



Board of Zoning Appeals

December 12, 2019

7:00 PM

Call to Order

- I. Requests
 - Conditional Use & Variance Request: Parcel 1607104005 Adams Rd

- II. 2020 Organizational Planning
 - Election of Chair, Vice Chair and Secretary
 - Discussion on Bylaws

Adjourn



Board of Zoning Appeals

Notice of Public Hearing

Date of Meeting: January 9, 2020

Time of Meeting: 7:00 PM

Location of Meeting: Hamilton Township Administration Building
7780 South State Route 48, Hamilton Township

Request: Parcel 1607104005, Adams Road: Re-Application for a Conditional Use (and a Variance) per *Hamilton Township Zoning Code Section 3.8.4* to allow for building a primary residence and a pole barn to store equipment for family tree care business. The pole will not have company signage or be used for commercial sales; it is strictly intended for storage of vehicles and equipment.

Property Location: Parcel 1607104005, Adams Road, Loveland, OH 45140

Property Owner: Adam Engel, 1601 Adams Rd., Loveland, OH 45140

The plans for the project are available for review at the Administration Building Monday thru Friday between 8:00am and 5:00pm. Those with questions or concerns regarding the project are encouraged to review the plans and attend the meeting.

Alexander Kraemer
Hamilton Township

HAMILTON TOWNSHIP BOARD OF ZONING APPEALS

Conditional Use & Variance Request

Parcel ID 16-07-104-005

7:00PM, January 9, 2020

Owner: Adam Engel
Applicant: Aaron and Kristen Stang
Location: Parcel ID 1607104005 Adams Rd, Loveland, OH 45140
Zone: R-1 Single Family Residence District
Request: Request for a Conditional Use and a Variance for the location of a Detached Accessory Building to build a primary residence and a pole barn to store equipment for the family tree care business.

Surrounding Zoning and Land Use:

North R-1 Single Family Residence District (Rural)
South R-1 Multi-Family Residence District (Rural)
East R-1 Single Family Residence District (Rural)
West R-1 Single Family Residence District (Rural)



Request:

The applicant is re-applying, requesting a conditional use to build a principal residence and a 54 foot wide by 100 foot by 16 foot high pole barn with three garage doors on 9.652 acres. This pole barn is 216 SF smaller than the previous request, now at 5,400 SF, and the crushed limestone drive pad is 1,520 SF less, now at 29,032 SF.

Applicant states that the building will not have any company signs, nothing will be made or sold from the building and there won't be any customers at this site. The building is strictly for storage of vehicles and equipment for the business.

The site plan will also require a Variance of *Code Section Table 4-5* permitting Detached Accessory Buildings be constructed in the Rear Yard, to allow for a Pole Barn to be built in the Front Yard. As this is a corner lot (*Code Section 6.1.3.G Corner Lots*) it only contains Front and Side Yards.

Staff Comment: If approved, staff suggests consideration of several conditions to be placed on the property. Here are the recommended conditions for consideration:

- All tree care company vehicles and equipment shall be stored inside the pole barn
- All employee traffic shall access the pole barn off Adams Road via Butterworth Road and leave via the same route
- No cranes or semi-trucks will be stored in the pole barn or on the property

Notice:

A legal ad was published in the December 29, 2019 issue of The Pulse in Warren County. Notices were mailed to all property owners within 200 feet.

Pertinent Regulations:

The subject property is zoned R-1, Single Family Rural Residential.

Section 4.9.5.1. (13) of the Hamilton Township Zoning Code (HTZC) states that "In those instances when the zoning inspector denies an application, or if the zoning inspector is uncertain of the appropriateness of a proposed home occupation, the matter may be appealed or taken to the BZA for interpretation."

Table 4-5 of the Hamilton Township Zoning Code (HTZC) permits Detached Accessory Buildings be placed only in the Rear Yard.

TABLE 4-5: PERMITTED ACCESSORY USES

USE OR STRUCTURE	ZONING DISTRICTS						ZONING CERTIFICATE REQUIRED	YARDS PERMITTED F = FRONT S = SIDE R = REAR [1]	ADDITIONAL REQUIREMENTS
	R-1, R-2, R-4	R-3	M-H	T-C	B-1, B-2	M-1, M-2			
Accessory Apartment	PS						Yes	S or R	See 4.9.5.A
Accessory Retail Sales					P	P	Yes	Inside principal building	See 4.9.5.B
Amateur Radio Transmitter or Antenna	PS	PS	PS				Yes	S or R	See 4.9.5.C
Automated Teller Machine (ATM)					P	P	Yes [2]	F, S or R	
Beekeeping	PS	PS	PS				No	S or R	See 4.9.5.D
Caretaker Dwelling				P	P	P	Yes	S or R	
Community Garden	PS	PS	PS	PS	PS	PS	Yes	F, S, or R	See 4.9.5.E
Detached Accessory Building	P	P	P	P	P	P	Yes	R	
Drive-Through Facility					PS	PS	Yes [2]	S or R	See 4.9.5.F

Conditional Use Review Criteria:

The HTZC in Section 3.8.4 provides the following guidelines for the BZA when considering conditional use requests.

A. The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located;

B. The use is in accordance with the objectives of the Hamilton Township Land Use Plan and zoning code; and

C. The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.

D. The BZA shall also consider the following as applicable to the application:

(1) The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and buildings in the surrounding properties and neighborhood;

(2) The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area;

(3) The number of transit movements generated by the proposed use and relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood;

(4) The capacity of adjacent streets and intersections to handle increased traffic in terms of traffic volume and patterns;

(5) The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood;

(6) The requirements for public services where the demands of the proposed use are in excess of the individual demand of adjacent land uses in terms of police and fire protection, and the presence of any potential or real fire or other hazards created by the proposed use;

(7) The general appearance of the neighborhood will not be adversely affected by the location of the proposed use on the parcel;

(8) The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood;

(9) The impact of a significant amount of hard-surfaced areas for building, sidewalks, drives, parking areas and service areas in terms of noise transfer, water runoff and heat generation; and

(10) Any other physical or operational feature or characteristic that may affect the public health, safety and welfare.

Variance Review Criteria:

- A.** The BZA shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this zoning code as will not be contrary to the public interest. Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this zoning code will result in practical difficulty for an area/dimensional variance.
- B.** The following factors shall be considered and weighed by the BZA to determine practical difficulty:
 - (1)** Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
 - (2)** Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - (3)** Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
 - (4)** Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
 - (5)** Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
 - (6)** Whether special conditions or circumstances exist as a result of actions of the owner;
 - (7)** Whether the property owner's predicament can feasibly be obviated through some method other than a variance;
 - (8)** Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
 - (9)** Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
- C.** No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

Action:

The BZA will hold a public hearing November 14, 2019, including:

- Open the hearing
- Swear in witnesses
- Take testimony regarding the application from staff, the applicant, and anyone else in attendance at the hearing who wishes to speak
- Close the hearing
- Deliberate
- Decision

Should the BZA choose to approve the variance request, the applicant will have 12 months to obtain a zoning certificate for the freestanding solar panel.



Application to the
Board of Zoning Appeals
7780 South SR 48
Hamilton Township, OH 45039

CONDITIONAL USE

APPLICANT

Name: Aaron and Kristen Stang

Address: 6914 Paxton Rd., Loveland, OH 45140

Phone Number: 614-378-8907

Email: dtreecare@cinci.rr.com

OWNER

Name: Adam Engel

Address: 1601 Adams Rd., Loveland, OH 45140

Phone Number: 513-460-8841

Email: Adamtengel@yahoo.com

SUBJECT PROPERTY

Street Address: Adams Rd., Loveland, OH 45140 (no current street address)

Parcel ID Number: 16-07-104-005

Zoning District: Hamilton Township, Warren County

CONDITIONAL USE REQUESTED

Code Section: 3.8.4

Conditional Use: We are planning on building a rural estate that includes our family home and would like the conditional use to also build a pole barn to store the equipment for our family's tree care company. The building will NOT have any company signs, nothing will be made or sold from this building and there will be zero customers on site. This building is strictly for storage.



Applicant Signature

12/19/2019

Date

Application Requirements

- Filing Fee
- Site plan drawn to scale
- Any other relevant plans
- Statement addressing Zoning Code Section 3.8.4
- Property Owner Affidavit for each parcel included in the request

Hamilton Township Zoning Code

3.8.4. Conditional Use Review Criteria

In reviewing conditional uses, the BZA shall consider the following:

- A. *The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located;*
- B. *The use is in accordance with the objectives of the Hamilton Township Land Use Plan and zoning code; and*
- C. *The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.*
- D. *The BZA shall also consider the following as applicable to the application:*
 - (1) *The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and buildings in the surrounding properties and neighborhood;*
 - (2) *The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area;*
 - (3) *The number of transit movements generated by the proposed use and relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood;*
 - (4) *The capacity of adjacent streets and intersections to handle increased traffic in terms of traffic volume and patterns;*
 - (5) *The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood;*
 - (6) *The requirements for public services where the demands of the proposed use are in excess of the individual demand of adjacent land uses in terms of police and fire protection, and the presence of any potential or real fire or other hazards created by the proposed use;*
 - (7) *The general appearance of the neighborhood will not be adversely affected by the location of the proposed use on the parcel;*
 - (8) *The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood;*

- (9) *The impact of a significant amount of hard-surfaced areas for building, sidewalks, drives, parking areas and service areas in terms of noise transfer, water runoff and heat generation; and*
- (10) *Any other physical or operational feature or characteristic that may affect the public health, safety and welfare.*

For Township Use Only

Application file date Friday, December 20, 2019

Fee \$500.00 Check Number 35666 Receipt Number 612076

Date of Legal Advertisement _____

Date of Notice to Adjoining Owners _____

Date of Public Hearing _____

Action of the BZA Approved Denied Tabled

Additional Comments

PROPERTY OWNER'S AFFIDAVIT

STATE OF OHIO

COUNTY OF WARREN

I (we) Adam + Jaime Engel
hereby certify that we are all of the owners of the real estate which is the subject of the pending zoning application; that we hereby consent to Hamilton Township considering the attached application and approving the request for the subject real estate. We understand that our application will be considered and processed in accordance with the regulations as set forth by the Hamilton Township Zoning Code; that we agree to accept, fulfill and abide by those regulations and all stipulations and conditions attached to the approval. I (we) authorize Hamilton Township to place a Public Meeting notification sign on the property. I (we) authorize Hamilton Township staff to enter and inspect the property. The statements and attached exhibits are in all respects true and correct to the best of my/our knowledge and belief.


Signature

Adam Engel
Printed Name

1601 Adams Rd
Street Address

Loveland, OH 45140
City, State, Zip Code

513 460 8841
Phone

Subscribed and sworn to before me this _____ day of _____ 20____

Notary Public