

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
October 11, 2023 – Regular Meeting**

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

MEMBERS ABSENT: None

STAFF PRESENT: Aaron Wiegand – Community Development Director
Bryan Hellard - Property Advisor

CALL TO ORDER: 6:05 PM

ADJOURNMENT 7:30 PM

Meeting was held at West Chester Township Hall.

Mr. Riddell 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 meeting minutes of the September 11, 2023 meeting. Mr. Reisen seconded. Motion was approved unanimously.

Mr Riddell explained the meeting process to attendees.

Mr. Riddell swore in staff.

BZA 23-11 Dr. Mohamed Aziz – 7883 Chestershire 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 10.143 to permit a front yard accessory structure in an R-1A (Suburban Residence) Zoning District.

Mr. Wiegand explained that the applicant was seeking to construct an accessory structure gazebo/ pergola in the front yard area of his property. Mr. Wiegand noted the applicant applied for a West Chester Zoning Permit. The application was denied on June 5, 2023 on the grounds that the West Chester Zoning Resolution does not permit such structures in the front yard area.

Mr. Wiegand stated that on July 31, 2023, the West Chester Community Development Department was informed that construction had begun on the structure. West Chester then issued zoning violation ZV 23-0025 to the property owner for construction without a permit.

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Mr. Simmons asked staff to define a double frontage lot. Mr. Wiegand explained this property was not a double frontage lot.

Mr. Hackney asked for clarification regarding the applicant's initial zoning certificate application and the denial date. Mr. Wiegand explained the denial procedure to the Board.

Mr. Simmons asked questions regarding the notification of adjacent residents. Mr. Wiegand confirmed that all residents within 200' of the applicant's property were notified [of this meeting].

Ms. Glenn asked about denials and if they lead to variances. Mr. Wiegand replied that variances are an option for denials.

Mr. Simmons understood that there was a denial by staff and asked if there was a complaint regarding the structure. Mr. Wiegand explained that there was a complaint in July.

Mr. Riddell asked if the township still places signs [on the subject property of the applicant]. Mr. Wiegand affirmed.

Mr. Simmons asked if there was only one complaint. Mr. Wiegand stated there were multiple phone calls regarding the structure, but the township logs only one official complaint.

Applicant: Dr. Mohamed Aziz
7883 Chestershire Dr, West Chester, OH

Mr. Riddell swore in the Dr. Aziz.

Dr. Aziz stated he received an approval letter from West Chester prior to receiving a zoning violation. Mr. Aziz stated reasons for building the structure where he did.

Mr. Simmons asked about existing structures (decks) on the applicant's property. Dr. Aziz responded.

Ms. Glenn asked staff about a clarification regarding the side of the house and asked the applicant about the size of the structure.

Mr. Reisen wanted clarification if the application was denied and then started construction. Mr. Reisen had further questions regarding the time line. Dr. Aziz presented a final inspection certificate dated June 8th to the board.

Mr. Riddell asked staff to clarify the time line and issues involving the final inspection certificate. Mr. Wiegand discussed the final inspection certificate and the process behind obtaining one from the township. There were several minutes of back and forth conversation regarding final inspections and zoning certificate denial.

Proponent: None in person. There was one proponent that submitted a statement prior to the meeting. Jason and Erica Dambekaln, residents of 7911 Chestershire Dr. stated their approval of the project.

Opponent: Bob Bernet of 7963 Chestershire Dr, representing the Home Owner's Association.

Mr. Hackney asked Mr. Bernet about the construction timeline.
Mr. Reisen asked if Mr. Bernet knew that zoning application was turned down.
Mr. Simmons asked if the HOA had an agreement upon a resident moving in.

Opponent: James Shuppert of 8046 Chestershire Dr. recalled in late fall of 2022, the structure was under construction.

Mr. Reisen asked Mr. Shuppert regarding the construction timeline.

Opponent: [inaudible] Satzger of 9968 Wexford Way stated she informed both the township and Butler County about the issue in January and February of 2023.

Opponent: Katheryn Hawkins of 8142 Chestershire Dr. stated she was required to sign an agreement to HOA rules.

Neutral: Ryan Fox 8178 Chestershire Dr. inquired about the secondary parcel Dr. Aziz owns and if it were an easement. Said parcel is a flag lot. Mr. Wiegand stated the proposed structure is outside of any easement per Butler County.

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

Board Deliberation

Mr. Wiegand provided clarification of the violation noting that Dr. Aziz was informed in February of 2023 about building without a permit and was notified that the structure wouldn't be permitted and would require a variance. Mr. Wiegand stated the final inspection certificate was sent in error and Dr. Aziz was notified that it was sent in error.

Mr. Simmons made a motion to deny case BZA 23-11 Mohamed Aziz

Mr. Reisen seconded the motion.

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

Nay: None

The application was denied as submitted.

ADMINISTRATIVE MATTERS

Approval of Resolutions:

Ms. Glenn made a motion to approve BZA Approval Resolution 23-11. Mr. Reisen seconded.

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

Nay: None

The resolution of denial was approved.


The Board adjourned the October 11, 2023 meeting at 7:30 p.m.

There were no applications for the next meeting, so the November 13th meeting was cancelled. The next meeting will be held on Monday, December 11th.


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:

BZA Secretary:



Barry Riddell



Bryan Hellard


**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION OF DENIAL
APPLICATION NO. BZA 23-11**

- WHEREAS, Mohamed Aziz on September 11, 2023, filed application no. 23-11 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, requesting a variance from Article 10.143 to permit a front yard accessory structure in an R-1A (Suburban Residence) District, as applied to the property located at 7883 Chestershire Drive, Parcels # M5620-268-000-023, M5620-268-000-024, Section 8, Town 3, Range 2 (West Chester Township, Butler County); and
- WHEREAS, a public hearing was held on said application on October 11, 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 10.143 to permit a front yard accessory structure in an R-1A (Suburban Residence) 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 11th day of October, 2023



Barry Riddell
BZA Chairman



Aaron Wiegand
BZA Secretary