

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
May 10, 2021 – Regular Meeting**

MEMBERS PRESENT: Mr. Thomas, Mr. Hackney, Mr. Simmons, Mr. Stoker
(Alternate – seated)

MEMBERS ABSENT: Mr. Riddell, Ms. Glenn

STAFF PRESENT: Aaron Wiegand – Community Development Director

CALL TO ORDER: 6:03 PM

ADJOURNMENT 6:38 PM

Meeting was held at West Chester Township Hall.

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

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

Mr. Hackney made a motion to approve the minutes of the March 10, 2021 and April 12, 2021 meetings of the BZA, seconded by Mr. Simmons. Motion passed by unanimous vote.

Mr. Thomas swore in staff.

BZA 21-03 Gregory J Miller 6446 Millrace Way

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 the applicant has requested a variance from Article 10.144 to allow an accessory building 4 feet from a property line where 10 feet is required.

Mr. Wiegand noted the request includes the applicant wishing to install a storage shed in his backyard. Moving the shed closer to the property lines allows for better use of his yard and avoids existing trees and a garden in the yard.

Mr. Wiegand stated the Butler County Engineer's Office (BCEO) noted a 10' wide drainage easement along the rear property line. As such, they recommend the shed be elevated to allow for unobstructed flow of water in the easement.

Mr. Simmons inquired about other sheds in the area. Mr. Wiegand stated he could not confidently provide information on surrounding properties.

Applicant: **Greg Miller**
 6446 Millrace Way

Mr. Thomas swore in the applicant.

The applicant provided information on the need for a storage shed and his desire to locate it out of the way of his existing gardens and fruit trees. Mr. Miller noted the shed will have no utilities initially.

Mr. Hackney questioned the BCEO recommendation of elevation of the structure in the easement. Mr. Miller noted it would be slightly elevated a few inches to level the shed. Mr. Wiegand noted this was deemed acceptable by BCEO.

Mr. Hackney asked the footprint of the shed. Mr. Miller stated it would be 10' x 12'.

Mr. Stoker noted the presence of other sheds in the neighborhood and their location in relation to property lines.

Proponent: **Stephen Augusterfer**
 6430 Millrace Way

Mr. Augusterfer is the resident to the immediate west of the applicant. He submitted a written letter of support of the application for the shed to be no closer than 48" from his property line.

Opponent: **Darnell Collins**
 7938 Dorsetshire Drive

Mr. Collins is the resident to the immediate north of the applicant. He opposes the application and requests the 10' distance be required of the shed from his property line.

Neutral: **None**

Board Deliberation – Gregory J. Miller

With no further comments, the public comments were closed and the Board moved into deliberation.

Mr. Simmons noted the other homes in the area and their shed being very close to property lines, putting the applicant request in character of the neighborhood.

The Board recalled the applicant to discuss the concerns of the neighboring property to the north. The Board discussed options for the location of the shed to satisfy the requests of both neighbors.

The Board recalled the opponent and discussed the shed location and a compromise of distance. Mr. Hackney noted he thought the distance would be eight feet from the northern property line.

Mr. Simmons recommend a distance of six feet from the northern property and five feet from the western property.

Mr. Simmons made a motion to approve case BZA 21-03 Gregory J Miller with a condition the shed be no closer than six feet from the northern property line and no closer than five feet from the western property line.

Mr. Stoker seconded the motion.

Aye: Mr. Thomas, Mr. Stoker, Mr. Simmons

Nay: Mr. Hackney

The case was approved.

Mr. Thomas made a motion to add a condition to the approval that the shed be elevated per BCEO recommendation to allow unobstructed flow of the existing drainage easement.

Mr. Stoker seconded the motion.

Aye: Mr. Thomas, Mr. Stoker, Mr. Simmons, Mr. Hackney

The condition was approved.

ADMINISTRATIVE MATTERS

Approval of Resolutions:

Mr. Hackney made a motion to approve BZA Resolution BZA 21-03 Gregory J Miller with conditions as read into the meeting. Mr. Thomas seconded. Motion was approved unanimously.

The BZA received no applications for the June 2021 meeting and the Board will not meet.

The Board adjourned the May 10, 2021 meeting at 6:38 p.m.

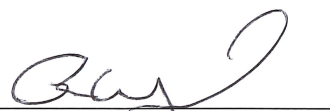
These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audiotape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must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

BZA Chairman:



Evan Thomas

BZA Secretary:


Aaron Wiegand

May 10, 2021

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION OF APPROVAL
APPLICATION NO. BZA 21-03**

WHEREAS, Gregory J Miller on April 12, 2021, filed application no. 21-03 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking a variance from Article 10.144 to allow an accessory building 4 feet from a property line where 10 feet is required, as applied to the property located at 6446 Millrace Way, Parcel # M5620-295-000-093 Section 29, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on May 10, 2021, 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 variances 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 variance is not contrary to the public interest and is consistent with the West Chester Zoning Resolution, paying particular attention to Section 8.053, with conditions.

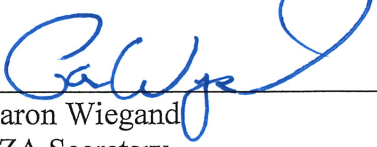
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby approve the request for a variance from Article 10.144 to allow an accessory building 6 feet from the northern property line and 5 feet from the western property line, where 10 feet is required in both instances. The accessory building shall be elevated to allow unobstructed flow of the existing drainage easement.

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

Adopted and journalized at a regularly scheduled meeting of the West Chester Township Board of Zoning Appeals in session on the 10th day of May, 2021.



Evan Thomas
BZA Chairman



Aaron Wiegand
BZA Secretary