

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
June 10, 2015 – Regular Meeting**

MEMBERS PRESENT: Mr. Hackney, Mr. Moeller, Mr. Lenz, Mr. Cavens
MEMBERS ABSENT: Mr. Riddell
STAFF PRESENT: Cathy Walton, Property Advisor
Tim Valentine, Property Advisor
CALL TO ORDER: 6:30 PM
ADJOURNMENT 7:00 PM

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

Ms. Walton called the roll.

BZA 15-14 Kenneth W. Schmitz

Ms. Walton was sworn in by Mr. Hackney.

Ms. Walton presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments and case history. Ms. Walton stated that the applicant is requesting a variance for the property at 7632 Delview Drive to allow a 1200SF detached garage where a 737SF garage is permitted. Ms. Walton reviewed the standards for a variance with the board members.

**Applicant: Kenneth Schmitz
7632 Delview Drive
West Chester OH 45069**

Mr. Schmitz stated he requested this amount of square footage for four classic cars including two station wagons. He also stated he does not have any other out buildings and would also store mowers and outdoor equipment as well. He explained the cars are currently stored in several locations and he would like to have them all in one place.

Mr. Cavens asked if the applicant if his request was turned down would he then build 2 separate garages.

Mr. Schmitz stated that would be the only way he could store the cars on his property. He explained he has had two cars stolen and wants to keep them all on his property.

Mr. Hackney asked Mr. Schmitz if he had any problem with the conditions staff has asked for.

Mr. Schmitz stated he did not.

Mr. Cavens clarified that Mr. Schmitz was not going to run an auto repair business.

Mr. Schmitz stated he was not.

Mr. Lenz asked if restoration and maintenance would be done inside the building.

Mr. Schmitz stated yes.

Mr. Lenz questioned the building size and the elevations showing two double garage doors.

Mr. Schmitz stated the building shown was his brothers and he was using to show approximately what his building would look like.

Mr. Lenz clarified four cars would fit within the building.

Mr. Schmitz stated they would.

Mr. Hackney asked whether the driveway would be gravel or pavement.

Mr. Schmitz stated initially it would be gravel but he would later pave it.

Ms. Walton stated the code required pavement.

Mr. Moeller asked if the Mr. Schmitz was comfortable with that requirement.

Mr. Schmitz stated yes.

Mr. Whited asked whether gutters and downspouts were going to be placed in such as not to disturb neighbors.

Mr. Schmitz stated they would.

Mr. Hackney asked how many trees, if any, would need to be removed.

Mr. Schmitz stated only one tree and that he plans to plant more trees.

Proponent: None

**Opponent: Geraldine Britton
7663 Cloverhill Court
West Chester, Ohio 45069**

Ms. Britton stated she was opposed to the size of the garage requested. She stated this was residential neighborhood and she has concerns about the garage and the appearance.

Mr. Whited asked Ms. Britton if she would prefer the applicant put up two garages that would be the size he is permitted or put up one.

Ms. Britton stated she would prefer one small garage.

Mr. Cavens clarified that Mr. Schmitz was permitted two garages under the code.

Ms. Britton stated two garages would bring down property values unless he puts up a really nice garage with a decent driveway.

Board Deliberation

Mr. Cavens stated he believed this was a no brainer. He stated if they denied this the owner would put up two structures that are larger than this one and would be more intrusive.

Mr. Moeller stated he agreed with the conditions staff suggested.

Mr. Whited questioned whether they would need to condition the driveway.

Ms. Walton stated that was a requirement of the code and did not need to be conditioned.

Mr. Lenz stated he did not see an issue with the request based on what he is already permitted and that if he attached it to his house it could be bigger than what is requested.

Mr. Hackney questioned whether Mr. Schmitz would be permitted a second accessory structure if this was approved and could they condition he not be permitted any additional accessory structures.

Ms. Walton confirmed that the Board could condition that there be no additional accessory structures.

There was discussion regarding conditions on a second accessory structure.

Mr. Schmitz returned to take a question from the board.

Mr. Cavens asked Mr. Schmitz if he would be okay with the condition of no other accessory structures if the Board approved the 1200SF structure.

Mr. Schmitz confirmed that he would be okay with that condition.

Mr. Whited confirmed with Mr. Schmitz that he understood a paved drive was required.

Mr. Moeller confirmed that if Mr. Schmitz wanted a second accessory structure he would have to come back to the Board for approval.

Mr. Whited stated he likes the idea of only one structure and believe the conditions are best for everyone.

Mr. Hackney clarified for Mr. Schmitz what is included in the definition of accessory structure.

There was discussion regarding swimming pools as an accessory structure and how to word the conditions.

Mr. Whited made a motion to approve BZA 15-14 with the conditions as stated by staff.

Mr. Cavens seconded the motion.

There was discussion regarding drainage and downspouts from the garage.

Mr. Moeller questioned whether repair work was different from restoration work that would be done.

Mr. Whited amended his motion to include all restoration and repair work be done within the garage.

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

Nay: None

BZA 15-15 Michael and Danielle Richardson

Ms. Walton stated the applicant was sick and called today to ask for a continuance until the July 8, 2015 meeting.

Mr. Hackney made a motion to continue BZA 15-15.

Mr. Moeller seconded the motion.

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

ADMINISTRATIVE MATTERS

Marilyn Scurlock 7464 Chinook Drive West Chester, Ohio 45069 came to the podium to state she may not be able to attend the next meeting and wanted to know the procedure to object.

Mr. Hackney explained that Ms. Scurlock could submit a letter to staff to have presented at the next meeting.

Ms. Scurlock also questioned if there was a website where she could find out the regulations for residential property.

Mr. Hackney directed Ms. Scurlock to the Township website to find the Zoning Resolution.

Ms. Walton stated there would be two cases next month in addition to the continued case.

Minutes for the May 13, 2015 meeting were approved.

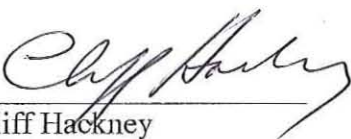
Mr. Whited reminded the Board he would not be at the July meeting and Mr. Cavens would be sitting in.

The next meeting will be Wednesday July 8, 2015, at 6:30 pm


The board adjourned the June 10, 2015 meeting at 7:00 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 15-14**

WHEREAS, Kenneth Schmitz , on May 11, 2015 filed Application No. 15-14 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a variance to allow a 1200SF detached garage where a 737SF garage is permitted as applied to the property at 7632 Delview Drive, West Chester Ohio 45069 and containing Parcel # M5670-103-000-004 in Section 16, Town 3, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on June 10, 2015 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

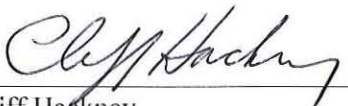
WHEREAS, the board has considered all of the information and testimony presented at the public hearing and concludes that the requested variance from the terms and conditions of the Zoning Resolution will not be contrary to the public interest and are consistent with the standard for variances set forth in the Zoning Resolution, paying particular attention to Section 8.053

THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request to allow a 1200SF detached garage where a 737SF garage is permitted with the following conditions:

1. No repair or restoration on vehicles not owned by the applicant.
2. All repair or restoration work must be done inside the garage.
3. No additional accessory structures permitted.

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 10th day of June, 2015 and journalized on the 8th day of July, 2015.


Cliff Hackney
BZA Chairman


Cathy Walton
BZA Secretary

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
RESOLUTION DENYING APPLICATION NO. BZA 15-15**

WHEREAS, Michael and Danielle Richardson, on May 13, 2015 filed Application No. 15-15 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a variance to allow poultry husbandry on a lot with less than three acres as applied to the property at 7482 Fence Row, West Chester Ohio 45069 and 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 application on July 8, 2015 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

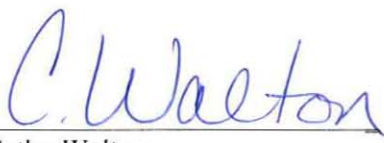
WHEREAS, the board has considered all of the information and testimony presented at the public hearing and concludes that the requested variance from the terms and conditions of the Zoning Resolution will be contrary to the public interest and are not consistent with the standard for variances set forth in the Zoning Resolution, paying particular attention to Section 8.053

THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby deny the request for a variance as stated in application No. 15-15.

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 8th day of July, 2015 and journalized on the 12th day of August, 2015.


Cliff Hackney
BZA Chairman


Cathy Walton
BZA Secretary