

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
January 9, 2023 – 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 7:10 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.

Mr. Hackney swore in staff.

BZA 22-12 Asaduzzaman Syed – 8304 Glenhaven Drive (continued from December 12, 2022)

Mr. Riddell made a motion to reopen BZA 22-12 from the December 12, 2022 meeting. Mr. Thomas seconded. Motion passed unanimously.

Mr. Wiegand noted the case was presented at the December 12, 2022 BZA meeting. The case was briefly re-presented to the Board by Mr. Wiegand.

Applicant: Asaduzzaman Syed
8304 Glenhaven Court

Mr. Hackney swore in the applicant.

The applicant noted his chickens are for therapy and help his family medically. He has approximately 12 chickens and 5 ducks currently.

The Board questioned the intended use of the chickens. The applicant noted their main purpose is not for food or eggs. The applicant noted he was unaware of the zoning restriction when he purchased the house, but that he knew it was not permitted at his former residence in Chicago.

Ms. Glenn asked if the therapy nature of the chickens could be accomplished with chickens that were not on-site, such as visiting a farm designed for such use.

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Proponents: **None**

Opponents: **Carl Reisen**
 7208 Champions Lane

Mr. Hackney swore in the resident.

Mr. Reisen noted he was speaking as a private resident. Mr. Reisen had concerns about the violation of the Zoning Resolution and suggested the applicant was simply trying to overturn the zoning violation on the books. Mr. Reisen noted the property values in the area and the potential negative detriment to the surrounding neighbors.

Neutral: **None**

Board Deliberation – Asaduzzaman Syed

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

The Board had concerns with the clear zoning violation on the property and the neighboring resident's concerns.

Mr. Riddell noted that backyard chickens have come before the BZA multiple times. He noted that each case stands on itself and that this particular case was an egregious deviation from the regulations.

Mr. Thomas noted the spirit of individualism is generally a good thing. However, this case involved so many chickens that it was not feasible to support it.

Mr. Simmons made a motion to deny case BZA 22-12 Asaduzzaman Syed on the grounds of B, C, F and G from the required considerations.

Mr. Riddell seconded the motion.

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

Nay: None

The case was denied.

BZA 23-01 Geoffrey and Virginia Cooper – 7751 Quaker Court

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 permit an accessory structure closer than 10 ft. from the principal building.

Mr. Wiegand explained that the applicant has an existing paved parking area for their RV next to the garage. They wish to construct a covered parking area adjacent to the existing garage. The carport would have no separation from the principle house.

The Board clarified the difference between the existing request of a separate structure versus if the new structure was attached to the existing house. Mr. Wiegand noted those differences.

**Applicant: Geoffrey and Virginia Cooper
 7751 Quaker Court**

Mr. Hackney swore in the applicants.

Mr. Cooper noted that due to lot layout, they are not really adjacent to any other properties. Their proposed accessory structure would abut neighboring sheds and storage buildings. Mr. Cooper noted they would love the ability to store their RV without the danger of constantly climbing to install a tarp covering on the RV.

**Proponents: Wayne and Elizabeth Bowen
 8799 Ashbrook Drive**

Mr. Hackney swore in the residents.

The Bowens are adjacent property owners to the Coopers and have no issue with the proposed accessory building or its location.

Opponents: None

Neutral: None

Board Deliberation – Geoffrey and Virginia Cooper

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

The Board had no issues overall with the request. Mr. Riddell noted these cul-de-sac lots always create odd setbacks. Mr. Simmons noted the new structure would abut existing sheds and storage buildings.

Mr. Riddell made a motion to approve case BZA 23-01 Geoffrey and Virginia Cooper as submitted

Ms. Glenn seconded the motion.

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

Nay: None

The case was approved.

BZA 23-02 Sarah and Pierre Monvillers – 7481 Fruitwood Drive

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 11.09(c) to permit a fence in the front yard closer than the required 35 ft. setback on a corner lot.

Mr. Wiegand explained that the applicant has a corner lot and wishes to extend the rear fence into the required setback in order to maximize their fenced-in area. Mr. Wiegand noted that, if approved, the fence would be located approximately 12' from the property line instead of the required 35'.

**Applicant: Sarah and Pierre Monvillers
7481 Fruitwood Drive**

Mr. Hackney swore in the applicants.

The Monvillers noted they wished to provide a safe backyard for their dogs. The new fence would enclose the existing shed in the rear yard.

Proponents: None

Opponents: None

Neutral: None

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Board Deliberation – Sarah and Pierre Monvillers

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

The Board had no issues overall with the request. The Board noted it receives many such requests and judges them individually. This case has no concerns.

Mr. Thomas made a motion to approve case BZA 23-02 Sarah and Pierre Monvillers as submitted

Mr. Simmons seconded the motion.

Aye: Mr. Hackney, Ms. Glenn, Mr. Simmons, Mr. Thomas, Mr. Riddell
Nay: None

The case was approved.

ADMINISTRATIVE MATTERS

Approval of Resolutions:

Mr. Thomas made a motion to approve BZA Denial Resolution 22-12 Asaduzzaman Syed. Ms. Glenn seconded.

Aye: Mr. Hackney, Ms. Glenn, Mr. Thomas, Ms. Glenn, Mr. Simmons
Nay: None

The denial resolution was approved

Mr. Simmons made a motion to approve BZA Approval Resolution 23-01 Geoffrey and Virginia Cooper as submitted. Mr. Thomas seconded.

Aye: Mr. Hackney, Ms. Glenn, Mr. Thomas, Ms. Glenn, Mr. Simmons
Nay: None

The approval resolution was approved

Ms. Glenn made a motion to approve BZA Approval Resolution 23-02 Sarah and Pierre Monvillers as submitted. Mr. Thomas seconded.

Aye: Mr. Hackney, Ms. Glenn, Mr. Thomas, Ms. Glenn, Mr. Simmons
Nay: None

The approval resolution was approved

Mr. Riddell requested the Board members remember to allow applicant testimony to be completed before the Board opens to questions.

Mr. Wiegand noted the Board of Trustees were accepting applications for BZA membership. Mr. Thomas term is completed and he has indicated he would not re-apply.

The Board adjourned the January 9, 2023 meeting at 7:10 p.m.

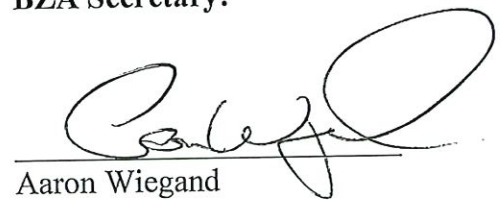
These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audiotape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must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

BZA Chairman:



Cliff Hackney

BZA Secretary:



Aaron Wiegand

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION OF DENIAL
APPLICATION NO. BZA 22-12**

WHEREAS, Asaduzzaman Syed on November 11, 2022, filed application no. 22-12 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, 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., as applied to the property located at 8304 Glenhaven Ct, Parcel # M5620-350-000-006, Section 8, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on December 12, 2022 and continued to January 9, 2023, 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 contrary to the public interest and is not consistent with the West Chester Zoning Resolution, paying particular attention to Section 8.053.

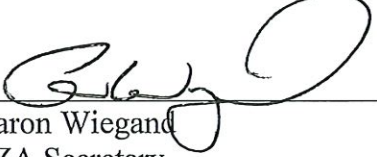
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby deny the request for a variance from Article 13.0211 to permit the keeping of chickens on an R-1A (Suburban Residence) District lot of fewer than 3 acres.

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 9th day of January, 2023



Cliff Hackney
BZA Chairman



Aaron Wiegand
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION OF APPROVAL
APPLICATION NO. BZA 23-01**

WHEREAS, Geoffrey and Virginia Cooper on December 9, 2022, filed application no. 23-01 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, requested a variance from Article 10.144 to permit an accessory structure closer than 10 ft. from the principal building, as applied to the property located at 7751 Quaker Court, Parcel # M5620-160-000-035, Section 16, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on January 9, 2023, 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 10.144 to permit an accessory structure closer than 10 ft. from the principal building along the eastern side of the house.

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 9th day of January, 2023



Cliff Hackney
BZA Chairman



Aaron Wiegand
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION OF APPROVAL
APPLICATION NO. BZA 23-02**

WHEREAS, Sarah and Pierre Monvillers on December 9, 2022, filed application no. 23-02 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, requested a variance from Article 11.09(c) to permit a fence in the front yard closer than the required 35 ft. setback on a corner lot., as applied to the property located at 7481 Fruitwood Drive, Parcel # M5620-098-000-037, Section 16, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on January 9, 2023, 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 11.09(c) to permit a fence in the front yard closer than the required 35 ft. setback on a corner lot.

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 9th day of January, 2023



Cliff Hackney
BZA Chairman



Aaron Wiegand
BZA Secretary