

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
September 9, 2024 – Regular Meeting**

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

MEMBERS ABSENT: Mr. Riddell

STAFF PRESENT: Tim Dawson – Township Planner
Katy Kanelopoulos – Director of Community Development
Jeanne Campbell – Property Advisor
Charles Gavin – Frost Brown Todd

CALL TO ORDER: 6:00 PM

ADJOURNMENT 6:36 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. Dawson called the role. A quorum was established.

Old Business:

Approval meeting minutes from 8-12-24

Motion by Mr. Simmons

Seconded by Mr. Mear

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

Nay: none

Minutes were approved 5-0

Ms. Glenn swore in Mr. Dawson.

Ms. Glenn swore in all people testifying, as a group.

Mr. Dawson stated that BZA case 24-11 applicant has withdrawn the case at this time. Therefore, they could proceed to the next case.

BZA 24-15 Tamara Small – 7653 Tylers Valley Drive

Mr. Dawson presented the staff report. Mr. Dawson stated that 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-PUD (Residential Planned Unit Development) District. Mr. Dawson presented staff

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comments including recommendations to allow the fence to project farther into the front yard of a corner lot. The applicant desires to construct a new fence closer to Tylers Valley Drive to increase the usable backyard within the fenced in area, and provide further security and privacy. The location of the proposed fence is approximately 25ft from the right of way line of Tylers Valley Drive.

Mr. Simmons asked for clarification on the location of fence. Mr. Dawson clarified.

Ms. Glen asked if there was an HOA. Mr. Dawson clarified that there is and the HOA approved the request.

Mr. Simmons asked why the HOA could not approve that without it coming to BZA. Mr. Dawson explained that it has to have Zoning approval because it's outside of zoning requirements and requires a variance.

Mr. Reisen asked about how many homes in the area received letters concerning the variance. Mr. Dawson said around 12 or 13.

Mr. Reisen asked how many responses for or against were received. Mr. Dawson replied that there were no responses received for or against.

Ms. Glenn asked for clarification on location distance of property in the variance. Mr. Dawson clarified the distance and property that would be part of the variance request.

Mr. Mear wanted clarification on the standard and the technicalities of a corner lot. Mr. Dawson confirmed that yes because they have a corner lot it is considered double frontage.

There were no further questions for staff.

Applicant: **Tamara Small**
 7653 Tylers Valley Drive, West Chester, Ohio

Ms. Small stated the reasons why they were applying for a variance, including wanting full use of her yard and better resale value.

Ms. Glenn asked if she knew the zoning requirements when she purchased her home. Ms. Small stated she was not aware at the time of purchase. She was made aware by the HOA.

Ms. Glenn asked if applicant had an approval from HOA. Applicant stated she did get an approval with the HOA.

Ms. Glenn asked if the approval was for the same fence they were reviewing, Applicant stated that it was.

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 noted that this was a nice fence and pretty common in the township and would not detract from the community. He would agree to allow applicant to better her property.

Mr. Reisen stated that since no one was in opposition and it wasn't a serious infringement that he was okay with it.

Ms. Glenn reiterated that it was not substantial at all and that they see this often. She also stated the applicant was trying to improve her yard and that she agrees w/the fence.

Mr. Sanchez stated the tree line would cover most of the fence and that it is the same fence as others in the neighborhood, so he would agree.

Mr. Mear stated it does not cause an encroachment, so he would agree.

Mr. Mear made a motion to approve case BZA 24-15 Tamara Small.

Mr. Simmons seconded the motion.

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

Nay: none

The application was approved 5-0.

BZA 24-16 David Grow, II – 7642 North Pisgah Drive

Mr. Dawson presented the staff report. Mr. Dawson stated the applicant has requested a variance from Article 10.141 and 11.122(b) for the construction of a 960 square foot detached garage on 1.1 acres, for a total of three accessory buildings totaling 1260ft² in area. The subject property is located at 7642 North Pisgah Drive.

Ms. Glenn asked about the accessory structure built in 2015. Mr. Dawson clarified which structure it was.

Ms. Glenn asked about the plan for an asphalt drive and would it be for emergency services. Mr. Dawson stated that it was required by zoning and would be part of the zoning permit.

Ms. Glenn asked if the Zoning Board was the first step. Mr. Dawson clarified that they are.

Mr. Simmons asked if the new building would be in a flood plain. Mr. Dawson explained that it is not in a flood plain by FEMA description but there are some drainage issues due to run off from neighboring commercial property. There are plans to grade.

Mr. Simmons asked about specific location. Mr. Dawson verified location.

Mr. Reisen asked of the 24 letters sent was anything in opposition. Mr. Dawson stated there were not.

Ms. Glenn inquired about the other structures being grandfathered in. Mr. Dawson explained the first was permitted in 1991 and the shed was permitted in 2015.

There were no further questions for staff.

Applicant: David Grow, II
7642 North Pisgah Drive, West Chester, Ohio

Mr. Grow reiterated where the building would be located. Talked about the asphalt vs tar and chip. He stated he needs to build the unit to help get more use out of his property. He would like to use it for his hobbies. He stated that he will have to do some grading due to the neighboring property.

Mr. Simmons asked about utilities that would be put back there. Applicant stated just electric, no water.

Mr. Simmons asked about future plans for living space. Applicant said no, just storage space.

Ms. Glenn asked what hobby he intended to use structure for. Applicant replied for classic cars that he builds. In order to have insurance he has to have separate structure for storage.

Ms. Glenn inquired about how many cars. Applicant stated there will be 5 cars.

Ms. Glenn stated that his application mentioned clearing cars from his driveway and are those the cars. Applicant stated the cars are in his garage and that the new structure would allow him to clear garage space and thus clear cars from front of property. Has concerns about theft w/the commercial property that adjoins.

Mr. Sanchez asked if when grading would he be causing any water issues for his neighbors. Applicant stated he would not.

Proponent: **Judith Colbinskey**
 7641 North Pisgah Drive, West Chester, Ohio

Ms. Colbinskey stated that he does have a lot of cars in his driveway and that she believes it would help his property look nicer. She stated the structure is far back in the trees and would not be seen from the road, so she is for the structure.

Proponent: **Brian West**
 7632 North Pisgah Drive, West Chester, Ohio

Mr. West stated that they have been good neighbors for 11 years. He believes that the property is so deep that the structure will not be seen and that it will make the property more esthetically pleasing. He believes that it will raise the neighboring property values as well. He is very much in favor.

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 stated that seeing as there are neighbors for it and that it's not out of character for the property he is not opposed.

Mr. Sanchez stated that he commends the homeowner for following the proper procedure. He also stated that in his drive by he would agree that it will not be seen from the road and he does not have an issue.

Mr. Simmons had concerns over the footprint size and brought up possible conditions to keep it from being living space and only storage.

Ms. Glenn stated that she thought he still had to get county permits first. She also stated that it is a substantial variance but that the applicant was making a huge effort to improve his property and to be a good neighbor. She was unsure about the condition and how it would work.

Mr. Dawson stated the condition would not be necessary as that would be a requirement of his zoning permit.

Ms. Glenn stated that as far as substantial justice she feels that the variance would meet substantial justice for the owner and the property.

Mr. Reisen made a motion to approve case BZA 24-16 David Grow, II.

Mr. Simmons seconded the motion.

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

Nay:

The application was approved 5-0.

ADMINISTRATIVE MATTERS

Approval of Resolutions:

BZA Approval Resolution 24-15 Tamara Small
Motion made by Mr. Reisen and Seconded by Mr. Simmons

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

Nay: None

The resolution was approved 5-0.

BZA Approval Resolution 24-16 David Grow, II
Motion made by Ms. Glenn and Seconded by Mr. Simmons

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

Nay: None

The resolution was approved 5-0.

The Board adjourned the September 9, 2024 meeting at 6:36 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:

BZA Secretary:


Meridy Glenn


Tim Dawson

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION OF APPROVAL
APPLICATION NO. BZA 24-15**

WHEREAS, Tamara Small filed application no. 24-15 on July 30, 2024 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-PUD (Residential Planned Unit Development) District, as applied to the property located at 7653 Tylers Valley Drive, Parcel # M5620-424-000-015, Section 12, Town 2, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on September 9, 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 to approve the aforementioned request.

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 9th day of September, 2024



Meridy Glenn,
Chairman



Timothy Dawson,
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION OF APPROVAL
APPLICATION NO. BZA 24-16**

WHEREAS, David Grow, II filed application no. 24-16 on August 12, 2024 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, requesting a variance to permit a third accessory building in excess of 25% of the square footage of a principal building from Article 10.141, as applied to the property located at 7642 North Pigsaw Drive, Parcel # M5620-091-000-049, Section 15, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on September 9, 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

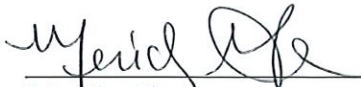
WHEREAS, Article 8 et. seq. of the West Chester Zoning Resolution empowers the Board to authorize variances that will not be contrary to the public interest, and

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.

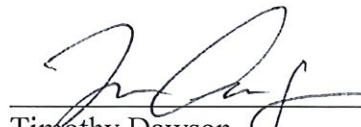
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby approve the request for a variance from Article 10.141 to approve the aforementioned request.

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 9th day of September, 2024



Meridy Glenn,
BZA Chairman



Timothy Dawson,
BZA Secretary