
AGENDA
BUTLER COUNTY BOARD OF ZONING APPEALS
BUTLER COUNTY ADMINISTRATION CENTER
130 HIGH STREET
HAMILTON, OHIO 45011
March 18, 2014

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. BZA14-01V Travis DePew
 1622 Smith Road
 Hamilton, Ohio 45013

IV. Adjournment

REGULAR MEETING: Tuesday, March 18, 2014
Butler County Government Services Building
Conference Room 1
315 High Street, 1st 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

Absent: Lee Steenken

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

Mr. Bullington stated there is one (1) Board member absent and an applicant will need three (3) positive votes in order to pass and when there are not five (5) Board members present an applicant can table his/her case to when all five (5) Board members are present.

Mr. DePew said he did not wish to table his case.

Approval of Meeting Minutes:

No minutes to approve

NEW BUSINESS:

BZA14-01V

Travis DePew
1622 Smith Road
Hamilton, Ohio 45013

Mr. Fox addressed the Board and gave a little background on this case. He said in 2010 he originally received a complaint against Mr. DePew and unfortunately the

person who complained never came in for the hearing and we must follow up on all complaints and that is how he got to know Mr. DePew when helping him through the process back in 2010. In 2010 Mr. DePew came before this Board and asked to operate a home occupation from his house for the selling and buying of Hummer automobile parts to be sold on the internet, and that variance was approved in 2010.

Then around January 8, 2014 the same gentleman, by the name of Rogers, with no other known information but that, filed another complaint via the internet and in talking with other staff a decision was made to talk to Mr. DePew and he is again here to expand his home occupation now to consist of a servicing and selling parts and accessories for Hummer vehicles.

Mr. DePew, 1622 Smith Road, Hamilton, Ohio, 45013, said since the variance, we are working on trucks now - Hummer vehicles only. There are approximately 10,000 of them in the U.S.A. and they get trucks shipped to him from all over the world and they are now putting their services and products for them and shipping them right back out. We can purchase and accessorize a Hummer for a client then ship it off to them – a lot of them going overseas – so a client will contact us via the internet so we'll purchase the truck for them, accessorize it to their liking and ship it off to them - we never see the client; so traffic wise there is almost none. There are only five of these here in Ohio so he sees those five (5) guys and that is about it.

Mr. DePew said they do advertise on their website and offer paint, body, interior work and electronic services and just about everything; however, they subcontract the majority of it out but the web generates a lot of business. As far as the complaint goes, he said he has no idea who it is and would have thought after two years it would have leaked out but he has not heard anything except that the complaint was that he was running a business. There are no complaints about smells, noise, traffic or anything like that. He added he is not familiar with the name and he sat down with the property records and looked for all of the people named "Nelson" and "Rogers" and any combination of those two (2) names and he cannot find anybody within twenty miles with either of those last names.

Mr. DePew said he is pretty internet savvy and knows if you go to just about any social media site or use your email address for anything he will find that person and he cannot find anyone with this name so that means the person who complained created this email address for the simple reason of complaining. As far as the neighbors are concerned, two (2) years ago he had a document signed by all of his neighbors, except one (1) stating they did not have a problem with this; and he even included people down the street and the one person that did not sign was Tom Kornylak who is a bordering neighbor and his house is probably $\frac{3}{4}$ of a mile away as the crow flies and it turns out he was out of the country when he

tried to reach him then called him a day after the meeting the day after the meeting and he said he had no problem with me.

Mr. DePew said they are celebrating their official tenth year anniversary this year and given the nature of the vehicle, some of these vehicles are valued at upwards of \$200,000 so they have been trying to move outside of where they're at and he does not want foot traffic so that's not a big concern for him but he has looked at other areas to get a bigger facility and something that is a little bit better for them but he has not found anything that fits that criteria so they are still looking and he doesn't feel they are a nuisance to anyone where they're at now.

Mr. Fox said he asked if he has the authority to investigate the legitimacy of the person complaining and the applicant has asked if we can get a hold of the person who made the complaint and the only contact information staff has is an email address. Mr. Fox said Mr. DePew asked if we could send a message via email requesting the person's name, where they live and how to contact him by telephone. Mr. Fox said he contacted the Prosecutor's Office and they did not recommend doing that.

Mr. Philpot asked Mr. Fox, if the complainant isn't specific then why doesn't he ignore it – anybody can generalize and he went ahead and had a business before anyone Ok'd it.

Mr. Fox said, in his opinion, the reason why the applicant is here today is when he came before this Board in 2010 it was for his internet business and the selling of parts and whatnot – so he recommended to Mr. DePew to apply for a variance to do those services that he does which is not part of a home occupation but a business so he recommended he get in here and get the service, and selling of parts and accessories for hummers and that will cover pretty much everything on his website and if the Board feels they will approve it, then they will have covered everything and we'll be done.

Mr. Philpot said what he meant is when someone emails a complaint, than Mr. Fox should request specifics not just generalizations and if they don't reply back, then let it go.

Mr. Fox interrupted and said he received an email stating the applicant is running a business and is adding an addition. His response back to the email was the applicant received a variance in 2010 to have a home occupation and said he would look in to the addition claim.

Mr. Daniel said the thing of it is it happened the first time with the same person. As a Township Trustee, anybody that sends us a letter that does not include their name to it (inaudible) and this is where I disagree with the prosecuting attorney. We are the ones who are spending the time down here with this gentleman and we

are the ones who asked him to come down but his two cents worth is this is a waste of time and he realizes that Mr. Fox is following through with policy but if nobody signs it, and they are not a neighbor, he has no need to listen to such a complaint and he asked if they can set policy to do that.

Mr. Fox asked Mr. Daniel if he spoke with the other Trustees and did they have any issues with this.

Mr. Daniel replied none.

TESTIMONY IN FAVOR: Alisa Miller, 2044 Ross Estates Drive, Hamilton, Ohio.

Ms. Miller said she is incredibly proud of her brother, Travis, of his accomplishments and asked the Board to allow him to run a successful business.

TESTIMONY AGAINST: None

Mr. Salmon asked Mr. DePew if the Hummer that is for sale and posted on his website is onsite or just listed on there.

Mr. DePew replied yes it is onsite and that is a rarity and he has bought trucks in the past and posted them on the website for sale and he has sold one (1) that way. That particular one is no longer for sale and if someone has a truck for sale and wants him to post it on his website he will do it for 2% commission.

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said Case No. BZA14-01V, Travis DePew, 1622 Smith Road, Hamilton, Ohio 45013, the request is to operate a business from this property to service, sell parts and accessories for hummer vehicles.

Staff Comments:

1. The property is zoned R-1 Residential.
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 conditions:

- A. This Variance is for Travis DePew only. Any sale of property will make this variance void.
- B. Hours of operation will be Monday – Friday 8:00 am – 6:00 pm and Saturday 10:00 am – 3:00 pm.
- C. No more than five (5) employees plus Mr. DePew.
- D. Work limited to hummer vehicles only. No exceptions.

Mr. Philpot asked the applicant if the staff comments would bother him.

Mr. DePew replied no sir and he does not have any problems with them at all.

Mr. Bevington said when he went out there today the place was spotless and it is a home occupancy because his home is in back of the shop. He wanted to go out and see if there was anything out there besides hummers and there was nothing except for three (3) private cars owned by the applicant and two (2) employees.

Mr. Daniel made a motion to approve Case Number BZA14-01V, Travis DePew, 1622 Smith Road, Hamilton, Ohio, 45013 subject to all staff comments. Mr. Salmon seconded the motion. Motion carried.

AYES: Daniel, Salmon, Philpot, Bevington

NAYES: None

ADJOURNMENT:

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

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

March 18, 2014

Tom Bevington, Chair

James M. Fox, Secretary

Lee Margraf