

AGENDA  
BUTLER COUNTY BOARD OF ZONING APPEALS  
BUTLER COUNTY ADMINISTRATION CENTER  
130 HIGH STREET  
HAMILTON, OHIO 45011  
April 15, 2008

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.                      March 18, 2008

III. New Business

- A.      BZA08-08V      Mark Retherford  
                                 4 Brater Court  
                                 Hamilton, Ohio 45013

IV. Adjournment

REGULAR MEETING: Tuesday, April 15, 2008, 7:00 p.m.  
Butler County Government Services Building  
Conference Room 1  
315 High Street, 1st Floor  
Hamilton, OH 45011

CALL TO ORDER: Mr. Bevington called the meeting to order.

ROLL CALL: Mr. Thomas Bevington  
Mr. Gary Salmon  
Mr. Alan Daniel  
Mr. Henry W. Philpot

MEMBERS ABSENT: Ms. Lee Steenken

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

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**APPROVAL OF MINUTES:**

Mr. Fox said draft minutes for the March 18, 2008 meeting were not distributed to the Board of Zoning Appeals Board members due to malfunction in the audio cassette tape so there are no minutes for the March 18, 2008 at the present time.

No motion required as there were no minutes to approve.

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## **NEW BUSINESS**

### **BZA08-08V**

Mark Retherford  
4 Brater Court  
Hamilton, Ohio 45013

The applicant, Mr. Retherford, said he is here to ask for a variance for adding on six feet beyond what zoning allows to an accessory structure and asked Mr. Fox if 24 feet by 24 feet is the the Zoning is now.

Mr. Fox replied that is correct.

Mr. Retherford stated he wants 24 feet by 30 feet reason being that the house that he just purchased is on a slab and came from a house with a full basement and did not sell all his stuff and would need that to store it.

Mr. Retherford said he handed out some pictures and has full intentions of doing a nice job on it – it is not going to be a pole barn, and will have a total brick front that will be as close to the house as can be and the other three sides will be clapboard siding with concrete overlap instead of vinyl. He added he will have about a nine (9) foot eaves height so he can put a truck with a camper on it.

Mr. Daniel asked Mr. Retherford if he would build the structure himself.

Mr. Retherford replied yes.

Mr. Bevington asked Mr. Retherford if he will have water in there or just electric.

Mr. Retherford said he will have electric and gas and is going to put it about six (6) to eight (8) feet away from the existing garage there and it just so happens that he can grab the gas line and has thought about water so he could clean his motorcycles and cars and wash his hands.

Mr. Daniel asked Mr. Retherford, for the record, if this would be strictly for private use or if Mr. Retherford would run a business out of the structure.

Mr. Retherford said he knew there would probably be some concern about that and said his intention is to retire at that home.

Mr. Fox asked Mr. Retherford if he would be heating the structure.

Mr. Retherford said eventually (he will heat it).

Mr. Salmon stated that the Board of Health document indicated trouble in locating where the septic was located and asked Mr. Retherford if he is going to accept the risk.

Mr. Retherford said he knows where the septic is and they just didn't go down there and it is a new system.

Mr. Salmon asked Mr. Retherford if he had spoken with any of the neighbors.

Mr. Retherford said yes, he has spoke with the gentleman across the street and he knew that he had called Mr. Fox for more information and he knows other gentlemen on the street and does not know if anyone has complained yet.

Mr. Fox said the gentleman that called thought they were changing the zoning of the property and assured the caller that the zoning is not changing the zoning and that Mr. Retherford is only asking for a variance and he explained what a variance was and what Mr. Retherford is attempting to do.

Mr. Retherford said there is no way that you can match brick work, only unless your house is less than one year old so he if attached the brick to the house it would look like it was added on. By separating it from there it will give a better look and you won't be able to see the (new) brick does not match.

Mr. Bevington asked what the size is of the property.

Mr. Fox replied probably 120" x 150" rounded – 165" along the back which is plenty of room.

Mr. Retherford said that there is plenty of room for Zoning requirements and will probably set it back six to eight feet from the front of the house, and the brick not matching won't be an issue.

Mr. Fox asked Mr. Retherford to confirm if it is a slab house.

Mr. Retherford replied, yes it is.

**IN FAVOR:** None

**IN OPPOSITION:** None

**NEUTRAL COMMENTS:** None

**STAFF COMMENTS:**

Mr. Fox said the applicant is here to request to build an accessory structure larger than Zoning allows.

Case No. BZA08-08V

Mark Retherford  
4 Brater Court  
Hamilton, Ohio 45014

Request: Build an accessory structure larger than zoning allows.

- Staff Comments:
1. The property is zoned R-1 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 unnecessary hardship will prevail unless the variance is granted.
  4. The spirit and intent of the zoning regulation is not to allow this type of activity from a residential area, but since this will not change the character of the area, the staff will recommend approval with the following conditions:
    - A Building Permit will be required for the accessory building.

Mr. Fox said when Staff Comments were written Staff was unaware of it being on a slab so storage could be a somewhat of a hardship knowing all the tools, cars, motorcycles, etc. that the applicant testified to being either stored in his garage rather than around the house, Staff would recommend that it be inside rather than outside as Township Trustees can attest to the (potential complaint) calls about all of the stuff around the house/yard.

No additional questions.

Mr. Daniel made a motion to approve BCA0808-V subject to Staff Comments and will require a building permit per Staff Comments. Mr. Philpot seconded the motion. Motion approved.

AYES: Daniel, Philpot, Bevington, Salmon

NAYES: None

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### **ADJOURNMENT:**

A motion was made by Mr. Philpot, seconded by Mr. Salmon to adjourn. 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  
April 15, 2008

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Tom Bevington, Chair

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James M. Fox, Secretary

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Lee Margraf