

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
July 11, 2018 – Regular Meeting**

MEMBERS PRESENT: Mr. Cavens, Mr. Lenz, Mr. Simmons, Mr. Riddell, Mr. Thomas
MEMBERS ABSENT: None
STAFF PRESENT: Aaron Wiegand – Community Development Director
CALL TO ORDER: 6:30 PM
ADJOURNMENT 7:02 PM

Mr. Cavens called the meeting of the West Chester Board of Zoning Appeals to order.

Mr. Wiegand called the role. A quorum was established.

Mr. Cavens made note that Case 18-03B George Ghizas, a case that was continued from the June meeting, had voluntarily withdrawn his application and the case will not be heard.

Mr. Wiegand welcomed Cliff Hackney, the new Alternate Member recently appointed by the Board of Trustees.

Mr. Cavens made a motion to approve the minutes of the June 13, 2018 meeting of the BZA, seconded by Mr. Simmons. Motion passed by unanimous vote.

ORGANIZATIONAL MEETING

Mr. Simmons made a motion to appoint Mr. Barry Riddell to the position of Chair.

The motion was seconded by Mr. Cavens.

Aye: Mr. Lenz, Mr. Cavens, Mr. Riddell, Mr. Simmons, Mr. Thomas

Nay: None

Mr. Lenz made a motion to appoint Mr. Randy Simmons to the position of Vice-Chair.

The motion was seconded by Mr. Thomas.

Aye: Mr. Lenz, Mr. Cavens, Mr. Riddell, Mr. Simmons, Mr. Thomas

Nay: None

Mr. Riddell swore in staff and public.

BZA 18-06 Elmer and Ashley Bunger

Mr. Wiegand presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments and case history. Mr. Wiegand stated that the applicant is requesting an extension of a non-conforming use upon the lot occupied by such use. The applicants live in a B-2 Zoning District and wish to put an addition on to their residence.

Mr. Lenz asked for a clarification on the size of the extension.

Applicant: **Elmer Bunger**
 6552 Dimmick Road
 West Chester, Ohio 45069

Mr. Bunger noted his family has lived in the house as a rental for the past ten years and now have an option to purchase the property from their landlord. The Bungers do not wish to purchase the property unless they can put an addition on the house to accommodate their growing family. Mr. Bunger noted the extension was mostly in the rear, but would also include a small extension to the front of the property.

Mr. Riddell clarified that the purchase of the property was contingent on receiving approval from the BZA.

Mr. Bunger confirmed this is the case.

Mr. Lenz questioned if the additions would aesthetically match the existing structure.

Mr. Bunger confirmed the appearance would match the existing.

There was discussion on the extension to the front of the property, with clarification on the required setbacks.

Proponent: **None**

Opponent: **Doris Inkrott**
 8299 Jeannes Creek Lane
 West Chester, Ohio 45069

Ms. Inkrott represented the property to the west of the applicant, which is an existing CPA firm. They are concerned about the potential of a business being operated out of the applicant property and if employees would be permitted to park at the property if the business grows. She also questioned the size of the proposed addition.

Staff clarified the addition was for 880 square feet.

Mr. Cavens stated that home occupied businesses are permitted.

Staff further clarified that a home occupied business does not permit outside employees.

Mr. Bunger was asked back to the podium by the Board to discuss the business operation.

Mr. Bunger stated that he and his wife operate a courier service and that no employees would ever be at the property. Mr. Bunger also discussed the vehicles used by his company.

Neutral: None

Mr. Riddell closed the public comment and entered into Board Deliberation.

Board Deliberation

Mr. Simmons had no issue with the request. He approves of residents improving their existing properties in a desire to stay in West Chester.

Mr. Cavens also stated that he has no issue with the request, both the front and rear of the property.

Mr. Lenz had concerns on the front addition.

Staff clarified that, if the front extension of a non-conformance were approved, the applicant would still be held to the other zoning standards for setbacks.

Mr. Riddell discussed the history of Township zoning and how certain residential areas became zoned for business use. Mr. Riddell further stated that it should be the goal of the Township to encourage property owners to invest in their properties so that they can remain in West Chester.

Mr. Thomas noted other houses in the area were already well in-front of the proposed front addition to Mr. Bunger's property.

Mr. Cavens made a motion to approve BZA case 18-06 Elmer and Ashley Bunger to approve the extension of a non-conforming use to both the front and rear of the property located at 6552 Dimmick Road, with a condition that all other applicable Zoning Resolution requirements are met.

Mr. Simmons seconded the motion.

Aye: Mr. Lenz, Mr. Cavens, Mr. Riddell, Mr. Simmons, Mr. Thomas

Nay: None

ADMINISTRATIVE MATTERS

Mr. Wiegand stated the August 8 meeting is expected to have one case for an accessory structure setback.

The Board adjourned the July 11, 2018 meeting at 7:02 p.m.

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:



Barry Riddell

BZA Secretary:



Aaron Wiegand

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 18-06**

WHEREAS, Elmer and Ashley Bunger, on June 11, 2018 filed application no. 18-06 with the Board of Zoning Appeals under Article 8, Subsection 8.024 of the West Chester Zoning Resolution, seeking an extension of a non-conforming use upon the lot occupied by such use as applied to the property located at 6552 Dimmick Road Parcel #M5620-137-000-004, Section 27, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on July 11, 2018 notice of which was given to parties of interest in writing and also by publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing in accordance with Section 519.15 of the Ohio Revised Code; and

WHEREAS, Article 8 et. seq. of the West Chester Zoning Resolution empowers the Board to authorize extensions of non-conforming uses that will not be contrary to the public interest, and

WHEREAS, the Board has considered all of the information and testimony presented at the public hearing and concludes that the requested extension of a non-conforming use will not be contrary to the public interest and is consistent with the West Chester Zoning Resolution, paying particular attention to Section 8.054

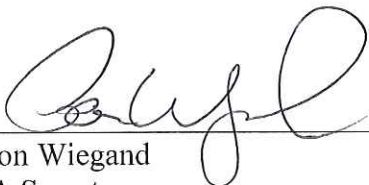
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request for an extension of a non-conforming use to the front and rear of the property, so long as all other requirements of the West Chester Zoning Resolution are met.

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 11th day of July 2018 and journalized on the 8th day of August 2018.



Barry Riddell
BZA Chairman



Aaron Wiegand
BZA Secretary