

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
August 12, 2024 – Regular Meeting**

MEMBERS PRESENT: Ms. Glenn, Mr. Simmons, Mr. Sanchez, Mr. Reisen, Mr. Mear.
(Alternate – seated)

MEMBERS ABSENT: Mr. Riddell

STAFF PRESENT: Bryan Hellard – Property Advisor
Katy Kanelopoulos – Director of Community Development
Scott Phillips – Frost Brown Todd

CALL TO ORDER: 6:00 PM

ADJOURNMENT 6:30 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 7-8-24

Motion by Mr. Mear

Seconded by Mr. Sanchez

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

Nay: none

Minutes were approved 5-0

Ms. Glenn swore in staff.

BZA 24-13 Tatyana Hamilton – 4834 Misrach Court

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-PUD (Residential Planned Unit Development) District. Mr. Hellard presented staff comments including recommendations to allow the fence to project no farther into the front yard than the 15' utility easement and to maintain a minimum distance of 10' from the utility junction box at the corner of the property.

Ms. Glenn asked about the location of the utility easement. Mr. Hellard clarified.

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Mr. Simmons asked about the location of the proposed fence. Mr. Hellard clarified the fence location.

Ms. Glenn asked about the encroachment over the easement of setback. Mr. Hellard clarified that the variance would need relief from the setback.

Mr. Simmons asked about the distance from the utility box to the fence. Mr. Hellard clarified the distance.

Ms. Glenn asked about the building setback. Mr. Hellard clarified where the fence could be located per West Chester's Zoning Resolution.

Mr. Reisen asked about the staff's recommendation for conditioning the variance request. Mr. Hellard described where the fence would be located if staff's recommendation was a condition.

There were no further questions for staff.

Applicant: Tatyana Hamilton
4834 Misrach Court, West Chester, OH

Ms. Hamilton stated the reasons why they were applying for a variance. Including safety for her child.

Mr. Reisen inquired about the age of her child to which the applicant replied.

Mr. Simmons asked the applicant if she was aware of when work is performed in an easement. The applicant stated she didn't. Mr. Simmons then shared his experiences with work inside an easement and the risk of a fence being in the easement. Ms. Hamilton stated she understood the risk and was ok with it.

Applicant: Matt Hamilton
4834 Misrach Court, West Chester, OH

Mr. Hamilton was sworn in and provided testimony regarding the utility junction box.

Mr. Mear explained the fence could be removed if the utility company needed to whether the fence was 8 or 10 foot away from the box.

Ms. Glenn inquired about the trees located in the easement.

Mr. Simmons asked about the neighbor's fence.

Mr. Sanchez asked staff about the variance being from the easement or setback. Mr. Hellard clarified the variance is from the setback. Encroaching into the easement, just makes the variance greater, but it is the same variance.

Mr. Simmons commented about the proposed layout of the fence within the easement and problems with digging in an ease.

Mr. Mear asked if the fence was proposed to be curved or as drawn. Ms. Hamilton stated they wanted to encompass as much as they could [within the fenced in area].

Mr. Reisen asked if staff's recommendations were agreeable by the applicant. Ms. Hamilton stated yes.

Proponent: None

Opponent: None

Neutral: None

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

Board Deliberation

Mr. Simmons reiterated his experience and has landscaped in the area that could be affected by a utility company. He thought the application without conditions was reasonable since the applicant understood the risk.

Ms. Glenn wanted to consider staff condition based on potential future residents of the home. She stated the applicant was willing to compromise on the location. Mr. Sanchez agreed with staff recommendation.

Mr. Reisen reiterated that the applicant didn't express opposition to staff recommendation.

Mr. Mear made a motion to approve case BZA 24-13 Tatyana Hamilton subject to the conditions of staff.

Ms. Glenn seconded the motion.

Aye: Mr. Mear, Mr. Reisen, Mr. Sanchez, Ms. Glenn

Nay: Mr. Simmons

The application was approved 4-1.

ADMINISTRATIVE MATTERS

Approval of Resolutions:

BZA Approval Resolution 24-13 Tatyana Hamilton
Motion made by Mr. Sanchez and Seconded by Ms. Glenn

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Aye: Mr. Mear, Mr. Reisen, Mr. Sanchez, Ms. Glenn
Nay: Mr. Simmons

The resolution was approved 4-1.

The Board adjourned the August 12, 2024 meeting at 6:30 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 24-13**

WHEREAS, Tatyana Hamilton on July 9, 2024, filed application no. 24-13 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-PUD (Residential Planned Unit Development) District, as applied to the property located at 4834 Misrach Court, Parcel # M5620-471-000-056, Section 6 Town 2, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on August 12, 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 with the following conditions:

- Fence shall not encroach into the 15' utility easement
- Fence must be no closer than 10' from the utility junction box

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 12th day of August, 2024



Meridy Glenn
BZA Chairman



Bryan Hellard
BZA Secretary