

AGENDA
BUTLER COUNTY BOARD OF ZONING APPEALS
BUTLER COUNTY ADMINISTRATION CENTER
130 HIGH STREET
HAMILTON, OHIO 45011
May 15, 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

- A. April 17, 2012

III. New Business

- A. BZA12-09V Elizabeth Forman/David Closky
 5773 Oxford Milford Road
 Somerville, Ohio 45064

IV. Adjournment

REGULAR MEETING: Tuesday, April 17, 2012
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: 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:

April 17, 2012 Meeting Minutes

Ms. Steenken made a motion to approve the April 17, 2012 Meeting Minutes subject to a few minor typographical edits as noted. Mr. Salmon seconded the motion. Motion carried 5-0.

AYES: Steenken, Salmon, Daniel, Philpot, Bevington

NAYES: None

NEW BUSINESS:

BZA12-09V

Elizabeth L. Forman/David Closky
5773 Oxford Milford Road
Somerville, Ohio 45064

Ms. Elizabeth Forman and David Closky were both sworn in. Ms. Forman said they would like to have a six foot high fence erected across the front of their property with an electric gate at the driveway because lots of people use their driveway to make U-turns and they have nurses who work at their house at night alone and by themselves and are quite isolated so it would be a protective measure and we are five (5) minutes from campus and a lot of people are curious about the house and it sits 800 feet back from the road.

Mr. Closky said they have hunters that wander across their property on occasion with bows and arrows that walk across their front lawn.

Ms. Forman said they have five (5) handicapped adults living there so it is also a safety measure.

Mr. Bevington asked who their guardian is.

Ms. Forman replied she is.

Mr. Salmon asked if the fence will be behind or in front of the trees.

Ms. Forman said in front of the evergreens and they will be planting more evergreens so actually the fence will disappear and will not be a visual any more. She added the two sides are already fenced so they did not need to get permission for that – this is the last phase of containment.

Mr. Fox asked if there is a way for emergency vehicles to get back there in case something should happen to both of them in the house so they can get in.

Ms. Forman said they have a key and she believes the fence company will go over and register it with the Police. She said they will have a box out there similar to the commercial box you put on businesses, plus there is a hidden walk-through gate that they can come through on the side.

Mr. Fox said staff wanted to know about emergency vehicle access options. He added he has no problem with this.

STAFF COMMENTS:

Mr. Fox said number BZA12-09V, Elizabeth Forman/David Closky, 5773 Oxford Milford Road, Somerville, Ohio, 45064, the request is to erect a six foot (6') high fence and electronic gate in the front yard.

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 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. All gate construction must be located out of the right-of-way of Oxford Milford Road.

Mr. Fox said a few years back we saw a similar variance for a high fence in front of the property and we approved that one (1) and some people have done it without permits, but these folks are doing it the right way by calling.

Ms. Forman commented that the property Mr. Fox was referring to is on their street.

Mr. Fox said staff is recommending approval so long as the fence is out of the right-of-way and said he spoke with Mr. Dosky two weeks ago and Mr. Dosky submitted drawings showing it would be 30 feet which is out of the right-of-way so it looks like they are in good shape.

Ms. Steenken made a motion to approve the request for a variance for BZA12-09V, Elizabeth Forman/David Closky, 5773 Oxford Milford Road, Somerville, Ohio, 45064, subject to the stated conditions. Mr. Salmon seconded the motion. Motion carried 5-0.

AYES: Steenken, Salmon, Philpot, Daniel, Bevington

NAYES: none

ADJOURNMENT:

Mr. Salmon made a motion to adjourn, which was seconded by Mr. Philpot. 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
May 15, 2012

Tom Bevington, Chair

James M. Fox, Secretary

Lee Margraf