

**WEST CHESTER TOWNSHIP  
BOARD OF ZONING APPEALS  
June 10, 2024 – Regular Meeting**

MEMBERS PRESENT: Mr. Simmons, Mr. Sanchez, Mr. Reisen, Mr. Mear. (*Alternate - seated*)

MEMBERS ABSENT: Ms. Glenn, Mr. Riddell

STAFF PRESENT: Bryan Hellard – Property Advisor  
Katy Kanelopoulos – Director, Community Development  
Jonathan Roach - FBT

CALL TO ORDER: 6:00 PM

ADJOURNMENT 6:55 PM

Meeting was held at West Chester Township Hall.

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

Mr. Hellard called the role. A quorum of four was established.

Old Business:  
Approval meeting minutes from 5-13-24  
Motion by Mr. Simmons  
Seconded by Mr. Mear

Mr. Reisen swore in staff.

**Aye: All**  
**Nay: None**

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**BZA 24-07 Thomas Hershfield – 8016 Spring Garden Court**

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Mr. Hellard presented the staff report. Mr. Hellard stated the applicant has requested a variance from Article 11.09 (c) for the construction of a 4' fence in the front yard of a corner lot in an R-1A (Suburban Residence) District.

Mr. Hellard noted there were no proponents or opponents who reached out prior to the hearing.

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**June 10, 2024**

Mr. Simmons asked the distance of the proposed variance. Mr. Hellard noted it was 30'. Mr. Hellard then described the distance of the right-of-way and building setback along with where the fence can be constructed per code.

Mr. Sanchez asked if the fence was inside or outside of the tree line.

Mr. Mear asked about fence rules regarding corner lots. Mr. Hellard clarified.

There were no further questions for staff.

**Applicant:**                 **Thomas Hershfield**  
                                      **8016 Spring Garden Court, West Chester, OH**

Mr. Reisen swore in the applicant.

Mr. Simmons asked about the proposed height of the fence. The applicant clarified.

Mr. Sanchez asked if the fence would be inside or outside of the tree line. The applicant confirmed it would be on the inside of the tree line.

**Proponent:**                 **None**

**Opponent:**                 **None**

**Neutral:**                    **None**

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

### **Board Deliberation**

No one on the Board had any opposition to the request.

Mr. Simmons asked that the applicant come back to the podium to speak. Mr. Simmons asked about the height of the neighbor's fence. The applicant clarified.

**Mr. Mear made a motion to approve case BZA 24-07 Thomas Hershfield.**

**Mr. Sanchez seconded the motion.**

**Aye: Mr. Mear, Mr. Reisen, Mr. Sanchez, Mr. Simmons**

**Nay: None**

**The application was approved.**

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**BZA 24-08 Jonathan LeFevers – 10136 Golay Avenue**

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Mr. Hellard presented the staff report. Mr. Hellard stated the applicant has three requests for an addition to an existing home. The first request is an expansion of an existing non-conforming structure per Article 10.03. The second request is a variance from the 15' side yard setback per Article 12.062. The third request is a variance from the 35' front yard setback per Article 12.062.

Mr. Hellard noted there were no proponents or opponents who reached out prior to the hearing.

Mr. Simmons asked about the street names. Mr. Hellard deferred to the applicant to answer.

Mr. Simmons asked counsel about a potential property line issue. Mr. Roach stated that it's not for the Board's consideration if the neighbor might bring a later lawsuit. Mr. Roach further stated the neighbor was notified and was not present for the hearing.

Mr. Reisen stated in the absence of a response from the neighbor, that it doesn't necessarily mean it is consent. Mr. Roach confirmed.

There were no further questions for staff.

**Applicant: Jonathan LeFevers  
10136 Golay Avenue, West Chester, OH**

Mr. Reisen swore in the applicant.

Mr. Mear asked about the side yard setback since the addition has not been built. Mr. LeFevers stated it would cost him more money. Mr. LeFevers discussed the triangle parcel of property that he claims ownership of and pays taxes on and the neighbor's home expansion that he feels is on his property. Mr. LeFevers also stated the proposed expansion is even with the existing garage prior to its demolition.

Mr. Simmons asked why a survey wasn't performed. Mr. LeFevers explained the difficulty in hiring a surveyor due to the nature of the neighborhood.

Mr. Reisen asked Mr. Hellard about any previous cases in the same area. Mr. Hellard couldn't recall any.

Mr. Simmons asked the applicant if he had spoken to his neighbors. Mr. LeFevers stated that his direct neighbor didn't care and the neighbor across the street was fine with the proposed addition.

**Proponent: None**

**Opponent: None**

**Neutral:**                      **None**

**Board Deliberation**

Mr. Sanchez stated he didn't see an issue with the proposal.

Mr. Simmons stated he was torn because they would be ruling against an unknown and was concerned with a potential ripple effect it could have on the applicant.

Mr. Reisen called the applicant back to the podium

Mr. Reisen asked the applicant how long he lived in the area. The applicant stated 11 years. Mr. Reisen then asked how long the neighbor has lived on their property to which the applicant stated they moved in just before he did.

Mr. Lefevers discussed the deed. Mr. Hellard deferred to counsel regarding verbiage in the deed of saving and excepting the triangle portion of property.

Mr. Roach explained that the deed was unclear if it included the triangle based on saving and excepting.

There was further debate regarding the triangle parcel and the location of the neighbor's house. Additionally, there was debate regarding having a survey performed.

**Mr. Simmons made a motion to continue case BZA 24-08 Jonathan LeFevvers.**

**Mr. Mear seconded the motion.**

**Aye: Mr. Mear, Mr. Reisen, Mr. Sanchez, Mr. Simmons**

**Nay: None**

**The application was continued.**

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**BZA 24-09 Jeffrey Powell – 8339 Luster Drive**

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Mr. Hellard presented the staff report. Mr. Hellard stated the applicant has requested two variances. The first is a variance from Article 10.143 to permit an accessory building in the side yard. The second is a variance from Article 13.062 to permit an accessory building closer than the 30' front yard building setback for a property in an R-1A (Suburban Residence) District.

Mr. Hellard noted there were no proponents or opponents who reached out prior to the hearing.

There were no questions for staff.

**Applicant:** Jeffrey Powell  
8339 Luster Drive, West Chester, OH

Mr. Reisen swore in the applicant.

Mr. Mear asked if there was a way to put the structure behind the home. The applicant stated there was a serious drop off at the back of the property.

Mr. Mear asked if the structure would be similar in color to the home. The applicant stated it would match the siding and trim.

Mr. Simmons asked if the building is prefabricated. The applicant stated it was a pole building. Mr. Simmons then asked if concrete would be poured and if the structure would tie into the driveway. The applicant confirmed each.

Mr. Sanchez asked what the purpose of the structure was. The applicant stated so he could have more room in his garage.

Mr. Simmons asked about utilities. The applicant stated there would be electric.

**Proponent:** None

**Opponent:** None

**Neutral:** None

### **Board Deliberation**

Mr. Simmons didn't have an issue and recognized it was a difficult spot to build.

Mr. Sanchez agreed with Mr. Simmons.

**Mr. Sanchez made a motion to approve case BZA 24-09 Jeffrey Powell with no conditions.**

**Mr. Mear seconded the motion.**

**Aye: Mr. Mear, Mr. Reisen, Mr. Sanchez, Mr. Simmons**

**Nay: None**

**The application was approved.**

### **ADMINISTRATIVE MATTERS**

Approval of Resolutions:

BZA Approval Resolution 24-07 Thomas Hershfield

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**June 10, 2024**

Motion made by Mr. Reisen and Seconded by Mr. Sanchez

Aye: All  
Nay: None

The resolution was approved.

BZA Approval Resolution 24-09 Jeffrey Powell  
Motion made by Mr. Simmons, Seconded by Mr. Mear

Aye: All  
Nay: None


The resolution was approved.

The Board adjourned the June 10, 2024 meeting at 6:55 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 Vice Chair:**

**BZA Secretary:**

  
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Carl Reisen

  
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Bryan Hellard

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**June 10, 2024**

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION OF APPROVAL  
APPLICATION NO. BZA 24-07**

WHEREAS, Thomas Hershfield on May 8, 2024, filed application no. 24-07 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, requesting a variance from Article 11.09 (c) to permit a 4' fence in the front yard of a corner lot for a property in an R-1A (Suburban Residence) District, as applied to the property located at 8016 Spring Garden Court, Parcel # M5620-211-000-083, Section 11 Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on June 10, 2024, 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 4' fence in the front yard of 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 10<sup>th</sup> day of June, 2024



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Carl Reisen  
BZA Vice Chairman



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Bryan Hellard  
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION OF APPROVAL  
APPLICATION NO. BZA 24-09**

WHEREAS, Jeffrey Powell on May 10, 2024, filed application no. 24-09 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, requesting two variances. The first is a variance from Article 10.143 to permit an accessory building in the side yard. The second is a variance from Article 13.062 to permit an accessory building closer than the 30' front yard building setback for a property in an R-1A (Suburban Residence) District, as applied to the property located at 8339 Luster Drive, Parcel # M5620-067-000-006, Section 10 Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on June 10, 2024, 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 variances are 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 two variances from Articles 10.143 and 13.062.

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 10<sup>th</sup> day of June, 2024

  
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Carl Reisen  
BZA Vice Chairman

  
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Bryan Hellard  
BZA Secretary