

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
June 11, 2014 – Regular Meeting**

MEMBERS PRESENT: Mr. Hackney, Mr. Whited, Mr. Cavens, Mr. Moeller

MEMBERS ABSENT: Ms. Minton, Mr. Lenz

STAFF PRESENT: Greg Porta, Code Enforcement Officer
Cathy Walton, Code Enforcement Officer

CALL TO ORDER: 6:30 PM

ADJOURNMENT 6:50 PM

Mr. Hackney called the meeting of the West Chester Board of Zoning Appeals to order. Mr. Porta called the roll. Mr. Hackney explained to the applicant that there was not a full board for the meeting and gave him the option to table the case until next month. The applicant requested to move forward.

14-06 W. Anthony Mills

Staff Report

Mr. Porta stated that the applicant is requesting an extension to an existing legal non-conformance. He presented the case including the current zoning in the area, PowerPoint presentation, aerials, site views and case history. Mr. Porta reviewed the standards for the board members.

Mr. Hackney swore in the applicant.

Applicant: Mr. W. Anthony Mills, 2859 Banning Road, suite 201 Cincinnati, Ohio 45239

Mr. Mills stated that staff presented all of the client's wishes. He also stated his client's wish has been to maintain the integrity of his residence as well as the neighborhood.

Owner: Mr. Kenneth Krekeler, 9651 Marie Court, West Chester, Ohio 45069

Mr. Krekeler stated he would like to build the garage so he can keep the rear yard looking as good as the front yard. He stated there is currently lawn equipment in the rear yard and feels like it looks trashy.

Mr. Cavens questioned whether the owner has attempted to purchase the piece of land from the neighbor that would alleviate the need for the variance.

Mr. Krekeler stated they have both been in Hospice and he is unable to purchase the property.

Board Deliberation

Mr. Whited stated felt like this was a no brainer and that this case was what the board was here for.

Mr. Cavens stated he had no issues as long as a business was not being run out of the garage.

Mr. Moeller made a motion to approve case 14-06 with the conditions as stated

Mr. Whited seconded the motion.

Aye: Mr. Moeller, Mr. Cavens, Mr. Hackney, Mr. Whited

Nay: None

ADMINISTRATIVE MATTERS

Mr. Hackney discussed the number of cases for next month.

Mr. Porta stated there would be one case.


The board approved the minutes from the May 14, 2014 meeting.

McCormick stated that the next meeting is scheduled for July 9, 2014.


The board adjourned the June 11 , 2014 meeting at 6:50 PM.

These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audiotape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must be prepaid.

BZA Chairman:


Cliff Hackney

BZA Secretary:


Cathy Walton

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 14-06**

WHEREAS, William Anthony Mills, for Kenneth and Tamela Krekeler, on April 25, 2014, filed Application No. 14-06 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the Zoning Resolution, seeking an extension/expansion to an existing non-conforming building as applied to the property at 9651 Marie Court, containing Parcel #M5620-075-000-011, 022 in Section 14, Town 3, Range 2 (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on June 11, 2014, notice of which was given to parties in interest in writing and also by publication in a newspaper of general circulation in the Township at least ten (10) days prior to date of the hearing in accordance with Section 519.15 of the Ohio Revised Code; and

WHEREAS, Article 8 et. seq. of the Zoning Resolution empowers the Board to authorize upon appeal in specific cases, variances from the terms and conditions of the Zoning Resolution as will not be contrary to the public interest, and that are consistent with the criteria provided within the Zoning Resolution; and


WHEREAS, through findings of fact, the Board found that the request met the Practical Difficulties test as set forth in Duncan v. Middlefield (1986), 23 Ohio St.3d 83, 491 N.E.2d 692, that testimony showed the setback location would not be excessive and the essential character of the neighborhood would not be altered.


THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the extension/expansion to a non-conforming building with the following restrictions:

1. The driveway must be paved all the way back to the new garage addition.
2. An engineered site plan must be completed and submitted prior to final inspection.

BE IT FURTHER RESOLVED, that all plats, plans, applications and other data submitted be and are hereby made a part of this Resolution.

Adopted at a regularly scheduled meeting of the West Chester Township Board of Zoning Appeals in session on the 11th day of June, 2014 and journalized on the 9th day of July, 2014.


Cliff Hackney
BZA Chairman


Cathy Walton
BZA Secretary