

**WEST CHESTER TOWNSHIP  
BOARD OF ZONING APPEALS  
July 8, 2024 – Regular Meeting**

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

MEMBERS ABSENT: None

STAFF PRESENT: Bryan Hellard – Property Advisor

CALL TO ORDER: 6:00 PM

ADJOURNMENT 7:30 PM

Meeting was held at West Chester Township Hall.

Ms. Glenn called the meeting of the West Chester Board of Zoning Appeals to order.

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

Old Business:

Approval meeting minutes from 6-10-24

Motion by Mr. Reisen

Seconded by Mr. Sanchez

**Aye: Mr. Sanchez, Ms. Glenn, Mr. Simmons, Mr. Reisen**

**Nay: none**

**Abstain: Mr. Riddell**

**Minutes were approved 4-0 with one abstention**

Ms. Glenn swore in staff.

Ms. Glenn swore in all as a group.

---

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

---

This case was continued from the June 10 2024 meeting.

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.

---

**July 8, 2024**

Mr. Hellard presented the site plan, relevant articles, photos, plat map and drawing supplied by the applicant. Mr. Hellard then presented staff comments.

Mr. Reisen asked if staff received any letters from those who were notified. Mr. Hellard stated no.

There were no further questions for staff.

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

Mr. Simmons asked if the applicant had any additional information since the previous meeting. Mr. LeFevers presented a tax bill regarding the small triangle parcel.

Mr. Riddell asked staff to point out the triangle parcel on a map. Mr. Hellard showed the location on the notification map and plat map. Mr. Riddell further inquired about the triangle parcel and information from the County Auditor. Mr. Hellard stated the Board would have benefitted from a professional survey (to resolve the debate of ownership).

Ms. Glenn asked if the applicant was able to get a surveyor. The applicant called eight surveyors and one would perform the survey for \$10,000 to which the applicant refused. Ms. Glenn followed up with a question regarding the location of the proposed structure. The applicant stated the proposed structure doesn't extend past the location of the now demolished garage. The applicant could not state the definitive distance of the proposed structure from his property line.

**Proponent:**                    **None**

**Opponent:**                    **None**

**Neutral:**                      **None**

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

### **Board Deliberation**

Mr. Simmons spoke regarding ruling on an unknown borderline but felt they were closer this time. From his perspective and the auditor, he considers the triangle parcel to be owned by the applicant. He further stated he felt better allowing the application.

Mr. Sanchez spoke regarding surveyors and their reluctance to survey Gano.

Mr. Riddell stated he wasn't present at the previous meeting, but reviewed the documents and watched the hearing on video. He stated that the Board doesn't rule on easements, property lines or building permits, but rule on what is in front of them. He stated he would have rule on the case last month.

Mr. Simmons stated he tends to take a broader approach to come to reason to say yes.

Mr. Riddell continued stating it's not for the Board responsibility whether an easement is legal or not or whether a building permit is proper or not. He further stated he had no problems approving the applicant's request.

Mr. Reisen asked staff about Township liability if something went wrong. Mr. Hellard stated he couldn't be 100% certain but in discussion with council the Township is limited if liability is any at all.

**Mr. Reisen made a motion to approve case BZA 24-08 Jonathan LeFevers.**

**Mr. Sanchez seconded the motion.**

**Aye: Ms. Glenn, Mr. Reisen, Mr. Sanchez, Mr. Simmons, Mr. Riddell**

**Nay: None**

**The application was approved 5-0.**

---

**BZA 24-10 Gita Patel – 7363 Kingsgate Way**

---

Mr. Hellard presented the staff report including relevant articles, images and staff comments. Mr. Hellard stated the applicant has requested a conditional use per Article 22.036 for carting, express or hauling establishments, including storage of vehicles in a B-2 (General Business) District for the property located at 7363 Kingsgate Way. Mr. Hellard stated that if the Board approves the conditional use, there will be additional requirements that must be met per West Chester Community Development, West Chester Fire Department and Butler County Engineer's Office. Mr. Hellard then listed the additional requirements and stated that other conditions may be considered by the Board.

Ms. Glenn asked about the surface that would need to be replaced by grass. Mr. Hellard clarified that gravel surfaces aren't permitted in West Chester and noted the location on the aerial image. Ms. Glenn asked about the 20' wide drive requirement and if there was enough room. Mr. Hellard stated there was possibly the space but also stated there is a variance process through the State Fire Marshal to have the required distance reduced.

Mr. Simmons asked if there were any objections. Mr. Hellard stated there was one objection via phone call and that person was in attendance at the meeting and could speak on his behalf.

There were no further questions for staff.

**Applicant: John Antony and Ahmed Khodir on behalf of the applicant  
300 E. Business Way, Suite 200, Cincinnati Ohio 45241**

Mr. Antony stated the applicant was fine with any additional conditions placed. He further stated the business was a towing business and not a storage business nor a junkyard.

Mr. Simmons asked how long are cars permitted in the lot. Mr. Khodir replied only a couple of days, between two and four days at most depending on the insurance company.

Ms. Glenn asked about how many cars are towed in typically. Mr. Khodir stated four to six per day on the weekend and less during the week. Ms. Glenn asked if the tow truck stayed on the lot to which Mr. Khodir stated that it was the case most of the time however the driver may take the truck home. Ms. Glenn asked how many tow trucks the company has to which Mr. Khodir said two or three, but wanted to add more.

Mr. Reisen inquired if the business was 24 hours a day. Mr. Khodir affirmed. Mr. Khodir stated that the company is fine to do whatever West Chester requires and if they need a variance from the 20' drive they will apply for it.

Mr. Simmons asked about the fence and if they planned to conceal the parking area. Mr. Khodir stated on side is blacked out, but they are willing to black out the entire fence.

Ms. Glenn asked how long this company has been in operation to which Mr. Khodir replied they have been in business eight months.

**Proponent:**                **None**

**Opponent:**                **Mike Lococo**  
                                      **7499 Granby Way, West Chester, Ohio**

Mr. Lococo affirmed he was sworn in. Mr. Lococo stated his concerns about the quantity of cars as the business progresses and the location of where those cars would be stored. He had concerns regarding fire department access and concerns of the general type of business that a towing company is. He felt this location was not an appropriate place for a towing company. He also stated concerns about increased traffic

Mr. Reisen asked if the business is going to affect him and asked where he lived in relation to the business. Mr. Lococo stated that the business would likely not affect him much and he hasn't noticed anything in the eight months the business has been in operation.

Mr. Riddell asked for clarification on where the opponent lived. Mr. Lococo stated he lived about 3/10 of a mile away from the business.

**Neutral**                        **Mike Mear**  
                                      **7663 Dukes Drive, West Chester Ohio**

Mr. Mear was sworn in. Mr. Mear commented that the area is busy and stated he has to wait for a parking space to enter the store. He stated he didn't want the area to be any busier.

Mr. Reisen asked staff how many letters were sent out regarding the case. Mr. Hellard stated 10 were sent to the property and building owners, but not to individual building tenants.

Ms. Glenn asked staff about the typical range that notices were sent out to which Mr. Hellard confirmed that the requirement is 200'.

**Opponent:                    Leslie Ortman**  
**7634 Granby Way, West Chester Ohio**

Ms. Ortman stated her concerns about the safety of children, the maneuverability of the tow trucks, long term car storage and traffic. She also expressed concerns about fire truck and ambulance maneuverability and general public safety.

Mr. Antony asked to speak again and arrived at the podium with Mr. Khodir. Mr. Antony commented on the neighboring construction business and how many construction related vehicles are in that parking lot. He stated the applicant's operation is smaller than the construction company.

Ms. Glenn inquired about the maximum amount of cars the business could handle. Mr. Khodir didn't immediately answer. Mr. Riddell asked about the parking lot drawing which showed 14 parking spaces. Mr. Khodir stated there has never been 14 cars in the lot.

Mr. Simmons inquired about the average number of vehicles they would expect at any one time to which Mr. Khodir stated the most that had ever been there at one time was not more than eight. Mr. Simmons asked what brought them to the Board after being in business for eight month. Mr. Khodir stated their client didn't know the rules on operating a business. They were just leasing the rear of the gas station from the owner. In March they received a notice from West Chester Township and was originally scheduled to come before the BZA in March but due to confusion and miscommunication, the case wasn't heard until July.

Mr. Reisen asked about their increase in revenue since starting to which Mr. Khodir stated approximately 50% increase.

With no further comments, Ms. Glenn closed the public portion of the case and went into deliberation.

### **Board Deliberation**

Mr. Riddell opened suggesting they stipulate a maximum of 14 automobiles. He did not have a concern for the fire department access. He also did not have a concern for safety aspect regarding the tow trucks.

Mr. Simmons understood why there would be some concern and agreed there should be conditions. He then asked staff if this applicant vacated the property after approval would the conditions

continue. Mr. Hellard stated if another company wanted to run the same type of business they would have come to the BZA for a conditional use.

Mr. Reisen said some consideration should be given to the two opponents because he thought their concerns were valid. He stated he wished more people would have shown up. He also agrees that conditions should be placed on the approval.

Mr. Sanchez agreed with Mr. Reisen. He didn't have any concern for fire department access because of the Pickle Lodge driveway.

Ms. Glenn asked what stipulation should be placed. The group deliberated.

**Mr. Simmons made a motion to approve case BZA 24-10 Gita Patel with the following conditions:**

- No more than 14 vehicles to be stored at any one time
- All vehicles must be stored in the rear of the building
- A privacy fence must enclose the car storage area
- Automobile repair is not permitted

**Mr. Sanchez seconded the motion.**

**Aye: Mr. Riddell, Mr. Reisen, Mr. Sanchez, Mr. Simmons, Ms. Glenn**

**Nay: None**

**The application was approved 5-0.**

---

**BZA 24-12 Shelly Clapp – 8171 Clearbrook Drive**

---

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 four foot fence in the front yard of a corner lot in an R-1A (Suburban Residence) District.

Mr. Hellard noted there was one phone call regarding the case which was a neighbor across the street who was fine with the request.

Mr. Simmons asked for clarification where the fence was proposed. Mr. Hellard clarified.

Ms. Glenn asked to see the design of the fence.

There were no further questions for staff.

**Applicant: Shelly Clapp**

---

**July 8, 2024**

**8171 Clearbrook Drive, West Chester, OH**

Ms. Clapp confirmed she was sworn in and presented her testimony. Ms. Clapp clarified the location of the proposed fence.

Mr. Riddell asked about the purpose of the fence. Ms. Clapp stated it was for their dogs and kids.

Mr. Sanchez asked if there were other fences like the one proposed. Ms. Clapp confirmed.

Ms. Glenn asked if four feet would be tall enough. Ms. Clapp confirmed.

Mr. Simmons asked if the applicant had spoken to any neighbors. Ms. Clapp stated yes and the feedback was why would the township question the type of fence, where to put it and size it is proposed. She stated most of her neighbors had fences.

**Proponent:           None**

**Opponent:           None**

**Neutral:             None**

With no further comments, Ms. Glenn closed the public portion of the case and went into deliberation.

**Board Deliberation**

Mr. Simmons stated fences were quite common in the area and didn't see anything that would be a disruption to the character of the area.

Mr. Riddell stated he was for approval.

**Mr. Riddell made a motion to approve case BZA 24-12 Shelly Clapp with no conditions.**

**Mr. Sanchez seconded the motion.**

**Aye: Mr. Riddell, Mr. Reisen, Mr. Sanchez, Mr. Simmons, Ms. Glenn**

**Nay: None**

**The application was approved 5-0.**

**ADMINISTRATIVE MATTERS**

Approval of Resolutions:

BZA Approval Resolution 24-08 Jonathan LeFevers  
Motion made by Mr. Simmons and Seconded by Ms. Glenn

---

**July 8, 2024**

Aye: All  
Nay: None

The resolution was approved.

BZA Approval Resolution 24-10 Gita Patel  
Motion made by Ms. Glenn, Seconded by Mr. Riddell

Aye: All  
Nay: None

The resolution was approved.

BZA Approval Resolution 24-12 Shelly Clapp  
Motion made by Mr. Riddell, Seconded by Mr. Simmons

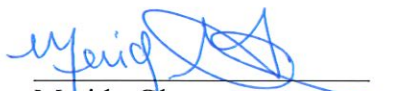
Aye: All  
Nay: None

The resolution was approved.


The Board adjourned the July 8, 2024 meeting at 7:30 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 Chair:**

  
Meridy Glenn

**BZA Secretary:**


  
Bryan Hellard




**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION OF APPROVAL  
APPLICATION NO. BZA 24-08**

- WHEREAS, Jonathan LeFevers on May 8, 2024, filed application no. 24-08 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, requesting an expansion of an existing non-conforming structure per Article 10.03 and two variances. The first variance is from the 15' side yard setback per Article 12.062. The second variance is from the 35' front yard setback per Article 12.062 for a property in an R-1 (Suburban Residence) District, as applied to the property located at 10136 Golay Avenue, Parcel # M5630-112-000-008, Section 20 Town 3, Range 2 (West Chester Township, Butler County); and
- WHEREAS, a public hearing was held on said application on June 10, 2024 and continued on July 8, 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 and expansion of an existing non-conforming structure 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 Article 12.062 and expansion of the existing non-conforming structure.
- 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 8<sup>th</sup> day of July, 2024

  
Meridy Glenn  
BZA Chair

  
Bryan Hellard  
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION OF APPROVAL  
APPLICATION NO. BZA 24-10**

WHEREAS, Gita Patel on June 5, 2024, filed application no. BZA 24-10 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a conditional use to permit carting, express or hauling establishments, including storage of vehicles in a B-2 (General Business) District per Article 22.036, as applied to the property located at 7363 Kingsgate Way, Parcel M5620-172-000-021, Section 17, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on July 8, 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 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

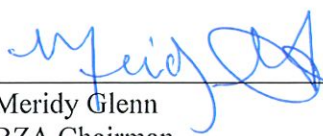
WHEREAS, the Board has considered all of the information and testimony presented at the public hearing and concludes that the requested conditional use will not be contrary to the public interest and, is consistent with the standard for conditional use set forth in the Zoning Resolution, paying particular 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 to permit carting, express or hauling establishments, including storage of vehicles in a B-2 (General Business) District with the following conditions:

- No more than 14 vehicles may be stored at any one time at the property.
- All vehicles must be stored in the rear of the building.
- A full privacy fence must enclose the entire vehicle storage area.
- Automobile repair is not permitted.

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 8<sup>th</sup> day of July, 2024.

  
\_\_\_\_\_  
Meridy Glenn  
BZA Chairman

  
\_\_\_\_\_  
Bryan Hellard  
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION OF APPROVAL  
APPLICATION NO. BZA 24-12**

WHEREAS, Shelly Clapp on June 13, 2024, filed application no. 24-12 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) for construction of 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 8171 Clearbrook Drive, Parcel # M5620-148-000-062, Section 10 Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on July 8, 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

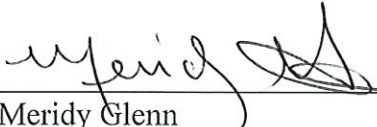
WHEREAS, Article 8 et. seq. of the West Chester Zoning Resolution empowers the Board to authorize variances that will not be contrary to the public interest, and


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 8<sup>th</sup> day of July, 2024

  
\_\_\_\_\_  
Meridy Glenn  
BZA Chairman

  
\_\_\_\_\_  
Bryan Hellard  
BZA Secretary