

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
July 10, 2023 – Regular Meeting**

MEMBERS PRESENT: Mr. Hackney, Mr. Reisen, Ms. Glenn, Mr. Simmons, Mr. Riddell, Mr. Mear (*Alternate – not seated*)

MEMBERS ABSENT: None

STAFF PRESENT: Aaron Wiegand – Community Development Director

CALL TO ORDER: 6:00 PM

ADJOURNMENT 6:54 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 made a motion to approve meeting minutes of the April 10, 2023 and June 12, 2023 meetings. Mr. Simmons seconded. Motion was approved unanimously.

Mr. Hackney swore in staff.

BZA 23-07 Edward Wright – 9424 Cincinnati-Columbus Road

Mr. Wiegand presented the staff report including a PowerPoint presentation, current zoning in the area, aeriels, background of request, staff comments and case history. Mr. Wiegand stated the applicant has requested a conditional use to permit a dwelling as part of an approved principal use in a B-1 (Neighborhood Business) District per Article 21.031.

Mr. Wiegand explained that the applicant is building a new retail gym, which is permitted by right. The owner wishes to construct an apartment to the new gym so as to better offer timely services to clients. The dwelling is only permitted as a Conditional Use per West Chester zoning.

**Applicant: Edward Wright
Wright Design
4693 Mission Lane, Cincinnati**

Mr. Hackney swore in the applicant.

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Mr. Wright is the architect for the project. He added that this is in the spirit of shopkeeper minding the store so that his client can provide better services to his client.

Proponents: **Shira Annamadan**
 9405 Cincinnati-Columbus Road

Mr. Hackney swore in the speaker.

Mr. Annamadan owns the business across the street from this proposed location and supports a new business coming to the neighborhood.

Opponents: **None**

Neutral: **None**

Board Deliberation – Edward Wright

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

The Board had no concerns overall on the project. The Board noted support for new investment on Cincinnati-Columbus Road corridor.

Mr. Riddell made a motion to approve case BZA 23-07 Edward Wright as submitted

Ms. Glenn seconded the motion.

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

Nay: None

The case was approved as submitted.

BZA 23-08 Adam Holden – 8601 Bluebird 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 to permit a 20' rear yard setback where 45' is required in an R-1A (Suburban Residence) District per Article 13.062.

Mr. Wiegand explained that the applicant was issued a zoning violation for new construction within the required rear yard setback. The applicant is requesting a variance from the setback in order to bring these structures into compliance. The existing structure was already within the setback and was a legal non-conforming use, but the owner significantly increased the house and added a large covered deck.

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The Board had several questions clarifying the new construction versus the legal-non conforming structure already in place versus the new work completed.

Mr. Simmons clarified that the new construction did not extend further into the setback than the older structure already did. Mr. Wiegand confirmed this to be accurate.

Mr. Riddell asked if the existing structure would ever be able to meet the current setback requirements. Mr. Wiegand stated it was not likely.

**Applicant: Adam & Nancy Holden
8601 Bluebird Drive**

Mr. Hackney swore in the applicant.

Mr. Holden noted he is a builder by trade and have made improvements over the years. He noted they got a little excited on building in the rear and admits he built into the setback. Mr. Holden noted they did not extend further into the setback than the existing house.

The Board discussed the neighboring properties.

Proponents: None

Opponents: None

Neutral: None

Board Deliberation – Adam Holden

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

Mr. Simmons asked staff if there had ever been a previous complaint about the property. Mr. Wiegand noted there had not been.

Mr. Riddell noted that the older houses in West Chester are always at a disadvantage due to zoning laws enacted after their construction. He noted this owner would never be able to expand items in the rear-yard under current zoning law.

The Board discussed limiting the applicant to their current construction only. It was determined that this was not necessary, as the blanket variance would suffice for future improvements.

Mr. Simmons made a motion to approve case BZA 23-08 Adam Holden as submitted with an approved 20' rear yard setback.

Ms. Glenn seconded the motion.

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

The case was approved as submitted.

ADMINISTRATIVE MATTERS

Approval of Resolutions:

Mr. Hackney made a motion to approve BZA Approval Resolutions 23-07 Edward Wright and 23-08 Adam Holden. Mr. Riddell seconded.

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

The resolutions were approved.

Organizational Meeting

The Board entered into the yearly Organizational Meeting.

Mr. Hackney made a motion to approve Barry Riddell as BZA Chair. Mr. Simmons seconded. Motion was passed unanimously.

Mr. Hackney made a motion to appoint Meridy Glenn as BZA Vice-Chair. Mr. Riddell seconded. Motion was passed unanimously.

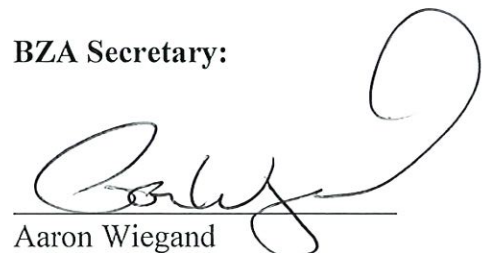
The Board adjourned the July 10, 2023 meeting at 6:54 p.m.

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 APPROVAL
APPLICATION NO. BZA 23-07**

WHEREAS, Edward Wright on June 9, 2023, filed application no. BZA 23-07 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a conditional use for a dwelling in conjunction to a principally permitted use in an B-1 (Neighborhood Business) District per Article 21.031, as applied to the property located 9424 Cincinnati-Columbus Road, Parcel M5620-090-000-012, Section 15, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on July 10, 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 Zoning Resolution empowers the Board to authorize upon appeal in specific cases, conditional uses or special exception zoning certificates for those uses which are specified as such by the Resolution; and

WHEREAS, the Board has considered all of the information and testimony presented at the public hearing and concludes that the requested conditional use will not be contrary to the public interest and, is consistent with the standard for conditional use set forth in the Zoning Resolution, paying particular attention to Section 8.054

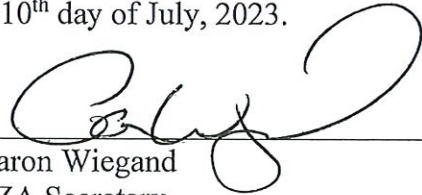
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby approve the request for a conditional use for a dwelling in conjunction to a principally permitted use in an B-1 (Neighborhood Business) District.

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

Adopted at a regularly scheduled meeting of the West Chester Township
Board of Zoning Appeals in session on the 10th day of July, 2023.



Cliff Hackney
BZA Chairman



Aaron Wiegand
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION OF APPROVAL
APPLICATION NO. BZA 23-08**

WHEREAS, Adam Holden on June 12, 2023, filed application no. 23-08 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, requesting a variance from Article 13.062 to permit a 20' rear yard depth where 45' is required, as applied to the property located at 8601 Bluebird Drive, Parcel # M5620-072-000-009, Section 10, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on July 10, 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.

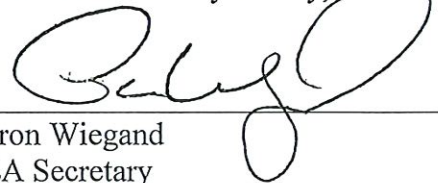
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby approve the request for a variance from Article 13.062 to permit a 20' rear yard depth where 45' is required

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 July, 2023



Cliff Hackney
BZA Chairman



Aaron Wiegand
BZA Secretary