

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

I. Opening

A. Roll Call Mr. Gary Salmon
 Mr. Thomas Bevington
 Mr. Alan Daniel
 Mr. Henry W. Philpot
 Ms. Lee Steenken

II. New Business:

A. BZA12-20V Alan Jones
 3191 Fox Run Drive
 Hamilton, Ohio 45013

III. Adjournment

REGULAR MEETING: Tuesday, February 19, 2013
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. Alan Daniel
Mr. Gary Salmon

Absent: Mr. Henry W. Philpot
Ms. Lee Steenken

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

Mr. Bevington stated with a quorum of three (3) board members present it takes three (3) positive votes to pass a request since there aren't five (5) Board members present any applicant may table their case until there is a full Board present or they can proceed with three members but a vote must be unanimous in order to pass.

NEW BUSINESS:

BZA13-01V
Alan R. Jones
3191 Fox Run Drive
Hamilton, Ohio 45013

Mr. Tom Abercrombie, 3377 Compton Road, Cincinnati, Ohio, 45251 said he is here to ask for a variance to put a swimming pool on the side yard (inaudible).

Mr. Bevington asked the Mr. Abercrombie why he wants to put it in the side yard.

Mr. Abercrombie said he represents Mr. Alan Jones, who is here today, they live on Fox Run Drive in this house right here and this is a typical cul-de-sac lot, which are usually the end for a reason - either they are going uphill or downhill and in their case it is going downhill and their house sits lower than the road and to the rear of it is quite an extensive

ravine and so we are seeking to build it off to the side, approximately 2/3 of the way from the front of the house.

Mr. Abercrombie showed an aerial view he got off of Google.com and indicated where the Jones' house is and indicated where the ravine runs and said both neighbors are obscured from the view and so it is a hardship because they have no place to build this pool other than back in this area here.

Mr. Abercrombie said they will have to get rid of the dirt that comes out of the hole and hope to mound up around this hole to help obscure the neighbors' from the pool and the applicant is very open to any additional landscaping the Board thinks is necessary.

Mr. Abercrombie said he feels this is a reasonable request, and they have reviewed the covenant restrictions for Ross Trails and there is no restriction on the (inaudible) but in your zoning text there's a two-liner that states swimming pools have to be located in a rear yard or behind the house, he couldn't remember it exactly but it was a two-line sentence. They would like to do a five foot (5') variance to put the pool in this area right here.

Mr. Salmon asked if it would be fenced.

Mr. Abercrombie replied yes.

Mr. Fox said that is a code requirement.

Mr. Abercrombie said the applicant will have the normal fence and run it up to his house. Mr. Abercrombie said they talked to Mr. Larry (last name in audible) he is the guy who sells all the houses and we talked to him on Monday and he said he was going to come and speak in favor of it, but I don't see him here.

Mr. Bevington said anyone who has a pool on that circle should be here in favor of.

Mr. Fox said they all have one.

No further questions.

TESTIMONY IN FAVOR OF: None

TESIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

STAFF COMMENTS:

Mr. Fox said Case No. BZA13-01V, Mr. Alan Jones, 3191 Fox Run Drive, Hamilton, Ohio 45013, is requesting to construct an in-ground swimming pool on the side yard.

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 due to the topography of the rear yard, and the hardship created by this topography, staff will recommend approval.

Mr. Daniel said the Township Trustees are aware of the situation and they have no objection to this.

Mr. Salmon made a motion to approve the variance for case Board of Zoning Appeals-13-01V, Alan Jones, 3191 Fox Run Drive, Hamilton, Ohio, 45013. Mr. Daniel seconded the motion. All in favor and motion approved.

AYES: Salmon, Daniel, Bevington

ADJOURNMENT:

Mr. Salmon made a motion to adjourn, which was seconded by Mr. Daniel. 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
February 19, 2013

Tom Bevington, Chair

James M. Fox, Secretary

Lee Margraf