

AGENDA

BUTLER COUNTY BOARD OF ZONING APPEALS
BUTLER COUNTY ADMINISTRATION CENTER
130 HIGH STREET
HAMILTON, OHIO 45011
April 16, 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
March 19, 2013

III. New Business:

- A. BZA13-02
Gary Lyall
4751 Trenton Franklin Road
Middletown, Ohio 45042

IV. Adjournment

REGULAR MEETING: Tuesday, April 16, 2013
Butler County Government Services Building
Conference Room 1
315 High Street, 1st Floor
Hamilton, OH 45011

CALL TO ORDER:

Mr. Fox brought the meeting to order at 7:00 p.m. and stated Mr. Bevington is not present this evening so Mr. Fox took roll call. Mr. Fox said since there are four (4) board members present we do have a quorum.

ROLL CALL:

Present: Mr. Alan Daniel
Mr. Henry W. Philpot
Mr. Gary Salmon
Ms. Lee Steenken

Absent: Mr. Thomas Bevington

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

Approval of Meeting Minutes: February 19, 2013

Mr. Salmon made a motion to approve the February 19, 2013 Meeting Minutes as submitted. Mr. Daniel seconded the motion. Motion carried 4 – 0.

Approval of Meeting Minutes: March 19, 2013

Mr. Daniel made a motion to approve the February 19, 2013 Meeting Minutes as submitted. Ms. Steenken seconded the motion. Motion carried 4 – 0.

NEW BUSINESS:

BZA13-03V
William & Theresa Floyd
1374 Roundhill Drive
Hamilton, Ohio 45013

Mr. Fox stated this is a five (5) member board, and we have only four (4) present and in order for a favorable vote it will require three (3) or more votes in favor to be approved. If there were a two (2) to two (2) tie then it would be an automatic denial. All applicants have the right to wait and table it to a following month when all board members are present but must request this prior to giving testimony.

Mr. Fox informed the board members that staff does recommend approval of the variance and will give more detail later.

Mr. William Floyd, 1374 Roundhill Drive, Hamilton, Ohio 45013, was sworn in and said he is here to request a variance to approve an in-ground pool on a side yard as they are land locked in the back and cannot fit it in the back.

Mr. Fox asked Mr. Floyd, by “land locked” does he mean because there is no room because of the size of the pool you are building.

Mr. Floyd replied right – We purchased the lot with the purpose of building a pool and had to combine the two (2) lots, have it resurveyed, replatted, and then we went for the permit and was told we could not build a pool on the side yard so we have applied for a variance to build a pool on the side.

Mr. Salmon asked if the pool is where the stakes are in the side yard.

Mr. Floyd replied where the blue stakes are – there are blue stakes and orange stakes... the orange stakes are for the concrete.

Mr. Fox said for the report he said he did received one (1) call from a gentleman, who lives in the neighborhood but was not specific, said he has no objection to it, and he does not live adjacent, and neglected to get the gentlemen’s name.

Mr. Floyd said (name was inaudible) lives at the end of the cul-de-sac and would be most directly impacted.

Mr. Daniel said he called the Township Trustees and they had a similar situation and had no objection to this.

Mr. Fox asked Mr. Floyd if he plans on putting up a privacy fence and how tall will it be.

Mr. Floyd replied yes, six feet (6').

Mr. Fox said no one has showed up for this case, and maybe we can incorporate this into the variance since nobody came to dispute this. Mr. Fox said to Mr. Floyd, you have the existing house; the privacy fence cannot go in front of the house.

Mr. Floyd said it can go to the building line.

Mr. Fox said it can go to the building line which is the front of the house, and cannot go anyway further.

Mr. Floyd said their house is two feet (2') in back of the building line and the community deed restrictions state they cannot go beyond that and they did have it surveyed.

Mr. Floyd said aesthetically he feels it will look better if they do a straight shot right off the house and to angle out because they was to have it aesthetically pleasing for their neighbors and we feel the straight shot will look a lot nicer.

Ms. Steenken asked Mr. Floyd if he plans to do landscaping between the fence and the road.

Mr. Floyd said oh yeah, we'll probably sod it. He added his house is one of the nicer looking yards on Roundhill Drive.

STAFF COMMENTS:

Mr. Fox said Case Number BZA13-03V, William & Theresa Floyd, 1374 Roundhill Drive, Hamilton, Ohio 45013 is requesting a variance to construct an in-ground swimming pool on the side yard. Staff comments are as follows:

1. The property is zoned R-1 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 required ten (10) day waiting period.

Mr. Philpot made a motion approve the variance for case Board of Zoning Appeals-13-03V, for William & Theresa Floyd, 1374 Roundhill Drive, Hamilton, Ohio 45013, subject to Staff Conditions. Ms. Steenken seconded the motion. All in favor and motion approved 4 - 0.

AYES: Philpot, Steenken, Daniel, Salmon

NAYES: None

ADJOURNMENT:

Mr. Philpot made a motion to adjourn and it 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
April 16, 2013

Tom Bevington, Chair

James M. Fox, Secretary

Lee Margraf