

BUTLER COUNTY PLANNING COMMISSION
Butler County Administration Center
Hamilton, Ohio

REGULAR MEETING: Tuesday, July 14, 2009; 3:00 p.m.
Butler County Government Services Center
315 High Street, Conference Room 1
Hamilton, Ohio 45011

MEMBERS PRESENT: G. Coe Potter, Chair
Steven Brown
Charles Bullington, Co-Chair
Chris Flaig
Lynn Nevel
Joseph Tucker

MEMBERS ABSENT: Kevin Cooney
Charles Disney

STAFF PRESENT: Doug Dirksing, Butler Soil & Water Conservation District
David Fehr, Planning Director
Lee Margraf, Administrative Secretary
Eric Pottenger, Butler County Engineers Office
Joseph Schmidt, Senior Planner

CALL TO ORDER:

Mr. Potter called the meeting to order at 3:00 p.m.

APPROVAL OF MINUTES:

Mr. Bullington motioned to approve the June 9, 2009 meeting minutes. Mr. Brown seconded the motion. Motion carried.

AYES: Bullington, Brown, Nevel, Flaig, Potter

ABSTAINED: Tucker

NAYES: None

ZONE CHANGES FOR APPROVAL:

FTZ 09-01

Fairfield Township Text Amendment
Fairfield Township

Mr. Schmidt said Fairfield Township has proposed some text changes to their Zoning Resolution and said the copy that was mailed out was not in the proper order but the one in this packet today is in order and apologized for that.

Mr. Schmidt said the changes proposed by Fairfield Township are changing some of the words from "Butler County" to and the "B-4 District" is to be renamed to "OR District" for office and research area. The "OR" classification would make it that a gas station would not be appropriate in an office area. He added the Township is changing the maximum height for buildings from 14 feet to 20 feet in certain lots.

Mr. Bullington asked if the lot size had any designation, that is, could it be Agricultural or P-RUD.

Mr. Skylor Miller, Fairfield Township, said the way it is written in the code, under Article 6 "Accessory Buildings in Residential Districts", in the Zoning Resolution, it's Residential only.

Mr. Bullington asked if the maximum height conflicts with the building code, which states that no residential building shall be above 35 feet.

Mr. Miller said this would be an accessory building.

Mr. Bullington said that is what he means, if someone wanted to build a garage on the first floor, with an office above it, it would probably be above 20 feet because the first floor would probably be 11 feet or, if you had a garage that was 24 feet across, you would need it to be at least 10 feet high or a little higher in order to get the garage door to open correctly, and if you had a 12-foot pitch roof, it will already be 12 feet high so you are already over 20 feet to the top of the roof.

Mr. Miller said 14 feet did not seem sufficient. He also said a detached building would not be permitted to be at that height, anything over 20 feet.

Mr. Fehr asked Mr. Bullington if he is speaking of an attached garage to a house.

Mr. Bullington said he was referring to an accessory garage – a detached garage that would be 24 feet by 24 feet with a 11/12 pitch roof.

Mr. Schmidt said he thinks this could be a variance for something like that but, not something that you would normally see.

Mr. Miller said an office being used for a home occupation is not permissible in an

accessory building.

Mr. Bullington said the Building Code is written for structures based on wind speeds being less than 35 feet above the ground, and that is why they use 35 feet.

Mr. Schmidt said there is also mention of animal farms, acreage changing from ten (10) acres to five (5) acres.

IN FAVOR: None

IN OPPOSITION: None

NEUTRAL COMMENTS: None

Mr. Tucker made a motion to approve the Fairfield Township Text Amendments as submitted to the Board. Mr. Bullington seconded the motion. Motion carried.

AYES: Tucker, Bullington, Flaig, Nevel, Brown, Potter

NAYES: None

AYES: Tucker, Bullington, Flaig, Brown, Nevel, Potter

NAYES: None

Resolution# 09.31

FINAL PLATS FOR APPROVAL:

**Summerlin, Section 7
Section 10, Town 3, Range 3
Liberty Township**

Mr. Fehr showed an aerial photograph of the property and said this property (outlined in blue) is in the northern portion of Liberty Township, and indicated where Summerlin subdivision starts (at Cincinnati Dayton Road near Lynn Road) and where the stub streets are located as well.

Mr. Fehr said this subdivision will also now make a connection to the north, into Joy Drive, which is in Monroe, so it will be nice to get this last piece of the subdivision and all of the different subdivisions in the area connected together. Kyles Station Meadows and Summerlin will all be connected and it will be nice for children playing and getting to and from sporting events. He indicated where a four-way intersection will be located and said there will be a stub street to the west for the undeveloped land there.

Mr. Fehr said Section 7 of the subdivision is approximately seven acres.

Mr. Fehr showed a drawing of the four-way intersection and said Paradise Cove is an existing street and will be stubbed to the west to the vacant piece of property for the connection to the north.

Mr. Fehr said the applicant has met all of the staff comments from the preliminary plat and staff does recommend approval of the final plat for one year, subject to bond.

Mr. Tucker asked if this was all in Liberty Township.

Mr. Fehr replied yes.

Mr. Tucker asked if Joy Drive is in Liberty Township.

Mr. Jon West, Director of Planning and Zoning, Liberty Township, said it is in Liberty Township, but it is annexed from the City of Monroe and the students will go to Lakota Schools and Liberty Township will still get some of the millage though it is in Monroe – they overlap.

Mr. Schmidt said the northern portion there is the border between Liberty Township and the City of Monroe, but the part we're looking to at today is in Liberty Township.

Mr. Tucker made a motion to approval final flat for Summerlin, Section 7, Section 10, Town 3, Range 3, Liberty Township for one year subject to bond. Mr. Flaig seconded the motion. Motion carried.

AYES: Tucker, Flaig, Bullington, Brown, Nevel, Potter

NAYES: None

Resolution# 09.32

**Cedarbrook, Sections 3 & 4A
Replat Lots 83 & 112
Liberty Township**

Mr. Schmidt showed an aerial photograph of the property and said one thing that has changed since the photograph was taken – there is a fence on the left side of the property and the request is to change the property line. He indicated where the existing property line is located and said the house to the right is relatively close to the property line and the property owner is just looking to change the lot line and there are no issues with the easements that were on it previously – they were put on as a standard Subdivision plat.

Mr. Potter asked what prompted this request.

Mr. West said he talked with the owner and when they had their two lots surveyed to construct a fence they realized that their property boundary was already further to the east, Lot 284 when the builder built the house and installed landscaping, they encroached on their property so the easiest solution was to split that and sell it to the property owner to the east.

Mr. Potter asked if the encroachment was just landscaping and not the building permit.

Mr. West said yes, just the landscaping.

Mr. Brown asked if there actually is drainage.

Mr. West said there is a swale there and the new property line will just split the property and actually cleans it up.

Mr. Brown asked if the irrigation system on Lot 284 goes all the way.

Mr. Potter asked if the property line now is not in the center of the easement but is in the center of the swale.

Mr. West asked Mr. Potter if he was referring to the current property line or the

proposed property line.

Mr. Potter said the proposed property line – that easement stays where it was, and it looked to be an even easement on each side of the property line, now the property line is moved 10 feet and yet the easement did not move.

Mr. West said the swale is where the proposed property line is.

Mr. Potter said then part of the swale is not in the easement part.

Mr. Pottenger said there is a 5-foot drainage easement along the west property line and there is the existing ditch along the old line of Lot 284 so you've got 14-15 feet drainage.

Mr. Schmidt said, with that said, there is a gap here. As Planning Commission, the Board can recommend or suggest that the easement is changed.

Mr. Bullington recommended making it 5-foot and moving the property line.

Mr. Pottenger said if you just show arrows to show the limits of private drainage easement, then you do not have to make it a 5-foot or 10-foot drainage easement and that is what we do on most of our plats.

Mr. Bullington made a motion to approve Cedarbrook, Sections 3 & 4A, replat for Lots 83 and 112, Liberty Township, and to have the County Engineers Office makes sure that the easement is all the way across the board. Mr. Tucker seconded the motion. Motion carried.

AYES: Bullington, Tucker, Flaig, Brown, Nevel, Potter

ABSTAINED: None

NAYES: None

Resolution# 09.33

OTHER BUSINESS

None

ADJOURNMENT:

Mr. Bullington made a motion to adjourn. Mr. Brown seconded. All in favor. Meeting adjourned.

These Minutes represent a summary of these proceedings and do not purport to be the entire record. A complete transcription of these proceedings was taken from an audio tape under supervision of the Secretary by Lee Margraf and may be obtained upon written request. Any charges associated with preparing such transcript shall be borne by the person requesting same and must be prepaid.

Hamilton, Ohio
July 14, 2009

Chair

Secretary

Lee Margraf