

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
December 12, 2022 – Regular Meeting**

MEMBERS PRESENT: Mr. Hackney, Mr. Thomas, Ms. Glenn, Mr. Simmons, Mr. Riddell

MEMBERS ABSENT: None

STAFF PRESENT: Aaron Wiegand – Community Development Director

CALL TO ORDER: 6:00 PM

ADJOURNMENT 7:45 PM

Meeting was held at West Chester Township Hall.

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

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

Ms. Glenn made a motion to approve the minutes of the November 14 , 2022 BZA meeting. Mr. Simmons seconded. Motion passed unanimously with Mr. Riddell abstaining.

Mr. Hackney swore in staff.

BZA 22-12 Asaduzzaman Syed – 8304 Glenhaven Drive

Mr. Wiegand noted the applicant had requested a continuance to the next meeting. The Board debated this request and decided to hear the case and allow for public testimony and then continuing the case and vote to the following meeting. All agreed this was acceptable.

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 13.0211 to permit the keeping of chickens on an R-1A (Suburban Residence) District lot of fewer than 3 acres.

Mr. Wiegand explained that West Chester Community Development has documented multiple chickens and ducks on the property. A zoning violation was issued on the property. The applicant has asked for a variance to allow the continued housing of chickens and ducks.

Applicant: Not present
Proponents: None
Opponents: Brent Miller
8316 Glenhaven Court

Mr. Hackney swore in the resident.

Mr. Miller is a neighboring property and has multiple concerns about the keeping of chickens on the site. He worried about property values being negatively affected. Mr. Miller also had concerns about the fencing in the rear of the property currently being used to corral the chickens. The existing fencing is not suitable to maintain the proper separation of the chickens to his property. He lastly had concerns about increased coyote activity due to the chickens being present.

Alice Mack
8294 Glenhaven Court

Mr. Hackney swore in the resident.

Ms. Mack noted the changes to the property since the applicant has moved in is stark. The applicant keeps chickens and ducks. Ms. Mack has tried to speak with the neighbor about the issue, but the chickens are causing strife between them as neighbors. Ms. Mack noted the property has degraded so quickly and she has concerns about allowing the applicant to continue housing chickens in any manner.

Brad Ammon
8299 Glenhaven Court

Mr. Hackney swore in the resident.

Mr. Ammon is new to the neighborhood. While he is not against chickens in principle, he has concerns about them being housed in a quiet residential neighborhood. He also noted that, while the applicant has multiple chickens, he believes even one chicken is too many.

Dick Lenz
7265 Willowood Drive

Mr. Hackney swore in the resident.

Mr. Lenz is a former member of the BZA. He noted that the BZA has heard cases regarding backyard chickens on multiple occasions. The BZA was always consistent in its rulings. Mr. Lenz noted the minimum for housing chickens is a 3 acre lot. Allowing chickens on this small residential lot would be a wholesale departure from the Zoning Regulations.

Neutral: **Amy Merk**
 8326 Glenhaven Court

Mr. Hackney swore in the resident.

Ms. Merk noted the residents that had previously spoken were all proper in their issues. She also has concerns about the applicant's property and the negative effect it is having on the neighborhood.

Board Deliberation – Asaduzzaman Syed

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

The Board decided it proper to allow the resident the opportunity to state his case to the Board in person and allow one continuance to the applicant.

Mr. Thomas made a motion to continue case BZA 22-12 Asaduzzaman Syed to the January 9, 2023 meeting of the BZA. This meeting will be held at 6:00 PM at 9113 Cincinnati-Dayton Road.

Mr. Riddell seconded the motion.

Aye: Mr. Hackney, Ms. Glenn, Mr. Thomas, Mr. Riddell

Nay: Mr. Simmons

The case was continued.

BZA 22-10 and 22-11 Bryan Gedeon – 9118 Cincinnati-Columbus Road and 8419 Cincinnati-Columbus Road

Mr. Wiegand noted the applicant had to separate applications, which are presented as one case. The applicant is considering multiple property options and has two properties under consideration. It was noted that, while presented together, each case stands on its own and would be voted on individually.

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 22.023 to permit automotive repair work in a building less than 200 ft. from an R (Residential) District.

Mr. Wiegand explained that both properties under consideration are less than 200' from a R district. The applicant currently owns Queen City Classics on Cincinnati Columbus Road. He

would like to expand his business, but cannot do so without encroaching on the 200' separation requirement to R-districts.

Mr. Riddell noted the existing property is already within 200' of the rear property line. It was noted the site likely pre-dates West Chester zoning.

Applicant: **Bryan Gedeon**
 9118 Cincinnati-Columbus Road

Mr. Hackney swore in the applicant.

Mr. Gedeon noted his business has done well and he would like to offer repair work for cars he would then sell as his main business. Both locations are under consideration, and the BZA ruling will help clarify his options prior to a possible purchase.

The Board had clarifying questions on the nature of his operation. It is his intention to offer repair services in addition to his current sales.

Proponents: **None**

Opponents: **Matt Miller**
 8580 Acredale Drive

Mr. Hackney swore in the resident.

Mr. Miller is an adjoining property to the proposed new location at 8419 Cincinnati-Columbus Road. He has concerns about the noise of a repair shop operation.

Larry and Donna Coates
8560 Acredale Drive

Mr. Wiegand noted the residents submitted a written opposition to the case. The Coates' have concerns about an auto repair shop regarding noise and hours of operations. They ask the Board to deny the requested variance.

Neutral: **None**

Board Deliberation – Bryan Gedeon

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

The Board discussed the use of the buildings and the potential noise generated. It was noted the work would all be inside an enclosed building and the buildings did not have access to the adjoining residential properties regardless.

Mr. Thomas made a motion to approve case BZA 22-10 Bryan Gedeon I with condition that the approval is for the current property owner and current use only.

Mr. Simmons seconded the motion.

Aye: Mr. Hackney, Ms. Glenn, Mr. Simmons, Mr. Thomas, Mr. Riddell

Nay: None

The case was approved with condition.

Mr. Simmons made a motion to approve case BZA 22-11 Bryan Gedeon II as submitted.

Mr. Riddell seconded the motion.

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

Nay: None

Abstain: Ms. Glenn

The case was approved as submitted.

ADMINISTRATIVE MATTERS

Approval of Resolutions:

Mr. Hackney made a motion to approve BZA Approval Resolution 22-10 Bryan Gedeon I with condition. Ms. Glenn seconded.

Aye: Mr. Hackney, Ms. Glenn, Mr. Thomas, Ms. Glenn, Mr. Simmons

Nay: None

The resolution was approved

Mr. Simmons made a motion to approve BZA Approval Resolution 22-11 Bryan Gedeon II as submitted. Ms. Glenn seconded.

Aye: Mr. Hackney, Ms. Glenn, Mr. Thomas, Ms. Glenn, Mr. Simmons

Nay: None

The resolution was approved

Mr. Wiegand distributed the 2023 BZA meetings dates for Board consideration.

Mr. Wiegand noted the Board of Trustees would be accepting applications for BZA membership.

The Board adjourned the December 12, 2022 meeting at 7:45 p.m.

December 12, 2022

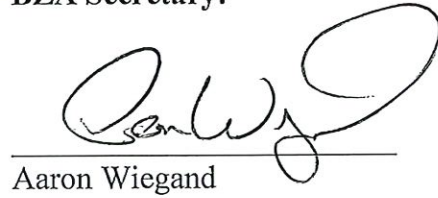
These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audiotape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must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

BZA Chairman:



Cliff Hackney

BZA Secretary:



Aaron Wiegand

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION OF APPROVAL WITH CONDITIONS
APPLICATION NO. BZA 22-10**

WHEREAS, Bryan Gedeon on November 14, 2022, filed application no. 22-10 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, requesting a variance from Article 22.023 to permit automotive repair work in a building less than 200 ft. from an R (Residential) District, as applied to the property located at 9118 Cincinnati-Columbus Road, Parcel # M5610-012-000-059 Section 9, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on December 12, 2022, 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.

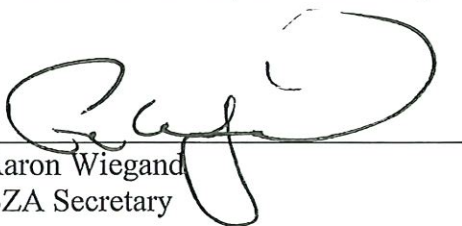
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby approve the request for a variance from Article 22.023 to permit automotive repair work in a building less than 200 ft. from an R (Residential) District, conditioned that this approval is for the currently property owner operating his current business at the site.

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 12th day of December, 2022



Cliff Hackney
BZA Chairman



Aaron Wiegand
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION OF APPROVAL
APPLICATION NO. BZA 22-11**

WHEREAS, Bryan Gedeon on November 14, 2022, filed application no. 22-11 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, requesting a variance from Article 22.023 to permit automotive repair work in a building less than 200 ft. from an R (Residential) District, as applied to the property located at 8419 Cincinnati-Columbus Road, Parcel # M5610-013-000-005 Section 10, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on December 12, 2022, 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.

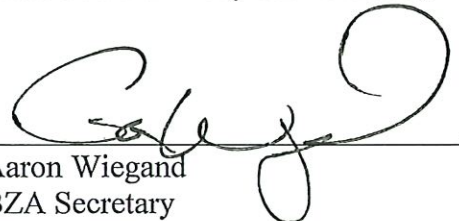
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby approve the request for a variance from Article 22.023 to permit automotive repair work in a building less than 200 ft. from an R (Residential) District

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

Adopted and journalized at a regularly scheduled meeting of the West Chester Township Board of Zoning Appeals in session on the 12th day of December, 2022



Cliff Hackney
BZA Chairman



Aaron Wiegand
BZA Secretary