

WARREN COUNTY RURAL ZONING BOARD OF ZONING APPEALS

406 Justice Drive – Lebanon, OH 45036
PHONE: 513-695-1294 FAX: 513-695-2657

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

June 10, 2015

David Rubin
700 Stubbs Mill Road
Lebanon, Ohio 45036

Re: Applicant: David Rubin
Site Plan Review # 1002-2015 SP
Description of Conditional Use: Home Occupation Class 2
Property: 700 Stubbs Mill Road
Parcel No. 13-18-400-011-0

Dear Mr. Rubin:

As Chairman of the Warren County Board of Zoning Appeals (“BZA”), I am writing to notify you of the BZA’s decision in the above referenced matter. In accordance with Warren County Rural Zoning Code (“Zoning Code”) Section 1.303.5 (D), et seq., the BZA’s decision is as follows:

A. FINDINGS OF FACT.

The Site Plan Review hearing was opened by the BZA on April 21, 2015. The hearing was called to order by the Chairman after the date, time and purpose of the hearing had been properly advertised in the Today’s Pulse Newspaper at least 10 days prior to the date of the hearing; written notice of the hearing had been sent to the Applicant and all owners of property within 500 feet from the above referenced Property (“Site”); and, the Site had been posted with signage stating the zoning was subject to public process and how one may obtain additional information. All persons who testified during the hearing were sworn or affirmed an oath prior to testifying, the hearing was tape recorded, and the BZA’s secretary kept minutes.

The BZA first heard testimony from the Warren County Zoning Inspector, Mike Yetter. Mr. Yetter described the Applicants’ filings and content of the Zoning Department’s file, including without limitation a Site Plan drawing. Mr. Yetter also presented a Power Point presentation and Staff Recommendations, which were accepted into evidence by the BZA.

Applicant was represented by legal counsel, William H. Kaufman, who presented David Rubin as the witness in support of the Site Plan. Mr. Rubin testified and submitted the Site Plan to the BZA. The BZA accepted the Site Plan into evidence.

The BZA allowed proponents of the Site Plan Application to testify. No proponents asked to testify.

The BZA allowed opponents to the Site Plan Application to testify. No proponents asked to testify.

The BZA did not refuse to accept any evidence or disallow any testimony. Applicant and Applicant's attorney had no objections for the record.

Upon unanimous vote, the BZA voted to close the hearing on April 21, 2015 after the testimony was concluded, and to adjourn to deliberate in private. The BZA reconvened immediately after deliberations on April 21, 2015 to render its decision in public.

B. CONCLUSIONS OF LAW.

During deliberations, the BZA discussed the applicable law, including without limitation Zoning Code Chapter 1.303, and the specific use standards in Zoning Code Section 3.205.4.

Based on the whole record, a part of which is described above and the entirety of which is incorporated by reference herein, the BZA finds: 1) the Application satisfies the applicable standards set forth in Zoning Code Section 3.203.4; 2) that Applicant satisfied the procedural requirements in Zoning Code Section 1.303; and, 3) after weighing and balancing the Review Criteria in Zoning Code Section 1.303.6 the BZA finds a preponderance of substantial, reliable and probative evidence in the record supports the approval of the Site Plan Application subject to conditions of approval.

C. DECISION.

The BZA voted 3-0 to approve the Site Plan, subject to the following conditions:

1. Compliance with Zoning Code Article 3 Chapter 5 [lighting requirements and standards] concerning height of light poles and building mounted lights so as not to be a nuisance to surrounding properties.
2. Compliance Article 3 Chapter 6 [signage standards and requirements].
3. Additional landscape buffer type D per Zoning Code Section 3.405, is required along the east property line, for a distance of 200 feet from the existing evergreens and must at the time of planting meet the requirements of deciduous trees with a minimum diameter of 1 and $\frac{3}{4}$ and evergreens with the height of 5 feet.

Please be advised that this is a final decision, therefore, any appeal must be brought within 30 days of this decision in the Warren County Court of Common Pleas in accordance with Chapters 2505 and 2506, Ohio Revised Code.

Sincerely,

Chris Koch,
Chairman

cc: Zoning Inspector
County Prosecutor