AGENDA

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

June 18, 2013

III. New Business:

1. BZA13-07V Daniel R. Miller

2585 Boehm Farm Hamilton, OH 45013

2. BZA13-08V William Duerksen

3612 Stahlheber Road Hamilton, OH 45013

IV. Adjournment

REGULAR MEETING: Tuesday, July 16, 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 Ms. Lee Steenken

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

Approval of Meeting Minutes: June 18, 2013

Ms. Steenken made a motion to approve the June 18, 2013 Meeting Minutes as submitted. Mr. Salmon seconded the motion. Motion carried 5 - 0.

AYES: Steenken, Salmon, Philpot, Daniel, Bevington

NAYES: None

NEW BUSINESS:

BZA13-07V

Daniel R. Miller 2585 Boehm Farm Hamilton, OH 45013

Mr. Miller said he would like a zoning change on an outbuilding that he has for property he recently purchased on Boehm Farm Road on the south side and it is 6.4 acres. He said

he would like the setback to be changed from 25' as a side setback to 15' due to a hardship of the building being placed on the lot because of the topography of the ground.

- Mr. Miller said he knows the lots adjacent to his property are vacant and he believes the side in question is the only access to a larger tract behind him of 106 acres.
- Mr. Bevington asked Mr. Miller how long he has owned the property.
- Mr. Miller said approximately 1 ½ years.
- Mr. Daniel asked what the purpose of the outbuilding is.
- Mr. Miller said it is just a secondary building for use as a workshop.
- Ms. Steenken asked Mr. Miller if he will be running a business or living in this building.
- Mr. Miller replied no to both.
- Mr. Bevington asked Mr. Miller if he will have electric and water.
- Mr. Miller replied yes to both.
- Mr. Bevington asked Mr. Miller if he would have animals in the building.
- Mr. Miller replied no.
- Mr. Miller said he has plans of the building if the board would like to see them and proceeded to show the plans to the Zoning Board of Appeals' members.
- Mr. Philpot asked Mr. Miller if he will build the structure himself.
- Mr. Miller said he will subcontract all of it out to qualified contractors.
- Mr. Bevington asked if the upstairs will be finished or unfinished.
- Mr. Miller said he would put a floor in it, dry wall and that would be the extent of it.
- Mr. Daniel asked about the size.
- Mr. Miller replied 36 feet by 26 feet something in that range.
- Mr. Miller identified where the building will be situated on the property.
- Mr. Philpot asked if this is a workshop what kind of work will the applicant be doing.

Mr. Miller said he's an amateur woodworker and likes to make furniture and different things.

Mr. Miller said there are covenants on the property and any outbuilding has to match the house plans.

Mr. Philpot asked the applicant if he will have a furnace out there.

Mr. Miller said no, he may put in a line from the LP and maybe put in a gas fireplace later when it is cold.

Mr. Philpot asked the applicant if he would be putting any duct work in there.

Mr. Miller replied no.

TESTIMONY IN FAVOR: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said case number BZA13-07V, Daniel R. Miller, 2585 Boehm Farm Drive, Hamilton, OH 45013, 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 Agriculture District.
- 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 and that a hardship exists with the layout of the land, the staff will recommend approval with the following condition:
 - A. A Building Permit is required.

Mr. Bevington told Mr. Miller this is a variance, not a zone change as Mr. Miller had initially stated.

Mr. Fox said we are not changing the zoning.

Ms. Steenken made a motion to approve the variance for case BZA13-07V, Applicant Daniel R. Miller, 2585 Boehm Farm, Hamilton, OH 45013, as presented and subject to Staff Conditions. Mr. Philpot seconded the motion. All in favor and motion approved.

AYES: Steenken, Philpot, Daniel, Salmon Bevington

NAYES: None

BZA13-08V William Duerksen 3612 Stahlheber Road Hamilton, OH 45013

Mr. Duerksen said he is here requesting a zoning variance to reduce the side setback from 15 feet to 6 feet or 8 feet, but he would prefer 6 feet. Due to the topography of the lot, they are trying to build a small house between the property line and the pond and if adhering to the 15 feet requirement it would push the house down the bank of the pond but not on the water line, and they are splitting the lot and his daughter and her family will move into the existing house and he and his wife will move into the smaller house and this way both houses will face each other.

Mr. Duerksen said he spoke with the neighbor who is directly affected by this and they have no issue with it and was not able to get in touch with Mr. (name inaudible) who lives catty corner but didn't think he would ever have a problem with it. All of the water from the roof will be directed to the pond.

Mr. Bevington asked Mr. Duerksen how long he's owned the property.

Mr. Duerksen replied since 1990.

Mr. Fox said it is like five (5) lots, old subdivision lots and they are actually combining them down to two (2) lots now where you can see the old lot (on map) so they have replatted it all and consolidated it into (2) lots and those were already approved.

Mr. Duerksen said the design of the house is fairly low impact to the neighbor's house.

Mr. Duerksen said they want the houses to face each other for the sake of the driveway garage location.

Mr. Daniel asked how big the pond is.

Mr. Duerksen said about 60 feet in diameter.

Mr. Salmon said so the applicant has the house designed and ready to go.

Mr. Duerksen said it is designed and the architect is drawing it now.

Mr. Fox asked the applicant if he knows how far it is going to be from that new rear property line.

Mr. Duerksen said approximately 50 feet.

Mr. Fox said he had a lady come in who lives here (pointed to her property on map) and she had no objections to it and just wanted to see what was going on and he had another person call and asked if they don't object do they still have to come in and so there was no negative feedback on this.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

STAFF COMMENTS:

Mr. Fox said Case No. BZA13-08V, William Duerksen, 3612 Stahlheber Road, Hamilton, Ohio 45013, is requesting a variance to build a home closer to the side yard 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 staff will recommend approval with the following condition:

A. A Building Permit is required

Mr. Salmon made a motion to approve the variance for case Board of Zoning Appeals BZA13-08V, Applicant Mr. William Duerksen, 3612 Stahlheber Road, Hamilton, OH 45013, as presented and subject to Staff Conditions including a minimum of six feet (6') from property line. Mr. Daniel seconded the motion. All in favor and motion approved.

AYES: Salmon, Daniel, Steenken, Philpot, Bevington

NAYES: None

ADJOURNMENT:

Mr. Daniel made a motion to adjourn and it was seconded by Ms. Steenken.

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
July 16, 2013
Tom Bevington, Chair
Tom Bevington, Chan
James M. Fox, Secretary
Lee Margraf