

AGENDA  
BUTLER COUNTY BOARD OF ZONING APPEALS  
BUTLER COUNTY ADMINISTRATION CENTER  
130 HIGH STREET  
HAMILTON, OHIO 45011  
September 18, 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. June 19, 2012
- B. July 17, 2012

III. New Business

- A. BZA12-14V    Steve Sininger  
                         3350 Reily Millville Road  
                         Hamilton, Ohio 45013
- B. BZA12-15V    Arthur Profitt  
                         1268 Middletown Eaton Road  
                         Middletown, Ohio 45042
- C. BZA12-16V    Floyd W. Bishop  
                         2192 Beechwood Drive  
                         Fairfield, Ohio 45014
- D. BZA12-17V    Diane L. Walsh  
                         2239 Millville Shandon Road  
                         Hamilton, Ohio 45013

IV. Adjournment

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**REGULAR MEETING:** Tuesday, September 18, 2012  
Butler County Government Services Building  
Conference Room 1  
315 High Street, 1<sup>st</sup> 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

Absent: Ms. Lee Steenken

**STAFF MEMBERS:** James Fox, Zoning & Floodplain Manager

**APPROVAL OF MINUTES:**

Mr. Salmon made a motion to approve the draft Meeting Minutes from the June 19, 2012 meeting as submitted. Mr. Daniel seconded the motion. Motion carried 4-0.

AYES: Salmon, Daniel, Philpot, Bevington

NAYES: None

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Mr. Salmon made a motion to approve the draft Meeting Minutes from the July 17, 2012 meeting as submitted. Mr. Daniel seconded the motion. Motion carried 4-0.

AYES: Salmon, Daniel, Philpot, Bevington

NAYES: None

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Mr. Bevington said because one (1) of the Board Members is not present, applicants have the option to table their case until all Board members are present, if any applicants wish to table their application, please do so before the Board hears the case.

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**NEW BUSINESS:**

**BZA12-14V**

Steve Sininger  
3350 Reily Millville Road  
Hamilton, OH 45013

Mr. Sininger, 3350 Reily Millville Road, Hamilton Ohio 45013, said he is here tonight because he is in the process of building a pole barn and found out the land was not quite level enough so he is going for a framed garage – 30’ x 60’ and he needs to go a little closer to the property line in order to cut costs; and would like to be within 10 or 15 feet from the property line instead of 25 and that is the bulk of the problem.

Mr. Bevington asked the applicant if he has discussed this with his neighbors.

Mr. Sininger said he only has two neighbors, one (1) is in Sarasota, Florida, who’s house is about 1/8 of a mile behind my house; and the other one (1) does not care.

Mr. Bevington asked Mr. Sininger if he will have electric in it.

Mr. Sininger replied yes, at least enough for our security light. He added it will be a little fancier than what he wanted to build, but based on the land and the way it flows he will have to go with a step down foundation with framed side walls.

Mr. Daniel asked the applicant what he is building it for.

Mr. Sininger replied his two (2) tractors, farm equipment, two (2) trailers and two (2) lawn mowers and a bunch of junk in the garage.

Mr. Philpot asked Mr. Sininger if he will run a business from it.

Mr. Sininger replied absolutely no way.

Mr. Salmon asked if there will be a driveway to that.

Mr. Sininger replied no driveway.

Mr. Philpot said the applicant said he wanted to build it ten (10) feet from the property line because he wanted to save money, and asked is it because of the contour of the property.

Mr. Sininger said yes, somewhere between 10 and 15 feet from the property line, it is on the west side of the property and simply the way the land is flowing, there is even a six

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(6) foot drop from opposite corners, so it would take about 200 tons of gravel if he tried to put in a pole barn and is why they are going with the step down foundation.

Mr. Bevington asked how many acres are there.

Mr. Sininger replied he has two (2) five-plus acre lots – they kept them separate.

Mr. Bevington asked if that is east or west of the proposed site.

Mr. Sininger pointed to the location and said because there are no buildings on there, they chose not to put it there, and if they want to sell it they do not want to lose the barn.

Mr. Bevington asked Mr. Fox if he has received any calls about this.

Mr. Fox replied he did get a call from the neighbor to the west but he was not objecting to it, he just wanted to know how far away from the property line and said he would call the property owner.

Mr. Sininger said when he got home last night there was a message from him, but he has not returned the call yet.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

STAFF COMMENTS:

Mr. Fox said Case Number BZA12-14V, Steve Sininger, 3350 Reily Millville Road, Hamilton, OH 45013, the request is to build an accessory structure closer to the side property line than zoning allows.

Mr. Fox said 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 there is a hardship with the way the property is rolling the staff will recommend approval with the following condition:
  - A. A Building Permit is required.
  - B. Building setback will be no less than ten (1) feet.

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Mr. Fox said the applicant said he needs between 10 and 15 feet; on the site plan it showed 15 feet, so that is why we have stated no less than ten (10).

Mr. Philpot made a motion to approve the request for BZA12-14V, subject to staff conditions. Mr. Salmon seconded the motion. Motion carried 4-0.

AYES: Philpot, Salmon, Daniel, Bevington

NAYES: None

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**Case No. BZA12-15V**

Arthur Profitt  
1268 Middletown Eaton Road  
Middletown, Ohio 45042

Mr. Profitt, 1268 Middletown Eaton Road, Middletown, Ohio, said he is 85 ½ years old and said he is selling the property on account he needs the money for medical and said he had the neighbors sign it that they wouldn't complain and it would be no problem to them and thought this might help.

Mr. Fox asked if he could keep the document for the record.

Mr. Profitt said yes, sure.

Mr. Fox offered to explain that he has been talking with Mr. Profitt and Mr. Eric Blair, 6892 Michael Road, Middletown, Ohio, for the past month and Mr. Profitt would like to subdivide property without proper road frontage and the new parcel will have six (6) acres and the existing parcel will have 1.3 acres and the Health Department does not have any issues with the septic system for the property that is less than five (5) acres.

Mr. Fox said one of the issues he has is access to State Route 122, but the State of Ohio will not give anything in writing to Mr. Profitt but they assured him on the telephone that once the property is transferred out of Mr. Profitt's name into the new property owner's name, they will give access to State Route 122, they just don't want there to be two (2) driveways to one (1) parcel since Mr. Profitt already has one for the existing house.

Mr. Salmon asked if Mr. Blair will be the purchaser of the back part.

Mr. Fox said that is correct, the new parcel will be owned by this gentleman.

Mr. Bevington asked Mr. Profitt how long he has owned the property.

Mr. Profitt said around 40 years.

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Mr. Fox asked Eric Blair, 6892 Michael Road, Middletown, Oh, if he intends to live in or run a business out of the two (2) existing buildings.

Mr. Blair replied no sir, there is only one (1) but he does not intend to do that or anything illegal there.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said the request is to split property without proper road frontage.

Mr. Fox said 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.

Mr. Salmon made a motion to approve Case Number BZA12-15V as requested. Mr. Daniel seconded the motion. Motion carried 4-0.

AYES: Salmon, Daniel, Philpot, Bevington

NAYES: None

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**Case No. BZA12-16V**  
Floyd W. Bishop  
2192 Beechwood Drive  
Fairfield, Ohio 45014

Ms. Holly Bishop, 2192 Beechwood Drive, Hamilton, Ohio, wife of Mr. Floyd Bishop, said they would like to add an additional structure on to an existing structure that is already on their property for storage purposes.

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Ms. Bishop said she has a high-top conversion van that she cannot put in a garage and she would like to garage it in the winter time along with their lawnmowers and miscellaneous items.

Mr. Fox said basically this is going to be larger than zoning allows – they want about 800 square foot and they are allowed 576 square feet and added that within the past two (2) years this Board issued a variance to someone else on the same road to build a 1,500 square foot pole barn.

Ms. Bishop said that pole barn is right next door.

Mr. Bevington asked Ms. Bishop if hers will be larger than the pole barn.

Ms. Bishop replied no, not by a long shot.

Mr. Salmon asked the applicant if they are building it themselves or using a contractor.

Ms. Bishop said no, her husband will build it himself.

Mr. Bevington asked Ms. Bishop if they will have electric or water in it.

Ms. Bishop said probably enough to security lights and standard lighting inside like a garage and said no water.

Mr. Bevington asked Ms. Bishop how long they have owned the property.

Ms. Bishop said since 1998.

Mr. Salmon asked if they are planning to run a business out of it or live in it.

Ms. Bishop replied no to both.

Mr. Philpot asked Ms. Bishop if she had talked with all the neighbors.

Ms. Bishop said yes, and nobody opposed.

Mr. Philpot said he doesn't see anyone here and it makes a difference if the neighbors show up.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION: None

NEUTRAL TESTIMONY: None

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STAFF COMMENTS:

Mr. Fox said the request is to build an accessory structure larger than zoning allows.

Mr. Fox said 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 BZA12-16V subject to Staff Comments. Mr. Philpot seconded the motion. Motion carried 4-0.

AYES: Daniel, Philpot, Salmon, Bevington

NAYES: None

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Case Number BZA12-17V  
Diane L. Walsh  
2239 Millville Shandon Road  
Hamilton, Ohio 45013

Ms. Walsh, 2239 Millville Shandon Road, Hamilton, Ohio, said she is looking to get a variance approved to build a pole barn closer than what the county requires and would like to build it where a tennis court currently exists, and is no longer being used, to store lawn equipment, decorations and for general storage.

Mr. Daniel asked about electric.

Ms. Walsh replied yes.

Mr. Daniel said no business.

Ms. Walsh replied no.

Mr. Bevington asked about water.

Ms. Walsh replied no.



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Mr. Philpot asked Ms. Walsh if she had talked with her neighbors.

Ms. Walsh replied yes, a few of them but she doesn't really live close to anybody.

Mr. Salmon asked if they are building it themselves or having somebody.

Ms. Walsh replied she is having someone do it.

Mr. Bevington noted the Board of Health had no objections.

Mr. Fox said Staff came up with a couple of questions. He asked Ms. Walsh, if the Board goes ahead and approves this variance, is there any way they would be willing to take down the fence around the tennis court, or does she need it to remain for some reason.

Ms. Walsh said she was going to leave part of it up and move the basketball hoop to the one side.

Mr. Fox said so there is a basketball hoop there. And, we will put on here as a Staff Comment, "No driveway access from barn to State Route 728" and is it their intention not to try to get access to the barn from S.R. 728 or does she want access.

Ms. Walsh said she would not put in like a driveway so to speak.

Mr. Fox said she will have to go through the state to have driveway access but he wanted to see if, since they already have an existing driveway will they use that one, because if we put on here, "no driveway access from the barn to S.R. 728 that means you can never do it."

Ms. Walsh said she drives from the street once in a while occasionally if she has to get her truck back there, but, will it be a real drive way? No.

Mr. Salmon asked what part of the tennis courts are they wanting to build on.

Ms. Walsh said this end and will cut the trees back but leave them there.

Mr. Fox said on the site plan he wants to make sure everyone is on the same page, we talked about the edge of the barn being on the back portion of the tennis court, but being centered within the tennis court, and asked if that is the way she plans on doing it.

Ms. Walsh said correct.

TESTIMONY IN FAVOR: None

TESTIMONY IN OPPOSITION: None

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NEUTRAL TESTIMONY: None

STAFF COMMENTS:

Mr. Fox said case number BZA12-17V, the request is to build an accessory structure which encroaches the front yard set-back requirements.

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.
  - B. The barn will be built according to the site plan submitted with variance.

Mr. Salmon made a motion to approve BZA12-17V subject to staff comments. Mr. Daniel seconded the motion. Motion carried 4-0.

AYES: Salmon, Daniel, Philpot, Bevington

NAYES: None

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**ADJOURNMENT:**

Mr. Salmon made a motion to adjourn, which was seconded by Mr. Daniel. 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  
September 18, 2012

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Tom Bevington, Chair

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James M. Fox, Secretary

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Lee Margraf