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AGENDA  
BUTLER COUNTY BOARD OF ZONING APPEALS  
BUTLER COUNTY ADMINISTRATION CENTER  
130 HIGH STREET  
HAMILTON, OHIO 45011  
September 16, 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

- A. August 19, 2014

III. New Business

- A. BZA14-07C Oxford Baptist Church  
                         4111 Trenton Oxford Road  
                         Hamilton, Ohio 45011
- B. BZA 14-08V John Ross  
                         7145 Stilwell Beckett Road  
                         Oxford, Ohio 45056
- C. BZA14-09V Carl & Shirley Swartz  
                         2545 School Road  
                         Hamilton, Ohio 45013
- D. BZA14-10V Paul Brokamp, VSWC Architects Inc.  
                         890 Stahlheber Road  
                         Hamilton, Ohio 45013

IV. Adjournment

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**REGULAR MEETING:** Tuesday, September 16, 2014  
Butler County Government Services Building  
Conference Room 1  
315 High Street, 1<sup>st</sup> 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  
Alan Daniel  
Henry W. Philpot  
Mr. Gary Salmon

Absent: Thomas Bevington  
Lee Steenken

Staff Members: James Fox, Zoning & Floodplain Manager

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**Approval of Meeting Minutes:**

Mr. Fox said there were no draft minutes to approve.

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Mr. Fox went over the rules regarding the ruling when three (3) Board members are present and advised applicants of their right to request their case be tabled until a full Board is present otherwise the vote must be unanimously agreed on in order to be approved, otherwise it is an automatic denial of the case.

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**NEW BUSINESS:**

BZA14-07C  
Oxford Baptist Church  
4111 Trenton Oxford Road  
Hamilton, Ohio 45011

Ms. Judy Allen, 2284 Jenny Lynn Drive, Lawrenceburg, Indiana said they are here requesting a variance to build a fellowship hall for their church and were told they needed a variance to do so. She said the church is located at 4111 Trenton Oxford Road, Hamilton Ohio.

Mr. Fox stated this would be a conditional use not a variance.

Ms. Allen said it would be used for fellowship meetings and the youth programs.

Mr. Salmon asked if there was adequate parking spaces.

Mr. Fox said there are plenty of parking spaces that meet the County's parking space requirement and he double checked it before this hearing.

Mr. Fox said the applicants have submitted their Building Permit request and it is under review. A letter had been sent to the Architect advising them the plans have been rejected and what issues need to be corrected.

Ms. Allen said she was not aware of the letter.

Mr. Salmon asked how many church members there are.

Ms. Allen said they average between 120 to 130 and the sanctuary itself is 242 was what was on the last Permit when they built the church and she believes the contents of the entire building is about 463 and they already built all of the plumbing and the system in the back is big enough to accommodate the fellowship hall as well because they planned for this.

Mr. Philpot asked if they had to have the (sanitary?) looked at yet.

Mr. Fox said it is going through that process and they will have to have the Board of Health approve that prior to coming here so it is in the process of being approved.

**TESTIMONY IN FAVOR:** Ms. Lisa Rud, 4421 East County Road 750 South, Connersville, Indiana;

Ms. Rud said she is a member of the Oxford Baptist church and in favor and this would be an awesome opportunity for us to have a place for our youth to do activities and meet.

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**TESTIMONY IN OPPOSITION:** None

**NEUTRAL TESTIMONY:** None

**STAFF COMMENTS:**

Mr. Fox said case number BZA14-07C, Oxford Baptist Church, 4111 Trenton Oxford Road, Hamilton, Ohio 45011 is requesting a conditional use variance to construct a fellowship hall, used in conjunction with an existing church. 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 Conditional Use to construct a fellowship hall.
4. It is the intent of the Conditional Use process to allow appropriate uses, which have been so identified by the zoning code, to exist in locations where they are compatible with their surrounding; and since the use is compatible the staff will recommend approval with the following required conditions:
  - A. The use shall have direct access to a major arterial or collector street.
  - B. The building shall be located a minimum of 50 feet from all lot lines.
  - C. A Building Permit is required.
  - D. Waive the 10-day waiting period.

Mr. Philpot made a motion to approve case number BZA14-07C, Oxford Baptist Church, 4111 Trenton Oxford Road, Hamilton, Ohio 45011 for a conditional use variance to construct a fellowship hall, used in conjunction with an existing church and subject to staff comments presented. Mr. Daniel seconded the motion. Motion carried 3 – 0.

AYES: Philpot, Daniel, Salmon

NAYES: None

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**BZA14-08V**

John Ross  
7145 Stillwell Beckett Road  
Oxford, Ohio 45056

Mr. Ross, 10950 Kristiridge Drive, Cincinnati, Ohio said he is here to request a variance to construct a building for their Recreational Vehicle (RV) and for storage and they would like to store all of their household goods when the house is sold and they have enough money to pay for the lot and put up the storage building so that they don't have to pay for an outside storage

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company to store it all and enough to put the utilities and a sewage system in which they have had ok'd and he also has a copy of the approved plans for that for the Board to review it.

Mr. Fox said the applicant wants to build a barn before they build a house.

Mr. Ross said they are ready to downsize and build a smaller home in Butler County with lower taxes than what they pay currently. He added they will put their existing house on the market in Spring of next year and by then all of the electric, sewage and water will be there and all they'll have to do is dig a hole for the basement of the house and said he is confident their current home and storage space in their garage will sell quickly. He will build a house on the vacant piece of land in Butler County with a large permanent pole barn just like what they have down in Cincinnati.

Mr. Philpot asked for clarification on utilities to the building to be constructed.

Mr. Daniel stated this Board usually asks for a timeframe to set a specific amount of time to complete the building and directed this to Mr. Fox for his thoughts on this.

Mr. Fox said the Board could give the applicant two (2) years to complete it and if it is not completed within the two (2) year time the applicant would have to come back before the Board – but he would be agreeable to whatever this Board deems adequate.

Mr. Daniel and Mr. Salmon said they both wondered about the timeframe.

Mr. Salmon asked the applicant if he would live in the barn or conduct business out of the proposed building to which the applicant replied no to both.

Mr. Ross said during the building process he would like to occasionally be there and they may stay a night or two (2) but there are RV parks available for them to stay at.

Mr. Fox set the record straight and told Mr. Ross he cannot live in their RV on this property.

Mr. Ross said he was good with that and agreed with that.

Mr. Philpot asked the applicant, if this is approved, when does he plan to start building the storage building and when does he expect it to be finished to which Mr. Ross replied, "start next week and was told it will be three (3) weeks to complete but they plan to remain in their existing house during the winter.

**TESTIMONY IN FAVOR OF:** None

**TESTIMONY IN OPPOSITION OF:** None

**NEUTRAL TESTIMONY:** None

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**STAFF COMMENTS:**

Mr. Fox said case number BZA14-08V, John Ross, 7145 Stillwell Beckett Road, Oxford, Ohio 45056. The request is to obtain a variance to build an accessory structure before the primary residence. 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 conditions:
  - A. A Building Permit is required.
  - B. No living in the building.
  - C. No business activities from building.
  - D. Must have home under construction within one and a half (1 ½) years from March 1, 2015.
  - E. No living in a recreational vehicle (RV) on the property.

Mr. Daniel made a motion to approve case number BZA14-08V, John Ross, 7145 Stillwell Beckett Road, Oxford, Ohio 45056 to build an accessory structure before the primary reside with the stipulations outlined in staff comments. Mr. Philpot seconded the motion. Motion carried 3 – 0.

AYES: Daniel, Philpot, Salmon

NAYES: None

Mr. Ross asked if he is allowed to visit the property with his RV and is he allowed to dump his sewage from the RV into the system once installed on the property.

Mr. Fox replied to Mr. Ross and said yes as long as Mr. Ross is not living out of the RV on the property – period as that would change the character of the property.

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**BZA14-09V**

Carl & Shirley Swartz  
2545 School Road  
Hamilton, Ohio 45013

Ms. Swartz said she and her husband are asking for a variance to keep their travel trailer in their driveway. The lay of the land does not permit them to access their back yard due to a deep ditch and culvert on one side and in the spring the water comes across the vacant lot and flows to the back of their property line and the other side of the property has a large maple tree, shrubs and clothes line prevent them from access from that side. No one is living in the camper or even slept over night while it's been in their driveway since they've owned it and there are no weeds growing around it as they keep their yard well-manicured by professionals. They go camping often including spending two and a half (2 ½) months in Florida during the winter and plan to continue to do so provided they have good health.

Ms. Swartz said they have talked with their neighbors and they have no problem with the camper. She added she has no idea who Mr. Snider is who has complained and wonders what is this man doing in their Butler County neighborhood seeing he's from Hamilton County.

Mr. Fox asked the applicant how long the camper has been sitting in that specific spot.

Ms. Swartz replied 13 years.

Mr. Fox gave some history on this case and said he received complaint from someone and he followed up and went by and sent them a notice and helped them work through this process. Trailers, campers, boats, etc. must be stored in the rear yard – not on the sides or front and that is why they are here today – they park it out front to the side of their driveway.

Mr. Daniel said when people complain who live 50 miles away he has a hard time dealing with that and having to deal with this formality.

Mr. Philpot asked if the applicant has ever had someone come to their house to complain to which the reply was, "no."

Ms. Swartz said they have kept a camper of some sort out there throughout their 53 years of marriage and it has been kept clean and sits on pavement and have had no complaints from neighbors.

**TESTIMONY IN FAVOR OF:** Terry Hair, 2562 School Road, Hamilton, Ohio; Mr. Tim Starr, 2525 School Road, Hamilton, Ohio

Mr. Hair said he lives directly across the street from the Swartz property and attested that the applicant does take good care of their yard and even when they are gone the lawn is always

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mowed and he has lived there for 17 years and has no problem with them at all and does not feel it is an eyesore.

Mr. Starr said he lives next door to the Swartz property and has no problem at all with them having the camper there and he has lived there since 1996 and prior to that his parents lived there and they never had any complaints with the camper there either.

**TESTIMONY IN OPPOSITION OF:** None

**STAFF COMMENTS:** None

Mr. Fox said case number BZA14-09V, Carl & Shirley Swartz, 2545 School Road, Hamilton, Ohio 45013 is requesting a variance to allow a travel trailer to be kept in the front yard. Staff Comments are as follows:

1. The property is zoned B-1 Community Business.
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 there is evidence that an unnecessary hardship exists with the property, staff will recommend approval with the following condition:
  - A. No living quarters shall be maintained or any business conducted while so parked.

Mr. Philpot made a motion to approve case number BZA14-09V, Carl & Shirley Swartz, 2545 School Road, Hamilton, Ohio 45013 to allow a travel trailer to be kept in the front yard subject to staff comment. Mr. Daniel seconded the motion. Motion carried 3 – 0.

AYES: Philpot, Daniel, Salmon

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**BZA14-10V**

Mr. Paul Brokamp, VSWC Architects, Inc.  
890 Stahlheber Road, Hamilton, Ohio 45013

Mr. Brokamp, VSWC Architects, Inc., 414 Reading Road, Mason, Ohio, said he is here on behalf of Colonial Senior Services, Inc., owner of the property, to request a variance for permission to construct a public parking area in a residential zoning district at 890 Stahlheber Road, Hamilton Ohio, 45013, owned by Colonial Senior Services, Inc. and zoned R-2 Residential and read aloud the summary he sent to Mr. Fox earlier.



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Mr. Brokamp said this project involves site development for a new rehab center for post-operative and injury rehabilitation with approximately 90% of the property in Hamilton's Community Business District while the remaining 10% is within the Hanover Township Residential District R-2 Zoning. Colonial is requesting a variance for extending an asphalt commercial parking lot on to their own property located in Hanover Township within the R-2 Single Family Residential Zoning District which is adjacent to a second Hanover Township property to the east.

Mr. Fox showed the proposed plans, a map of the property and summarized the project and stated in an RA-2 District a commercial parking lot is prohibited without a variance.

Mr. Fox said Hamilton requires a landscape buffer for such a project and asked the applicant to identify the location of the proposed landscape buffers.

Mr. Fox said one (1) of the conditions is to extend the buffering this way and the County will propose that a landscape buffer must be constructed to the northwest side of the parking lot using the same type of vegetation that is required by the City of Hamilton for the rest of the site.

Mr. Brokamp said he will do that.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

STAFF COMMENTS:

Mr. Fox said case number BZA14-10V, Mr. Paul Brokamp, VSWC Architects, Inc., 890 Stahlheber Road, Hamilton, Ohio 45013, is requesting a variance for owner Colonial Senior Services, Inc., owner, to construct a commercial parking lot at 890 Stahlheber Road, Hamilton, Ohio 45013, in an R-2 Zoning District which does not allow construction of a commercial parking lot. Staff Comments are as follows:

1. The property is zoned R-2 Residential.
2. This area is residential & commercial 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. Lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining properties.

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- B. A landscape buffer must be constructed at the northwest side of the new parking lot; using the same type of vegetation that is required by the City of Hamilton for the rest of the site.

Mr. Daniel made a motion to approve case number BZA14-10V, Applicant Paula Brokamp, VSWC Architects, Inc., Colonial Senior Services, Inc., owner, to approve the request for a variance to construct a public parking area in a residential zoning district on the following described property: 890 Stahlheber Road, Hamilton, Ohio, 45013, Hanover Township request for a variance to allow a travel trailer to be kept in the front yard subject to staff comments. Mr. Philpot seconded the motion. Motion carried 3 – 0.

AYES: Daniel Philpot, Salmon

NAYES: None

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**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

September 16, 2014

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Tom Bevington, Chair

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James M. Fox, Secretary

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Lee Margraf