

AGENDA

BUTLER COUNTY BOARD OF ZONING APPEALS
BUTLER COUNTY ADMINISTRATION CENTER
130 HIGH STREET
HAMILTON, OHIO 45011
May 21, 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

III.

April 16, 2013

IV. New Business:

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

IV. Adjournment

REGULAR MEETING: Tuesday, May 21, 2013
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. Alan Daniel
Mr. Henry W. Philpot
Mr. Gary Salmon

Absent: Ms. Lee Steenken

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

Approval of Meeting Minutes: April 16, 2013

Mr. Salmon made a motion to approve the April 16, 2013 Meeting Minutes as submitted.
Mr. Philpot seconded the motion. Motion carried 3 – 0.

AYES: Salmon, Philpot, Daniel

ABSTAIN: Bevington

NAYES: None

Mr. Bevington stated there are only four (4) board members present. This is a five (5) member board and any action by the Board takes three (3) positive votes to pass, if an applicant wants all five (5) Board members present they may request their case be tabled until all five (5) members of the Board are present.

No comments from the applicants.

NEW BUSINESS:

BZA13-04V

Steve Abrams
3910 Oxford Middletown Road
Somerville, Ohio 45064

Mr. Steve Abrams, 3910 Oxford Middletown Road, Somerville, Ohio, 45064, said he is here to request a variance to build a pole barn close to the property line because of the way the land lays and the way it is draining right now, it would drain better if he put it over there.

Mr. Bevington asked Mr. Abrams if this would be for his own use.

Mr. Abrams replied yes.

Mr. Bevington asked Mr. Abrams if he wants electric and water in it.

Mr. Abrams replied yes to both.

Mr. Bevington asked Mr. Abrams how long has he lived there.

Mr. Abrams said roughly eight (8) years.

Mr. Daniel asked Mr. Abrams if he plans to run a business out of it.

Mr. Abrams replied no sir.

Mr. Salmon asked if Mr. Abrams is asking for it to be closer to the side setback line.

Mr. Abrams replied yes.

Mr. Fox stated there is a site plan in the drawings and he wants to be eight (8) feet away.

Mr. Daniel asked Mr. Abrams if his neighbor has any problem with that.

Mr. Abrams replied no sir.

Mr. Daniel asked Mr. Abrams if he has talked with his neighbor.

Mr. Abrams replied yes, he actually had him sign a paper that it was alright with them.

Mr. Fox asked what the neighbors' name is.

Mr. Abrams said Julie Durbin.

Mr. Salmon asked Mr. Abrams if he will build the pole barn himself.

Mr. Abrams replied no.

Mr. Bevington commented the Health Department doesn't have any problems or objections to it.

Mr. Abrams replied no.

Mr. Philpot asked the size of this barn.

Mr. Abrams said it will be 32' by 48' with 12 to 15' foot (inaudible).

Mr. Salmon asked Mr. Abrams if he would extend his existing driveway out to it.

Mr. Abrams replied yes.

Mr. Philpot asked Mr. Abrams if he would live in it.

Mr. Abrams said no, he'll just store his truck, tractor and lawnmower, etc.

No other questions.

TESTIMONY IN FAVOR: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said case number BZA13-04V, Mr. Steve Abrams, 3910 Oxford Middletown Road, Somerville, Ohio, 45064, is requesting a variance to build an accessory structure closer to the side property line than zoning allows. 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. A Building Permit is required.

Mr. Philpot made a motion approve the variance for case Board of Zoning Appeals 13-04V, for Steve Abrams, 3910 Oxford Middletown Road, Somerville, Ohio, 45064, subject to Staff Conditions. Mr. Daniel seconded the motion. All in favor and motion approved 4 - 0.

AYES: Philpot, Daniel, Salmon, Bevington

NAYES: None

BZA13-05V

Ralph Jester representing William & Margo (Pressler) Cox
2157 Middletown Eaton Road
Middletown, Ohio 45042

Mr. Ralph Jester, 2474 Stahlheber Road, Hamilton, Ohio said he is here tonight for a client of his who is wanting to add a second structure, and has a little 24' x 24' detached garage and the area the clients live in only allows for one (1) outbuilding and it isn't big enough for all of his things and wants to build one on the side yard behind the front of the house and will be half way back of the house. It will be basically for storage and they will put a little porch on it to dress it up a little bit and make it fit in better and they are going to move the driveway around a bit to get over to that and it will have a gravel driveway back to it eventually.

Mr. Bevington asked Mr. Jester if it will have electric and/or water in it.

Mr. Jester replied not at this time, he may however have electricity down the road but is not sure, and no to water.

Mr. Salmon asked if the porch would only be on part of it.

Mr. Jester said yes, about half way down the side toward the house to decorate it a little on the side and it will be more like a garage than a pole barn and will have a foot overhang and it will be pretty.

Mr. Bevington asked Mr. Jester how long has his client lived there.

Mr. Jester replied 10 years.

Mr. Salmon asked Mr. Fox if the applicant meets with all the other setback and zoning requirements.

Mr. Fox replied yes, it is R-2 and a minimum of eight feet (8'). He added the area has some odd zoning – there are a lot of five (5) acre tracts that are in that area typically being zoned Agricultural but it looks like it is the original zoning for the area was R-1 zoning and there are about 20 or so properties all zoned R-2 in that area on that side of the road which is kind of odd, but it is zoned R-2, and they meet all the other zoning requirements otherwise.

Mr. Salmon asked Mr. Jester if he knows if the applicant has talked with any of his neighbors.

The applicant stood up and replied yes.

Mr. Fox said he has sent letters out to all of the adjacent property owners on this specific case and has had no calls to complain or anything about it.

Mr. Daniel said the Township did not receive any calls either.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

STAFF COMMENTS

Mr. Fox said case number BZA13-05V, Mr. Ralph Jester, representing William & Margo (Pressler) Cox, property address is 2157 Middleton Eaton Road, Middletown, Ohio 45042, the request is to build a second accessory structure on the property.

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 condition:
 - A. A Building Permit is required.

Mr. Daniel made a motion to approve the variance for case Board of Zoning Appeals- BZA13-05V, Mr. Ralph Jester/ William & Margo (Pressler) Cox, 2157 Middletown Eaton Road, Middletown, Ohio 45042, subject to Staff Conditions. Mr. Salmon seconded the motion. All in favor and motion approved 4 - 0.

AYES: Daniel, Salmon, Philpot, Bevington

ADJOURNMENT:

Mr. Philpot made a motion to adjourn and it 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 21, 2013

Tom Bevington, Chair

James M. Fox, Secretary

Lee Margraf