mr. Tragesser said probably 10 feet by 4 feet.

Mr. Fox said the pole that is out there isn't very big and he is not sure how much weight that is allowed to hold, but it should be fine.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

STAFF COMMENTS:

Mr. Fox asked Mr. Tragesser if it will be an electronic message board or just a board that says, "Polaris" and if there are no moving parts or anything like that.

Mr. Tragesser replied no.

Mr. Fox said Case No. BZA12-01V, Tragesser Automotive, Inc., 4055 Hamilton Cleves Road, Fairfield, Ohio, 45014, the request is for continuance of an existing pole sign that was previously abandoned.

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Staff Comments are as follows:

1. The property is zoned B-1 Neighborhood Business.
2. This area is business 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. Philpot made a motion to motion to grant approval of BZA12-01V with the conditions recommended by staff. Ms. Steenken seconded the motion. Motion granted 5-0.

AYES: Philpot, Steenken, Salmon, Daniel, Bevington

NAYES: None

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Case No. BZA12-02V  
Elizabeth Farris  
1041 Brunner Road  
Hamilton, Ohio 45013

Ms. Elizabeth Farris, 1041 Brunner Road, Hamilton, Ohio, 45013 said she and her husband would like to build a new home on the property which they are currently living on and they are hoping to build while also living in the current house, so there would be two (2) homes on the property, however, once their new home is built they will tear down the older existing home.

Mr. Bevington said sometimes we run into trouble with people doing that because they get the new home built and then they do not want to tear the other one down. Mr. Bevington asked Ms. Farris what guarantee would they get from her that they would do that.

Ms. Farris said she does not even want the house.

Mr. Fox asked if the applicant brought any pictures of the existing house.

Ms. Farris replied she does not. They have been living in it but they would have no use for it – it's a one (1) bedroom house and they have one (1) child already and another on the way so they need a bigger home but like the area and the land they are on.

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Mr. Fox asked Ms. Farris to point out the location of where her house is on the aerial image she submitted.

Ms. Farris said the area marked with the “X” is the location of where they are planning to build, and she pointed to the location of the existing house and said they want to build off from the road a little bit more.

Mr. Fox asked is everything will come down, even the garage that is there – so this whole area will be gone including the garage.

Ms. Farris said yes, the garage, the shed... there’s like three (3) different buildings that will be torn down.

Mr. Daniel asked the applicant how many feet from off the road will there be from the house.

Ms. Farris said she thought 100 or 150.

Mr. Daniel asked how they will remove the old house.

Ms. Farris said they had talked to Hanover Fire Department to see if they had any interest in burning it for practice and they have not yet come out and said they would have to come out and make sure it would be safe in order to do that. If that is not possible then we would just pay to have it torn down or rent a bulldozer to tear it down, she was not exactly sure and they do not have an official plan for that.

Ms. Steenken asked Ms. Farris how long does she anticipate it would take to build the new home.

Ms. Farris said her hope is that it would be done within a year and they would probably start building in the spring and a year is probably more than what it would take.

Mr. Daniel asked Ms. Farris if she has a contractor.

Ms. Farris replied no, not yet. Once we get this step taken care of then we will go to a builder and we will know this is all taken care of and not an issue.

Mr. Salmon asked about the big house in the back.

Ms. Farris said that is her in-laws and they actually own the property right now. When we build it will be in our name.

Mr. Fox said one (1) of the conditions he considered today is if the Board decides to approve it, he would like to include, “30 days after the Certificate of Occupancy is issued for the new home, the old home must be removed from the property” so this would give

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them 30 days from when we give them occupancy in the new house to remove the old house as a condition, which are not yet included in the written Staff Conditions.

Mr. Daniel asked Mr. Fox if he was giving them 30 days to tear down the house, or if they have to complete it within 30 days.

Mr. Fox said staff wants it so when we give them a piece of paper that basically states they have a Certificate of Occupancy and it is ok to move in to the new home, from the date of that occupancy, within 30 days after that date the old house has to be torn down and removed from the property.

Ms. Steenken confirmed that it does not mean to start tearing down in 30 days but rather it must be gone in 30 days.

Mr. Fox agreed with Ms. Steenken's comment.

Mr. Daniel said he felt that 30 days might be pushing it too soon.

Ms. Farris agreed.

Mr. Daniel said he understands Mr. Fox's concern and to protect Butler County.

Mr. Fox said this is our typical comment on this issue and this has come up before and he has always put 30 days on the previous cases and the Board has usually given them 60 days.

Mr. Daniel said there may be a glitch in it and make that house non-livable with the fire department and the EPA, so, his recommendation is to extend it to 60 days.

Mr. Fox said ok.

Mr. Salmon asked how old the house is.

Ms. Farris said it is probably 70-something.

Mr. Fox said you are looking at asbestos abatement too.

Ms. Salmon said that is why he asked how old the house is, there could be asbestos.

Mr. Fox said he would make the change to 60 days but wants to make sure the applicant understands that within 60 days the clock will be ticking and there will be no excuses.

Mr. Philpot said people can run into problems when people are doing what they are trying to do and that is what the Board is trying to make the applicant understand.

Ms. Farris said she gives the Board her word.

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TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

STAFF COMMENTS:

Mr. Fox said the application is a request to live in an existing home while the new home is being built. 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 for the new home
  - B. Within Sixty (60) days after Certificate of Occupancy is issued for the new home, the existing (old) home must be totally removed from the property.

Ms. Steenken made a motion to approve BZA12-02V, Elizabeth Farris, 1041 Brunner Road, Hamilton, Ohio, 45013, request to live in an existing home while the new home is being built subject to all recommended conditions presented by Staff. Mr. Salmon seconded the motion. Motion approved 5-0.

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**ADJOURNMENT:**

Mr. Daniel made a motion to adjourn, which was seconded by Mr. Salmon. 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  
January 17, 2012

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Tom Bevington, Chair

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James M. Fox, Secretary

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Lee Margraf