

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
August 13, 2014 – Regular Meeting**

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

MEMBERS ABSENT: Ms. Minton

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

CALL TO ORDER: 6:30 PM

ADJOURNMENT 10:00 PM

Mr. Hackney called the meeting of the West Chester Board of Zoning Appeals to order. Mrs. Walton called the roll. Mr. Hackney stated he would swear in all those planning to testify as a group and then individually when they came to the podium if needed.

14-07 DANIELLE AND MICHAEL RICHARDSON

Staff Report

Mrs. Walton stated that the applicant is appealing an interpretation of the West Chester Zoning Resolution in not allowing chickens in a residential district with less than 3 acres. She presented the case including the current zoning in the area, PowerPoint presentation, aerials, site views and case history. Mrs. Walton reviewed the standards for an administrative appeal with the board members.

Mr. Whited asked whether there is a definition for Animal Husbandry other than Wikipedia.

Mrs. Walton stated not in the Ohio Revised Code.

Mr. Whited asked what the definition of Husbandry was.

Mr. Cavens read the definition off of the internet stating that it was the Science of breeding and Caring for Animals.

Mrs. Walton stated in the staffs research that a definition for animal and poultry husbandry could not be found in the ORC or any other references.

Applicant: Mrs. Danielle Richardson, 7482 Fence Row, West Chester, Ohio 45069

Mrs. Richardson confirmed that she had been sworn in and stated that she was not sited with the any other section other than 14.0211. She also stated she was from Idaho and grew up around farming and that husbandry is just another word for farming, farming for profit, husbandry is basically commercial farming.

Mrs. Richardson stated that she moved to West Chester six (6) months ago, she has had her chickens for well over a year before moving. She only had two requirements, the first was no HOA and the second was that she could have her chickens. She stated that when she moved to West Chester she read the code and believed that it didn't exclude her chickens as written.

She stated that because she believes that husbandry is referring to farming she read 14.0211 to say the farming of animals and poultry which she doesn't think it means that she is excluded from having chickens. She stated that it goes on to say "or the keeping of farm animals", and that does not include poultry since they separated the two earlier in the paragraph.

Mrs. Richardson further stated that she believes that the literal interpretation of the code does not include chickens as farm animals; it does not state that poultry cannot be kept but that it cannot be poultry husbandry.

She went on to say that the chickens produce eggs whether she wants them or not, that doesn't make us farmer and that she does not sell the eggs, but gives them away to her neighbors.

Mr. Whited stated that you could start selling them tomorrow however.

Mrs. Richardson stated that she could but that the Ohio Agriculture Department doesn't regulate that unless you have over three hundred (300) birds.

She went on to say that we have to look at the spirit of this, or what is the meaning behind this? She believes that in the second part of 14.0211 that its intent was to keep large animals or live stock from hanging out in the cul-de-sac.

She believes that six (6) chickens are comparable to one (1) dog and a code that allows five dogs, it is not logical that it doesn't allow more than one (1) four (4) pound chicken per acre up to a total of 5 chickens as long as you have three (3) acres or more.

Mrs. Richardson stated that West Chester Zoning Resolution and the State of Ohio does not define farm animals so she went to the Federal Code of Regulations which defines farm animals as any "domestic species of Cattle, sheep, swine, goats, lama's or horses which are normally and have historically been kept or raised on farms in the United States and have been used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber...."

Mr. Whited asked if it says normally and historically, dogs and cats are not raised for food in our society do you have a chicken coup in your home to contain them?

Mrs. Richardson said yes.

Mr. Whited asked whether a chicken lets you know whether they need to go outside to relieve themselves. Dogs and Cats do let you know if they need to go out, are chickens domesticated in this way.

Mrs. Richardson stated that they have to relieve themselves after each time they eat.

Mr. Whited stated that he did research the raising of chickens and read that it is a lot of work to keep the chicken coup clean and free from smell and noise.

Mrs. Richardson stated that she doesn't have that issue. She stated in her opinion that these are the wrong questions and that it is about whether chickens are farm animals. And she does believe by the definitions they are not.

Mr. Whited stated that is her opinion and that is why we are here now considering this case.

Mr. Cavens asked if these chickens are her pets. And if so are they any different than snakes, hamsters or rabbits?

Mrs. Richardson stated that they are and that they are not different than having hamsters or snakes or spiders.

Mr. Cavens asked if she lives in a Non-HOA community.

Mrs. Richardson stated yes.

Mr. Hackney asked, if you took the time to read the code when you moved into your new home and in your opinion they were allowed, did you then take the next step and call West Chester and ask whether your allow to have chickens in a residential area?

Mrs. Richardson stated no because she believe she read a document to allowed chickens.

Proponent: Mr. Carl Rullman, 8285 Ventle Drive, West Chester, Ohio 45069

Mr. Rullman confirmed that he had been sworn in and stated he would like to support the applicant in allowing her to have her chickens. He further stated that he agreed with the applicant in that chickens are not farm animals. He wanted to point out that according to

the zoning ordinance of New York City they are not restricted in any way and are allowed. He states that he believes that the interpretation of the zoning resolution was wrong in this case.

Proponent: Mrs. Melissa Campbell, 7312 Shasta Drive, West Chester, Ohio 45069

Mrs. Campbell confirmed that she had been sworn in and stated that she lives adjacent to the applicant's property and as a property owner she has no problem with the chickens. She stated that she enjoys going out into her back yard with her dogs and listening to the chickens make noise, it's kind of entertaining for her. has attempted to purchase the piece of land from the neighbor that would alleviate the need for the variance.

Proponent: Mrs. Michelle Peters, 7509 Fence Row, West Chester, Ohio 45069

Mrs. Peters confirmed that she had been sworn in and stated she supports the applicant having chickens.

Proponent: Mr. Barry Riddell, 8069 Lawrence Drive, West Chester, Ohio 45069

Mr. Riddell confirmed that he had been sworn in and stated that he was in support of the applicant because he too had to deal with interpretations of the zoning code. He agrees with the applicant that the chickens are not farm animals.

Applicant: Mr. Michael Richardson, 7482 Fence Row, West Chester, Ohio 45069

Mr. Richardson confirmed that he had been sworn in and thanked the board for their time for hearing their appeal on this matter. He then stated that we can all agree on the definition of the Federal Code of Regulations and asked the board to agree.

Mr. Moeller stated it was in appropriate to ask the board questions such as that and they would not answer it.

Mr. Richardson stated that in his opinion he did not believe he was practicing poultry husbandry.

Mr. Whited asked staff to verify that they were sited under section 14.0211 and that was the only thing they were cited for?

Mrs. Walton answered affirmative only because she did not have a copy of the violation in front of her.

Proponent: Mr. Robert Campbell, 7312 Shasta Drive, West Chester, Ohio 45069

Mr. Campbell confirmed that he was sworn in and stated that the board has made reference to the fact that you don't raise dogs for food but you do with chickens. He wants to point out that people do raise dogs to sell.

Mr. Moeller pointed out to the rest of the board that the violation was cited fewer than 14.02 which states the following uses are principal uses permitted... he stated that includes 14.021 through 14.023 and should be noted as such.

Mr. Whited Agreed.

Mr. Hackney called the applicant back to the podium.

Applicant: Mrs. Danielle Richardson, 7482 Fence Row, West Chester, Ohio 45069

Mrs. Richardson affirmed that she had been sworn in and then stated that in her opinion the violation did not mention any other section.

Mr. Whited asked if she had a copy of the citation.

Mrs. Richardson stated no.

Mr. Hackney read into the record an email received by staff in favor of the chickens.

Mr. Whited objected to the reading of the email since it did not give an address of the sender or was not signed.

Opponent: None

Neutral: None

Board Deliberation

Mr. Lenz asked staff if the standards for an administrative appeal could be put back up on the screen. He then proceeded to read the standard, and remind the board they are to base their decision on evidence and the spirit and intent of the resolution.

Mr. Hackney stated that they could not base their decision on whether they agree or not with the zoning resolution, but on whether they felt staff correctly applied the zoning resolution.

Mr. Lenz stated that every residential section has the exact same wording hinging on the need for 3 acres or more, which was consistent.

Mr. Cavens asked if they decided that staff misinterpreted the resolution, does that set the new standard for this section of the code.

Mr. Whited stated that it would not, but that it would set a precedent for this type case, although each case should stand on its own.

Mr. Cavens stated that although he would never have chickens as pets, he did believe we shouldn't deny the applicants the right to have them.

Board discussion continued for the case.

Mrs. Walton reminded the chairman that we are not her to decide whether they should be allowed to have chicken or not, that would be a variance case. We are here for the board to decide whether the code was applied correctly in this case.

Board discussion continued for the case.

Mr. Moeller made a motion to affirm staffs interpretation for case 14-07.

Mr. Whited seconded the motion.

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

Nay: Mr. Cavens

14-09A DSES REAL ESTATE HOLDINGS, LLC

Staff Report

Mrs. Walton stated that the applicant is requesting a variance to allow for fewer parking spaces than required by the West Chester Zoning Resolution not allowing chickens in a residential district with less than 3 acres. She presented the case including the current zoning in the area, PowerPoint presentation, aerials, site views and case history. Mrs. Walton reviewed the variance standards for the board members.

Mr. Lenz asked staff if this was a multi-tenant building now and if it could have more than two?

Mrs. Walton stated yes.

Mr. Cavens stated that how could the board grant a variance for parking without knowing the size of the proposed expansion?

Applicant: Mr. Raymond Schneider, 9474 Princeton Glendale Road, West Chester, Ohio 45069

Mr. Schneider stated that he had not been sworn in. Mr. Hackney proceeded to swear the applicant in.

Mr. Schneider stated that he believes the intent of the code was to match parking with the use of the property. He stated that he has been down this road before, because he is involved in several business types. Mr. Schneider stated that the original use of the building was for a business that utilized trucks and the dog day care. It was then switched over to the existing uses. He stated that he has been in the dog business for seven years and believes he understands the number of parking spaces need for his business. For his existing businesses he stated that he only needs 5 spaces, but that this facility is actually smaller than his other businesses. He stated that he understands the business and is trying to educate the board on what type of parking is needed which is why he has applied for the variance.

Mr. Moeller asked what the size of the expansion was going to be.

Mr. Schneider stated that he just bought the business in June and has not accessed the needs of the community so he did not know what size eventually it would be.

Mr. Moeller stated that he believes that there would be no reason to reduce the amount of parking today, before a need is created to do so.

Mr. Schneider stated that the expansion would be for the dog play area for the day care, so he believes there would be no more need for additional spaces. He has asked for twenty five spaces but believes that he only needs 15 total.

Mr. Hackney asked the applicant how many spots are currently on the site.

Mr. Schneider stated that he wasn't sure but believes there were at least 60 spaces.

Mr. Hackney then stated that if the applicant is going to drop the parking down to 25 spaces then the proposed addition was going to be much larger than what was represented on the slide presented by staff.

Mr. Schneider stated that the current building is 15,000 square feet so the addition would be most likely to be 5000 square feet.

Proponents: None

Opponent: Mr. Michael Landsaw, 9454 Princeton Glendale Road, West Chester Ohio 45069

Mr. Landsaw confirmed that he had been sworn in and stated the problem with this property has been going on for years. When they built the property up with the addition they created a water problem.

Mr. Hackney asked how allowing less parking would affect the water issue.

Mr. Landsaw stated that the expansion would cause more water problems.

Mr. Hackney stated that he didn't believe this was pertinent to the case of less parking and asked Mr. Landsaw to step down from the podium. He stated it could be pertinent in the next case.

Opponent: Ms. Terry Fultz, 9444 Princeton Glendale Road, West Chester Ohio 45069

Ms. Fultz confirmed that she had been sworn in and stated that it will be detrimental to her if he is going to have more playground area and have more dog waste to be washed down to her property.

Mr. Hackney stated that we are speaking to the parking and this information would be more pertinent to the next case.

Opponent: Mr. Greg Fultz, 9444 Princeton Glendale Road, West Chester Ohio 45069

Mr. Fultz confirmed that he had been sworn in and stated he understands that what they are bring to the board has nothing to do with the parking but it has been neglected since 2005 and this may be their last chance. What we are asking for is help and guidance.

Neutral: None

Applicant: Mr. Raymond Schneider, 9474 Princeton Glendale Road, West Chester, Ohio 45069

Mr. Schneider confirmed that he had been sworn in and then stated that he did not know about the problems.

Conversation with the audience started.

Mr. Hackney interrupted and asked that all comments be directed to the board only.

Mr. Schneider stated that he would take care of their problems but asked for the board to only consider the parking request.

Board Deliberation

Mr. Lenz asked staff how the number of spaces were calculated to considering it is in an M-1 zoning district and he does not see parking requirement for this use.

Mrs. Walton explained that the use is first permitted in a B-2 district and we would use the convenience and personal services standards for parking from there.

Mr. Lenz stated that the requirement of the code for parking is for possible uses and not just the current use. If the property was sold to another business they may not be able meet their requirements for parking to coincide with their use.

Mr. Moeller stated that he doesn't see the necessity absent of an expansion or some other change.

Mr. Lenz stated that he understands what Mr. Moeller is saying, but he also understands the applicants request so he can determine the size of the expansion before he spends any money.

Mr. Cavens stated he had additional questions for the applicant, could they reopen the public portion and call him back up.

Mr. Hackney reopened the case and asked the applicant to approach the podium for additional questions.

Applicant: Mr. Raymond Schneider, 9474 Princeton Glendale Road, West Chester, Ohio 45069

Mr. Schneider confirmed that he had been sworn in.

Mr. Cavens asked about the layout of the property and whether more parking could be constructed in the future if needed in the area of the detention basin.

Mr. Schneider stated that he could if needed.

Mr. Whited stated that would only be determined by the Butler County Engineers office in reference to water runoff and the need for the existing detention basin.

Mr. Hackney asked if Mr. Porta would like to step up to the podium and speak to the possibility of expanding the parking lot.

Staff: Mr. Gregory Porta, 9577 Beckett Road Suite 100, West Chester, Ohio 45069

Mr. Hackney proceed to swear in Mr. Porta

Mr. Porta stated that in his review of the original expansion that the area in question was the required detention basin for the development. Although they could with technology put the detention basin under the parking lot, the issue would be lot coverage. The property is required to maintain a minimum of 15% green space or impervious surface which they would not be able to meet if they paved over the detention area.

Mr. Hackney stated that he does remember ever approving a parking reduction on a piece of property that if the use changed they would not be able to meet the parking requirements needed at that time.

Board discussion continued.

Board Deliberation

Mr. Whited stated that he was not comfortable in dealing with maybes and if we can't that he would prefer dealing with exacts. He also stated if we approve this then that is what going to have to be dealt with no matter what the use which could change tomorrow and have multiple uses.

Mr. Hackney stated that he does remember ever approving a parking reduction on a piece of property that if the use changed they would not be able to meet the parking requirements needed at that time.

Board discussion continued.

Mr. Whited made a motion to deny the variance request for fewer parking spaces than required for case 14-09A.

Mr. Lenz seconded the motion.

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

Nay: Mr. Cavens

14-09B DSES REAL ESTATE HOLDINGS, LLC

Staff Report

Mrs. Walton stated that the applicant is requesting a variance to allow for an outdoor canine play area to be closer to a residential district than allowed by West Chester Zoning Resolution. She presented the case including the current zoning in the area, PowerPoint presentation, aerials, site views and case history. Mrs. Walton reviewed the variance standards for the board members.

Mr. Moeller asked whether we knew what the breakdown of calls were in what years whether they were recent or most in the early years.

Mrs. Walton stated that staff did not know what the breakdown of the calls by year was.

Mr. Lenz asked if the whole area behind the building is fenced in, then is the applicant asking to keep what already exists.

Mrs. Walton answered yes.

Applicant: Mr. Raymond Schneider, 9474 Princeton Glendale Road, West Chester, Ohio 45069

Mr. Schneider confirmed that he had been sworn and stated that he is not aware of how long the fenced in area at the back of the building has existed but that it was there and being used when he purchased the building.

Mr. Moeller asked to your knowledge if the applicant or any of his employees have received any complaint from the neighbors?

Mr. Schneider answered No.

Mr. Moeller asked the applicant what are the hours that the fenced area is used by the dogs?

Mr. Schneider answered 8:00 a.m. to 7:00 p.m.

Mr. Hackney asked how many dogs would be out during the day at any one time.

Mr. Schneider stated that approximately 6-12 dogs at a one time.

Proponents: None

Opponent: Ms. Catherine Helferich, 9455 Deer Track Road, West Chester Ohio 45069

Ms. Helferich stated that she had not been sworn in. Mr. Hackney proceeded to swear the witness in.

Ms. Helferich stated she has lived in her home since 1998, and although there are tree's as the applicant stated, it does not block the noise of the barking dogs. She stated that she had called the police numerous times due to the barking dogs. At 6:15 a.m. in the morning an officer sat in her living room and listen to the dogs barking. It has been going on for several years non-stop.

Mr. Whited asked whether there have been any changes since the new owner.

Ms. Helferich stated she didn't think so, but she had toned it out after so long.

Mr. Cavens asked if she could hear the truck traffic along RT 747.

Ms. Helferich stated of course you can hear the air breaks, which lasts seconds compared to hours of dog barking.

Opponent: Ms. Janice Ferguson , 9473 Deer Track Road, West Chester Ohio 45069

Ms. Ferguson confirmed that she had been sworn in and stated that she works from home and has to keep her windows closed during the day, but can still hear the constant barking of the dogs along with the employees yelling outside for the dogs to shut up. Please deny this request.

Opponent: Mrs. Susan Sagel, 9449 Deer Track Road, West Chester Ohio 45069

Mrs. Sagel confirmed that she had been sworn in and stated that she had a recording on her phone from the previous day and played it for the board (barking was audible). She also stated that she could hear the classical music that the new owner stated he just installed.

Mr. Moeller asks at what time was this recorded?

Mrs. Sagel stated that it was between 1:00 and 1:30 in the afternoon.

Opponent: Ms. Sandy Steigelman, 9479 Deer Track Road, West Chester Ohio 45069

Ms. Steigelman confirmed that she had been sworn in and stated that with her windows closed her dog will start barking when it hears the barking dogs from the business, she has have music continually through the day to filter the barking dogs.

Opponent: Mrs. Donna Brown, 9454 Deer Track Road, West Chester Ohio 45069

Mrs. Brown confirmed that she had been sworn in and stated that she lives across the street and have lived there since 1996. She stated that the sound echo's between the homes of the previous speakers and she can hear the dogs barking constantly even across the street. She further stated that she had called the police and there was a court action against the business. The barking did not stop after.

Opponent: Mr. Don Angel , 9473 Deer Track Road, West Chester Ohio 45069

Mr. Angel confirmed that he had been sworn in and stated that he moved in to the his home in 2000, and it has been pretty much the same since that time. Please deny the request.

Applicant: Mr. Raymond Schneider, 9474 Princeton Glendale Road, West Chester, Ohio 45069

Mr. Schneider confirmed that he was sworn in and stated the building is there, and he didn't want to lose his business so he would work with the neighbor to try and solve their issues. He also wanted to point out that the dog business has only been in existence since 2006 and 95% of the issues were prior to his purchasing the business. He stated that he would be willing to do some buffering.

Mr. Moeller asked that since he stated that he would work with the neighbors, what would be some of the possible solution he would try.

Mr. Schneider stated that he could use the same form of buffering as the state uses on the highways.

Mr. Lenz asked that when the dogs go out in the dog run and relieve themselves is there anything being done from keeping it from going down the storm drain in the center.

Mr. Schneider stated that they should pick up the dog feces before it is washed down the drain. He will have an engineer look at the system to help alleviate any problems.

Further discussion about the drainage continued.

Board Deliberation

Mr. Whited stated that they have two choices, they can either deny the request or ask the applicant to come back with a better plan to eliminate the dog noise from the neighbors and the drainage or approve the plan with the condition that staff approves any buffering submittals.

Mr. Moeller asked if the contamination is under our purview or Butler County.

Mr. Cavens stated that he has a difficult time asking someone that bought something as is, to correct any issues that may have already existed.

Mr. Moeller stated that he believed they should deny the request and ask the applicant to come back to the board with a plan to solve both issues.

Mr. Cavens asked can we table it and give the applicant time to come back with a plan.

Discussion continued about the sound issue and drainage issue.

Mr. Hackney asked what the possibility of enclosing the area inside a building addition could be.

Mrs. Walton stated that it would have a setback issue from the property line and the lot coverage would also be at issue with development standards.

Mr. Hackney stated he would be in favor of tabling the case, but in fairness to the neighbor there should be a time limit on when the applicant must come back.

Mr. Whited asked staff if that was possible?

Mrs. Walton stated yes.

Mr. Lenz recommended 90 days.

All agreed.

Discussion continued.

Mr. Whited made a motion to table case #14-09B for the variance request to allow the canine dog run to be closer than allowed for ninety days to give the applicant an opportunity to prepare a clear plan to deal with the noise and drainage issue.

Mr. Cavens seconded the motion.

Discussion of the motion and possible additions.

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

Nay: None

14-10 WINTERS FREIGHT, LLC

Staff Report

Mrs. Walton stated that the applicant is requesting a conditional use to allow for the storage of material with a flammability rating of 2,3, or 4 per NFPA standards required by West Chester Zoning Resolution. She presented the case including the current zoning in the area, PowerPoint presentation, aerials, site views and case history. Mrs. Walton reviewed the Conditional Use standards for the board members.

Applicant: Mr. Stuart Hays, 510 N. Main Street, IN 46994

Mr. Hays confirmed that he was sworn in and stated he would answer any questions the board may have for him.

Mr. Lenz asked if this use involved any onsite dispensing of the propane gas.

Mr. Hays stated no it was only for storage of 20 pound cylinders.

Mr. Moeller asked the applicant whether he had any issues with the fire departments conditions.

Mr. Hays stated no.

Proponent: Mr. Eric Trautman, 5100 Duff Drive, Cincinnati Ohio 45246

Mr. Trautman stated he owned the property and he had no issues with the request. He believed that it was no different than the storage at a Kroger or similar site.

Board Discussion.

Board Deliberation

Mr. Lenz made a motion to approve case #14-10 with for the conditional use.

Mr. Whited seconded the motion.

Discussion of the motion and possible additions.

Mr. Moeller wanted to add the conditions recommended by the West Chester Fire Department.

1. No parking fire lane shall be posted, per fire departments recommendation.
2. Follow all applicable codes and standards.
3. Provide Knox pad locks on access gates.
4. Provide wind sock mounted on 20' pole.
5. Post 24 hr. emergency number on signage on fence/gate.

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

Nay: None

ADMINISTRATIVE MATTERS

Mr. Hackney recommended that the board elect it chairman and vice-chairman at this meeting.

**Mr. Lenz nominated Mr. Hackney for the Chairman of the Board of Zoning Appeals
Mr. Moeller seconded.**

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

**Mr. Hackney nominated Mr. Lenz for the Vice-Chairman of the Board of Zoning
Appeals Mr. Moeller seconded.**

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

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

Mrs. Walton stated that there are five cases scheduled.

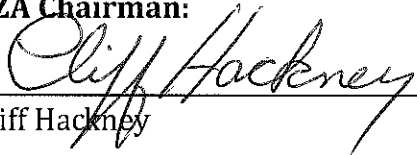
The board approved the minutes from the July 16, 2014 meeting.

Mr. Hackney stated that the next meeting is scheduled for September 10, 2014.

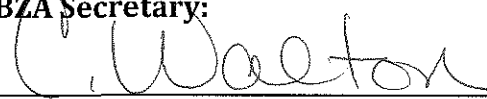
The board adjourned the August 13, 2014 meeting at 9:47 PM.

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 WHOLLY AFFIRMING APPEAL NO. BZA 14-07**

WHEREAS, Danielle and Michael Richardson, on June 11, 2013, filed Appeal No. 14-07 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the Zoning Resolution, seeking an Administrative Review in response to violation notice prohibiting chickens in a residential district as applied to the property at 7482 Fence Row, containing parcel M5620-165-000-068 in Section 30, Town 3, Range 2 (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said appeal on August 13, 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, Section 8.051 of the Zoning Resolution empowers the Board to decide appeals where it is alleged that there is error in any order, requirement, decision, grant, or refusal made by the West Chester Township Community Development Department in the interpretation of the provisions of the Zoning Resolution; and

WHEREAS, through findings of fact, the Board determined the use of the property for raising chickens in a residential district was illegal; and


THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby wholly affirm the decision of the Community Development Staff with regards to prohibiting chickens in a residential district

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 13th day of August 2014 and journalized on the 10th day September 2014.



Cliff Hackney
BZA Chairman



Cathy Walton
Secretary

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
RESOLUTION APPROVING APPLICATION NO. BZA 14-10**

- WHEREAS, Winters Freight, LLC, on July 16, 2014 filed Application No. 14-10 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a Conditional Use to allow for storage of material with a flammability rating of 2,3,or 4 per NFPA standards as applied to the property at 5055 Duff Drive, West Chester Ohio 45069 and containing Parcel # M5620-041-000-006, Section 2, Town 2, Range 2; (West Chester Township, Butler County, Ohio); and
- WHEREAS, a public hearing was held on said application on August 13, 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 8.023 of the Zoning Resolution empowers the Board to have the power to authorize upon application, conditional use or special exception zoning certificates for those uses which are specified as such by this Resolution.
- WHEREAS, Through finding of fact, the Board determined that testimony demonstrated that adequate measures and special conditions or requirements imposed for storage of material with a flammability rating of 2,3,or 4 per NFPA standards can mitigate the special characteristics which are inherent to the use and would enable compatibility with the existing neighborhood, and would not be of substantial detriment to the adjacent property.

THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby approve the request for a conditional use as stated in application No. 14-10 with the following conditions

1. All West Chester Fire requirements be met.

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 13th day of August, 2014 and journalized on the 10th day of September, 2014.



Cliff Hackney
BZA Chairman



Cathy Walton
BZA Secretary