

AGENDA

BUTLER COUNTY BOARD OF ZONING APPEALS
BUTLER COUNTY ADMINISTRATION CENTER
130 HIGH STREET
HAMILTON, OHIO 45011
September 17, 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

July 16, 2013

III. New Business:

1. BZA13-09V Robert Carr/ Robert McConnell
 2540 Morgan Ross Road
 Hamilton, Ohio 45013
2. BZA13-10V Jonathan Hesselbrock
 3820 Hamilton Scipio Road
 Hamilton, Ohio 45013
3. BZA13-11V Joseph Zeinner/ Dave & Kim Finke
 4214 Chad Lane
 Ross, Ohio 45061

IV. Adjournment

REGULAR MEETING: Tuesday, September 17, 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. Henry W. Philpot
Mr. Gary Salmon
Ms. Lee Steenken

Absent: Alan Daniel

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

Approval of Meeting Minutes: July 16, 2013

Ms. Steenken made a motion to approve the July 16, 2013 Meeting Minutes with one (1) minor change on page four (4). Mr. Salmon seconded the motion. Motion carried 4 – 0.

AYES: Steenken, Salmon, Philpot, Bevington

NAYES: None

NEW BUSINESS:

BZA13-09V

Robert Carr/Robert McConnell
2540 Morgan Ross Road
Hamilton, OH 45013

Mr. Robert McConnell, 2540 Morgan Ross Road, Hamilton, Ohio, 45013 said he is here to apply for a variance to add a carport on to an existing structure to park a Recreational Vehicle (RV) and a boat underneath it to protect them from the weather. Mr. McConnell

said there is an existing shed that has been there since 2004 and he has almost 11 acres of property in a wooded and secluded area in the back and no one can see his place from the back and he would like to put everything under a roof.

Mr. Bevington asked Mr. McConnell how big is his RV.

Mr. McConnell said it is 45 feet. He added they will just extend the roof out one (1) side and make a drive thru carport and park the RV in there and the boat under the other end and apparently it will exceed the allowed amount of space for a roof.

Mr. Bevington asked the applicant if he will build it himself.

Mr. McConnell replied no, Mr. Carr will

Mr. Salmon asked if it is an addition.

Mr. McConnell said it is not an addition it's just a carport on two sides of the building – one will be on the back and across one end. We are extending the roof one way, and then the back way. He added there is no addition whatsoever and nothing is being enclosed – it will all be open.

Mr. Salmon asked if the applicant has future plans to put walls up in that.

Mr. McConnell replied he wouldn't need t -- the existing building is more than adequate and there is no septic anywhere near that and he's got all the approvals from the Health Department.

Ms. Steenken asked Mr. McConnell if he will operate a business out of the structure.

Mr. McConnell replied no, strictly for personal use.

TESTIMONY IN FAVOR OF: Darryl Huff, 1755 Indian Woods Lane, Okeana, Ohio

Mr. Huff said he owns the property beside this and received a letter about this and said he would like to take a look at the plan submitted.

Mr. Huff looked at the plans and said he has no problem at all with this. Mr. Huff said he's out there in the country and it won't bother anybody else.

TESTIMONY IN FAVOR OF: None

NEUTRAL COMMENTS: None

TESTIMONY IN OPPOSITION OF: None

STAFF COMMENTS:

Mr. Fox said case BZA13-09V, Robert McConnell, 2540 Morgan Ross Road, Hamilton, OH 45013, is requesting a variance to build an accessory structure larger 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 the staff will recommend approval with the following condition:
 - A. A Building Permit is required.

Ms. Steenken made a motion to approve the variance for case BZA13-09V, Applicant Robert McConnell, 2540 Morgan Ross Road, Hamilton Ohio, subject to staff condition, a Building Permit is required. Mr. Philpot seconded the motion. All in favor and motion approved 4 – 0.

AYES: Steenken, Philpot, Salmon Bevington

NAYES: None

BZA13-10V
Jonathan Hesselbrock
3820 Hamilton Scipio Road
Hamilton, OH 45013

Mr. Hesselbrock, 3820 Hamilton Scipio Road, Hamilton, Ohio, said he is here to request a variance to build a pole barn that would be too close to the rear property line than zoning allows.

Mr. Hesselbrock said there is a swale going through the back yard prohibiting him from moving it forward and he would like to put it on that side of the yard because there is a tree there on the other side that he does not want to take out and because he would like to keep it behind the house.

Mr. Bevington asked Mr. Hesselbrock how long he's been there.

Mr. Hesselbrock replied two (2) years in November.

Mr. Fox asked the applicant if he knew how far it is proposed to be from the property line.

Mr. Hesselbrock replied 30 feet.

Mr. Salmon asked what it will be used for.

Mr. Hesselbrock said he'll have his lawnmowers and tractors in it and he has a 16 foot increment trailer they recently purchased and he would like to keep it in there and his wife has a horse trailer that is over her parents' house.

Mr. Philpot asked Mr. Hesselbrock if he plans to run a business from it.

Mr. Hesselbrock replied no sir.

Ms. Steenken asked if there would be water and electricity – applicant said no to water but reply about electricity was inaudible.

Mr. Salmon asked Mr. Hesselbrock if he will be building this himself.

Mr. Hesselbrock said he is undecided on that – but leaning toward having Brown Lumber Company out of Indiana do it and is unsure if he wants to tackle that himself.

Mr. Bevington said he knows the Health Department has no objections to this request.

TESTIMONY IN FAVOR OF: Mr. Kent Niederman, 3950 Hamilton Scipio Road, Hamilton, Ohio

Mr. Niederman said he owns land on two (2) sides of Mr. Hesselbrock's property and is here to state he has no objection to the applicant putting this building where he wants to, they are both open fields and we have no plans to build anything around there so we have no objection at all.

Mr. Bevington asked Mr. Niederman how many acres does his family own right along there on his side.

Mr. Niederman replied this side is 50 acres.

Mr. Fox asked the applicant if he needs it closer than 30 feet or is 30 feet what he'll be at.

Mr. Hesselbrock replied 30 is what he needs to be at.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

STAFF COMMENTS:

Mr. Fox said Case No. BZA13-10V, Jonathan Hesselbrock, 3820 Hamilton Scipio Road, Hamilton, Ohio, is requesting a variance to build an accessory structure larger 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 and due to a swale and a large tree issue, staff feels a hardship has been established and staff will recommend approval with the following condition:
 - A. A Building Permit is required.
 - B. The building must be no closer than 30 feet to the rear property line.
 - C. No business is to be conducted from this building.

Mr. Salmon made a motion to approve the variance for Case number BZA13-10V, Applicant Mr. Jonathan Hesselbrock, 3820 Hamilton Scipio Road, Hamilton, Ohio, as presented and subject to Staff Conditions including a minimum of 30 feet rear setback from property line and no business is to be operated from this building. Mr. Philpot seconded the motion. All in favor and motion approved.

AYES: Salmon, Philpot, Steenken, Bevington

NAYES: None

BZA13-11V

**Joseph Zeinner/ Dave & Kim Finke
4214 Chad Lane
Ross, Ohio 45061**

Mr. Zeinner, 3761 Hubble Road, Cincinnati, Ohio 45247 and Mr. Dave Finke, 4214 Chad Lane, Hamilton, Ohio were both sworn in.

Mr. Zeinner said Mr. Finke hired him as a remodeler to build a garage, and Mr. Finke is asking for a little bit larger size than zoning allows. He currently has an attached garage

that is 21' x 20' and he has a collector car and motorcycle and his two (2) primary vehicles stay outside all year round and he would like to have a garage out back that will be 24' x 30'. The collector car and motorcycle will be in that garage and he is asking for the additional space for future hobbies and he will be retiring soon.

Mr. Bevington asked Mr. Finke how long he has owned this property.

Mr. Finke replied he bought it in 1994.

Mr. Zeinner said he presented a letter with a couple of people's signature on it who have given their approval on this.

Mr. Bevington asked Mr. Finke if anyone in his neighborhood has what he wants.

Mr. Finke said there are a few garages out there and a couple are much larger than what he is asking for.

Ms. Steenken said she noticed that Mr. Finke will remove the existing shed once the new one is in.

Mr. Finke replied yes.

Ms. Steenken asked if the applicant will be running a business from this.

Mr. Finke replied no.

Ms. Steenken asked Mr. Finke if anyone will be living in this.

Mr. Finke replied no.

Mr. Salmon asked how much over of square footage will this be.

Mr. Zeinner said they are asking for 720 square feet and zoning is 524 square feet.

Mr. Fox said it will be 196 square feet more than zoning allows.

Mr. Salmon asked if there will be electric in it.

Mr. Zeinner said not under his contract.

Mr. Salmon asked about water.

Mr. Zeinner replied no.

Mr. Bevington asked Mr. Finke if he will be looking to put electric or water in.

Mr. Finke said he would like to have electric put in at some time.

Mr. Bevington asked if the Board of Zoning Appeals could approve it so the applicant could put electric in it and whenever he wants it will be available rather than come back for it.

Mr. Fox said the applicant would not have to come back as it is not a zoning issue.

TESTIMONY IN FAVOR OF: John Bamonte 4206 Chad Lane, Ross Township, Ohio

Mr. Bamonte said he has no problem with Mr. Finke putting a garage up there and has no problem with it whatsoever.

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said BZA13-11V, Joseph Zeinner/ Dave & Kim Finke, 4214 Chad Lane, Hamilton, 45061, Ohio, the request is to build an accessory structure larger than zoning allows. Staff comments are as follows:

1. The property is zoned R-2 Residential.
2. This area is rural in residential 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 the applicant stated that there are larger buildings within the neighborhood, the staff will recommend approval with the following condition:
 - A. A Building Permit is required.

Mr. Philpot made a motion to approve case BZA13-11V, Joseph Zeinner / Dave & Kim Finke, 4214 Chad Lane, Ross, Ohio, as presented and subject to staff conditions. Ms. Steenken seconded the motion. Motion carried 4 – 0.

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 17, 2013

Tom Bevington, Chair

James M. Fox, Secretary

Lee Margraf