

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
May 12, 2025 – Regular Meeting**

MEMBERS PRESENT: Ms. Glenn, Mr. Sanchez, Mr. Reisen, Mr. Mear, Ms. Rogers
(1st Alternate – seated)

MEMBERS ABSENT: Ms. Kemp *(2nd Alternate)*

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

CALL TO ORDER: 6:00 PM

ADJOURNMENT 6:18 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 roll. A quorum was established.

Old Business:

Approval meeting minutes from 03-10-25

Motion by Mr. Mear

Seconded by Mr. Reisen

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

Nay: none

Minutes were approved 5-0

Ms. Glenn swore in Mr. Dawson.

BZA 25-06 Sean Kwiat – 9983 Wexford Way

Mr. Dawson presented that the applicant has requested a variance from Article 10.144 to permit an accessory building located within the required ten-foot setback along the rear property line. The subject property is located at 9983 Wexford Way. The property is zoned R-1A, a suburban residence. The property is surrounded by R-1A as well. Per Butler County Auditor's records, the home was built in 1986 and purchased by the current property owner in November of 2022.

Consideration should be given to the description of requests and reasons for variance form, which has been submitted by the applicant. The board is to use this discretion to determine

May 12, 2025

whether the statements presented warrant the approval for the requested variance. The applicant has received approval for the proposed 12' by 24' or 288 square foot shed. However, due to the slope of the rear yard, the applicant is now requesting a variance to locate the shed five feet from the rear property line, as illustrated.

Additionally, the Engineer's office has indicated, in review of the subdivision record plat, there is a 7.5ft utility easement on the rear property line. This easement is not dedicated to the public, so the county and township have no legal authority in regulation of this property. Both entities can neither approve nor deny construction in this area solely based on easement language, though there may be something in the building code regarding property line setbacks.

The property owner should be aware that generally, construction on any of the easement is not advised. Additionally, the Community Services Department indicated storm pipe is located within and along the easement on the rear property line, so any structures when within the easement may be required to be moved or demolished if maintenance access is required. Furthermore, the applicant is advised to take precautions during construction because the property owner will be liable if any damage occurs to that storm pipe.

Mr. Dawson stated that he had a few, ground view pictures of the site with a view to the south. He stated that the applicant had cleared some trees. He stated that from the location, you're seeing the existing shed, and he's cleared some trees for the location of the new shed. The fence is located on the rear property line. He also showed a picture from the rear yard looking down to the southwest.

Mr. Dawson stated that all 10 properties shown were notified prior to the hearing. None of the properties that were notified contacted staff with any concerns. Mr. Dawson stated that the neighbor located to the East at 7963 Bennington Dr. has submitted a letter of support that is in the Board's packets. Mr. Dawson also stated that he believed that the applicant also has another letter of support that he will submit to the Board as well.

Mr. Dawson stated that he was happy to answer any questions the Board may have.

Ms. Glenn asked if it was a 10ft. setback. Mr. Dawson stated that was correct.

Ms. Glenn asked if there were any other questions.

Ms. Glenn stated that since there were no other questions that she would like to call the applicant to the podium.

Applicant: **Sean Kwiat**
 9983 Wexford Way, West Chester, Ohio

The applicant came forward and was sworn in.

Mr. Kwiat stated that they have been in the property for about two and a half years. He stated his family loves the neighborhood and the neighbors. He stated they moved here from Norwood and that they are having a good time in the house. He stated that he lives in the house with his wife and

four young children. Mr. Kwiat stated that they are proposing to replace a current shed that is on the property with a new shed. He stated that the current shed sits about 5 feet from that rear property line. Mr. Kwiat stated that they are also trying to improve the property with a nicer vinyl shed instead of what currently exists. He stated that the new shed will be about 288 sq. feet, as mentioned a 12'x 24' shed that will be bigger than what is there currently. Mr. Kwiat stated that they did originally submit site plans that were approved at the ten-foot setback but as they cleared out the land, they discovered the slope and some of the other difficulties in trying to maintain that ten-foot setback. So, at that point they wanted to explore some other options as to how they could make this less of a hardship on themselves. So, at that time they resubmitted for the variance request. Mr. Kwiat stated that they did get the neighbor directly adjacent to them to submit a letter of support and that he had an additional email from another neighbor that he would like to submit. He stated that the neighbor had questions but when Mr. Kwiat was able to answer his questions that he could agree to the variance. Mr. Kwiat stated that it was basically due to the building difficulties with the slope that he needed the variance. Mr. Kwiat asked if there were any questions or anything that he could clarify.

Ms. Glenn asked the Board if they had any questions. They did not.

Ms. Glenn stated that there were no further questions and that she would like to call up any proponents.

Proponent:

Mr. Dennis Trinh approached the podium and was sworn in.

Mr. Trinh stated that he had moved in about the same time as Mr. Kwiat and his family. He stated that he has gotten to know them well over the last few years and that he supported his proposal. He stated that he understood the need for more room and that the shed would provide what they needed.

Ms. Glenn called for any neutral parties or opponents and there were 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. Sanchez stated that he had no problem with the shed. He stated that it's five feet and nobody's complaining, so I see no reason to reject it. Mr. Sanchez stated that he would say yes.

Ms. Rogers agreed with Mr. Sanchez.

Mr. Reisen agreed.

Mr. Mear agreed. He stated that it's not really what he called something that was going to affect anything in the lot.

Ms. Glenn stated that she thought it would enhance the quality of the home and the neighborhood. Ms. Glenn called for a motion.

Mr. Reisen made a motion to approve case BZA 25-06 Sean Kwiat for a variance for a shed.

Mr. Mear seconded the motion.

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

Nay: None

The application was approved 5-0.

ADMINISTRATIVE MATTERS

Approval of Resolutions:

BZA Approval Resolution 25-02

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

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

Nay: None

Abstain: Ms. Rogers

The resolution of approval was approved 4-0.

BZA Approval Resolution 25-03

Motion made by Mr. Reisen and Seconded by Ms. Rogers

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

Nay: None

The resolution of approval was approved unanimously

BZA Approval Resolution 25-04

Motion made by Ms. Rogers and Seconded by Mr. Reisen

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

Nay: None

The resolution of approval was approved unanimously

BZA Approval Resolution 25-05

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

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

Nay: None

The resolution of approval was approved unanimously

Ms. Glenn stated that the administrative matter that needed to be handled was to vote on new Board appointments. She stated that they needed nominations for a new Chair and Vice-Chair. Ms. Glenn opened the floor for nominations.

Ms. Glenn nominated Mr. Sanchez for Chair. Ms. Rogers seconded the motion.

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

Nay: None

Ms. Glenn opened the floor for Vice-Chair nominations.

Mr. Reisen nominated Mr. Mear. Mr. Sanchez seconded the motion.

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

Nay: None

Ms. Glenn congratulated Mr. Sanchez as the new Chair and Mr. Mear as the new Vice-Chair.

Ms. Glenn asked for new business.

Mr. Dawson stated that there were no applications for the month of June.


Ms. Glenn stated that there would be no June meeting and closed the meeting.

The Board adjourned the May 12, 2025 meeting at 6:18 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

May 12, 2025

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION OF APPROVAL
APPLICATION NO. BZA 25-06**

WHEREAS, Sean Kwiat filed application no. 25-06 on April 11, 2025 with the Board of Zoning Appeals under Article 8, Subsection 8.04 of the West Chester Zoning Resolution, requesting a variance from Article 10.144 to permit an accessory building (shed) located within the rear yard setback, as applied to the property located at 9983 Wexford Way, Parcel # M5620-250-000-030, Section 08, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on May 12, 2025, 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 10.144.


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 May, 2025, with the following conditions:

- 1.) The applicant shall coordinate the location of the structure with the Butler County Engineer's Office and West Chester Community Services department in regards to any recommendations within the utility and stormwater management easement.



Meridy Glenn,
BZA Chairman
Carol & Stan



Timothy Dawson,
BZA Secretary