

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
September 14, 2016 – Regular Meeting**

MEMBERS PRESENT: Mr. Whited, Mr. Lenz, Mr. Riddell, Mr. Moeller, Mr. Cavens

MEMBERS ABSENT:

STAFF PRESENT: Tim Dawson, Township Planner
Tim Valentine, Property Advisor
Aaron Wiegand, Community Development Director

CALL TO ORDER: 6:30 PM

ADJOURNMENT 8:57 PM

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

Mr. Whited stated that BZA case 16-13 has been withdrawn.

BZA 16-21 George Wilburn

Mr. Dawson was sworn in by Mr. Whited

Mr. Dawson stated that the applicant is requesting a variance from the off-street parking requirements for the property 4848 Duff Drive. The applicant is requesting a 0' perimeter buffer where a 4' buffer is required.

There was Board discussion regarding the existing conditions and access to the rear of the property.

Mr. Moeller asked the maximum number of cars that could park in the rear of the property.

Mr. Dawson stated this application was only for the pavement of the drive aisle and did not include the parking in the rear.

Mr. Lenz asked if the applicant could use the rear of the building for parking.

Mr. Dawson stated that would need to be an application for that.

Mr. Cavens stated the parking looked like it was existing.

Mr. Dawson stated it was gravel which is not permitted by the Township Zoning Resolution and the applicant would need to apply for a Zoning Certificate.

Mr. Riddell clarified that this application was needed to pursue the application for the parking area.

Mr. Dawson stated that was correct.

Mr. Lenz asked if the application for parking in the rear required a variance.

Mr. Dawson stated he could not answer that at this time.

There was discussion regarding the application and requirements for the parking area.

**Applicant: George Wilburn
4848 Duff Drive
West Chester, Ohio 45069**

Mr. Wilburn stated he bought the business in 1992. He stated he returned from vacation to find that his employees has damaged the Fire Department's property. He stated he fixed that and added gravel. He stated there was litigation and that he has a letter from the courts that he can use the area behind the building. He stated the property is wide enough to pave the side and there is another 9' of grass.

Mr. Whited asked if the applicant had approached the owner of the access on the left side of the building for access.

Mr. Wilburn stated he did and they felt it was a safety issue for cars to come out from behind the fence.

Mr. Cavens asked if the Board did not approve the request if the owner would continue to drive through the grass.

Mr. Wilburn stated he would.

Mr. Moeller stated he asked his question because the application was for the drive aisle and parking area.

Mr. Lenz stated the request is to encroach on the buffer zone.

Mr. Dawson stated the plans submitted were only for the 10' drive aisle.

Mr. Whited stated the application stated they were asking for access only.

Mr. Wilburn stated he they only keep a few things back there and don't use it much.

Mr. Riddell asked if the area from the applicant's building to the access drive was 19'.

Mr. Wilburn stated that was correct that 10' belongs to him and the rest belongs to the Township.

Proponent: None

Opponent: None

Neutral: None

Board Deliberation

Mr. Cavens stated he felt this was a no brainer.

Mr. Whited agreed.

Mr. Lenz stated he was in favor of granting the variance.

Mr. Whited stated since he can't get access from the west this makes sense.

Mr. Riddell stated this lot was designed with this problem.

Mr. Lenz asked for clarification on lot coverage.

Mr. Dawson stated lot coverage included all impervious surface.

Mr. Moeller asked if this application exceeded that.

Mr. Whited stated with just the driveway he doesn't believe so.

Mr. Cavens made a motion to approve BZA case 16-21 as submitted

Mr. Moeller seconded the motion.

Aye: Mr. Simmons, Mr. Riddell, Mr. Lenz, Mr. Moeller, Mr. Whited

Nay:

BZA 16-22

Mr. Dawson was sworn in by Mr. Whited

Mr. Dawson presented the staff report including a PowerPoint presentation, current zoning in the area, aeriels, background of request, staff comments and case history. Mr. Dawson stated that the applicant is requesting a conditional use for the property 9924 International

September 14, 2016

Boulevard to conduct as its principal activity, the production, processing, storing, or similar industrial action of solids, liquids, or gases, that have a degree of hazard rating in health, flammability, or reactivity of 2, 3, or 4 as ranked by the National Fire Protection Association 704. Mr. Dawson reviewed the standards for a conditional use with the board members.

Mr. Lenz stated the submitted plans don't have a lot of detail and asked if they are only asking for storage of the chemicals.

Mr. Dawson stated the application was only for storage.

Mr. Cavens asked if the Fire Department was on board and if the applicant was cooperative with the Fire Department.

Mr. Dawson stated that was correct.

Mr. Moeller asked if the chemicals would be moved from storage to inside the building.

Mr. Dawson stated during operations that is correct.

**Applicant: Anne McBride
5725 Dragon Way, Suite 300
Cincinnati, Ohio 45227**

Ms. McBride stated she was here representing Luxottica. She stated the property was zoned M-2. She explained that they have recently acquired a company that specializes in the manufacturing of organic dyes. In order to produce the dyes they need to keep certain chemicals that are marked hazardous. The chemicals will be stored in two additions to the rear of the building and it will be a completely enclosed area. She stated they met with staff and the Fire Department and have agreed to all the conditions placed by the Fire Department.

Mr. Lenz stated the questions he has are for other representatives.

Mr. Moeller asked if the storage areas will be loaded from inside the building.

Ms. McBride deferred that question to an operational representative.

**Kevin Bales, Architect
311 Elm Street
Cincinnati, Ohio 45202**

Mr. Bales stated each of the area have man doors for access from inside the building. He stated there is no access from outside the building. He stated he spoke with the Fire Department and decided storage outside was a better option. He stated each area is self-contained in case of a fire. He stated this also gives the Fire Department outdoor access in case of a fire.

Mr. Lenz asked how the Fire Department would have outside access without exterior doors.

Mr. Bales stated there would be blow out panels.

There was discussion regarding containment in case of spill or fire.

Mr. Cavens asked if the applicant had met with the Fire Dept. and knows all the requirements.

Mr. Bales stated that was correct.

Mr. Lenz asked if the chemicals were in drums.

Mr. Bales stated he believed so.

Mr. Lenz asked if they are handled on a two wheeled cart.

Mr. Bales stated they are stored on a pallet and moved via forklift.

Mr. Moeller asked when a delivery is unloaded if is it done on a pallet or by individual drum.

Mr. Bales stated he could not answer that.

Richard Steppel
5271 Split Rail
Dayton, Ohio 45429

Mr. Steppel stated he was the President of the company that Luxottica is acquiring. He stated he has been in business for 42 years and they have been handling the requested chemicals for 42 years. He stated there has never been a fire or explosion from the chemicals. He discussed the liquids that are used.

Mr. Lenz asked where the chemicals would be dispensed from the storage containers.

Mr. Steppel stated they would be pumped out of the drum into a container that is a safety container.

Mr. Lenz asked if the pumping was done inside the storage room.

Mr. Steppel stated it can be or it can be done inside the production facility.

There was discussion regarding safety issues.

Mr. Moeller asked about ventilation in the storage rooms and if the chemicals vaporize at room temperature

Mr. Steppel stated he understands they do and believes the facility will be ventilated and have air conditioning.

Kevin Bales, Architect
311 Elm Street
Cincinnati, Ohio 45202

Mr. Bales returned to make the Board aware that there was another company in the area with hazardous material storage.

Opponent: None

Neutral: None

Capt. Scott Brooks
West Chester Fire Department
9119 Cincinnati-Dayton Road
West Chester Ohio 45069

Capt. Brooks stated there was a meeting with the applicant and they were already aware of most of the requirements. He stated the original plans had storage of the chemicals on the inside of the building. He stated his first concern was whether this was an open or closed system. He stated the applicant indicated it was a closed system. Capt. Brooks described how that system would work and stated because of the system there shouldn't be any atmospheric conditions.

Mr. Lenz asked Capt. Brooks if that meant dispensing would happen in the storage rooms.

Capt. Brooks stated it would be dispensed into a closed system. He described a closed system versus an open system.

Mr. Cavens asked if a closed system was safer than an open system.

Capt. Brooks stated it was. He also stated the final design will have all the requirements.

Mr. Cavens asked if the applicant had been proactive to deal with or hard to get information from.

Capt. Brooks stated it has gone extremely well. He stated someone from the company came to him with all the information prior to application. He also clarified that his original condition of a sprinkler analysis was no longer applicable since the storage has moved outside.

Mr. Cavens asked if each room will have the mechanicals to contain all material.

Capt. Brooks stated it should.

Mr. Lenz asked if the Fire Department was comfortable accessing any fire from inside the building.

Capt. Brooks explained they would do pre planning for any issues.

Mr. Riddell asked if it doesn't meet code could the Fire Department stop this from happening.

Capt. Brooks stated yes. He stated when the plans are submitted to Zoning and he gets a copy and he will review the entire building.

Mr. Riddell asked for clarification that the Fire Department could stop the project if they don't meet code. He also asked if the Building Department could stop the project.

Capt. Brooks explained the plan review process.

Mr. Riddell asked if the Board approved the request if that meant the Fire and Building requirements were erased.

Capt. Brooks stated no.

Mr. Riddell stated he was just making sure all codes would be met.

Mr. Lenz clarified that this was a prohibited use unless the Board oks it.

Mr. Whited stated that was why the applicant was here.

Mr. Moeller asked who looks at the environmental issues.

Capt. Brooks explained that when the drawings go to Butler County they are distributed to other County agencies.

Mr. Moeller asked if the Fire Department had considered inspection frequencies.

Capt. Brooks stated there is an established inspection program. He also stated if there is a problem property, they are inspected more frequently.

Board Deliberation

Mr. Whited stated he was glad to have Mr. Lenz and Mr. Moeller's expertise on the Board to help with questioning.

Mr. Lenz stated he did not see what he needed to on the drawings or he would have had less questions. He also stated he felt like everyone knew what the requirements are and he has no problem with the request.

Mr. Moeller stated there are two elements he is concerned about. One is the design review on all aspects. The second is the intensity of which the systems are inspected. He stated in an industrial situation sometimes those don't reach the top of the priority list.

Mr. Cavens stated he believes when it comes to chemicals like this it is pretty high up.

Mr. Riddell stated he had one comment he wanted to make. He stated he believed the lack of information is because they are not the authority over that. He stated the Board is there to determine whether they could store the chemicals, not enforce Fire codes.

Mr. Lenz stated it was a preliminary drawing.

Mr. Lenz made a motion to approve BZA case 16-22 with the stated conditions.

Mr. Cavens seconded the motion.

Aye: Mr. Cavens, Mr. Riddell, Mr. Lenz, Mr. Moeller, Mr. Whited

Nay: None

BZA 16-23 Don Warmbier

Mr. Dawson was sworn in by Mr. Whited

Mr. Dawson presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments and case history. Mr. Dawson stated that the applicant is requesting a variance for the property 9142 Revere Run to allow poultry husbandry on a lot with less than three acres. Mr. Dawson reviewed the standards for a variance with the board members.

Mr. Riddell asked if the applicant had to pay the fee to reapply.

Mr. Dawson stated he was not familiar with the application process and that would be a question for the applicant.

**Applicant: Don Warmbier
9142 Revere Run
West Chester, Ohio 45069**

Mr. Warmbier stated it has been 18 months and they have done their part and did what they agreed to. He stated there has only been one complaint and he just learned about it recently. He stated they are asking for approval again.

Mr. Riddell asked if they paid the application fee.

Mr. Warmbier stated they did.

Mr. Riddell stated he thought that was wrong.

Mr. Moeller asked when chickens were allowed in the run area.

Mr. Warmbier stated they are let out at sun up and they go back in on their own at sun down.

Mr. Moeller stated he was concerned about noise. He asked if they exercised their lungs.

Mr. Warmbier stated that was pretty much just roosters. He stated chickens make a little noise but it's minimal.

Proponent: None

**Opponent: Diane Tarr
7269 West Chester Road
West Chester, Ohio 45069**

Ms. Tarr stated it's a difficult thing as there are only about three properties that have a visual of the chicken coop. She stated the coop is the issue for her, rather than the chickens themselves. She stated if the chicken pen was permitted to stay, the chickens might as well be permitted. She for her it is visual. She explained everything she does is in the back of her house and all visitors have given her a negative comment. Ms. Tarr stated she tried to screen it but due to the elevation of her house she cannot. She stated the chickens don't bother her and they don't make any noise. She only has a problem with the structure.

Mr. Cavens stated this was a temporary approval for 18 months. He stated they are allowed to have the structure. If they don't take the shed down is she ok with the chickens.

Ms. Tarr stated if the structure stays the chickens might as well stay.

There was discussion regarding the coop being allowed to stay if the variance is denied.

Mr. Riddell stated he wanted to commend Ms. Tarr for her honesty. He asked Ms. Tarr if the applicant was willing to screen the coop if she would object.

Ms. Tarr stated her objection is the structure and if she doesn't see it she is not bothered with it.

Mr. Warmbier returned to the podium.

**Applicant: Don Warmbier
9142 Revere Run
West Chester, Ohio 45069**

Mr. Warmbier stated he was happy to put something up to alleviate the issue. He discussed plantings that would help with the visual issues.

Mr. Lenz asked if they could be planted right next to the coop to help block it off.

Mr. Warmbier stated they would have to be put back a little due to an existing pine tree.

There was discussion regarding the applicant and Ms. Tarr working together to screen the coop.

Mr. Whited asked if the applicant was ok with the conditions presented.

Mr. Warmbier stated he was and that they had adhered to all previous conditions.

Mr. Cavens reiterated to Mr. Warmbier that the coop could stay if the request was denied.

Mr. Warmbier stated if the request was approved he would install the plantings within a week.

Opponent: Diane Tarr
7269 West Chester Road
West Chester, Ohio 45069

Ms. Tarr returned to state that she is willing to work with the applicant to screen the coop.

Mr. Moeller clarified that Ms. Tarr was comfortable with what the applicant is proposing.

Ms. Tarr stated she is.

Neutral: None

Board Deliberation

Mr. Whited stated his only comment is that neighbors change and circumstances change. He suggested another time frame if approved.

Mr. Lenz stated this was a request to keep the chickens and that the Board has consistently turned them down.

Mr. Cavens stated this was done on a temporary basis.

Mr. Riddell stated they have denied them when there was an objection.

Mr. Lenz agreed. He stated that this request is a wholesale departure from the code and one of the standards is that the request meet the spirit and intent of the code.

Mr. Whited agreed with Mr. Lenz.

Mr. Lenz stated if residents of West Chester want to keep chickens they should go to the Trustees and have the code changed to allow chickens.

Mr. Cavens stated he is in agreement but sometimes there are variances that are outside of the three acres.

Mr. Riddell stated they are not there to rubber stamp the Zoning code. He stated he grew up with many types of animals and in a city. He doesn't see a problem with a pet chicken and feels the poultry husbandry definition is for a chicken farm. He stated he did not agree with the 18 month approval because of the possibility of having to tell someone 18 months later that they have to get rid of a pet.

Mr. Whited agreed and stated he felt this was a bad decision to begin with.

Mr. Riddell stated the Board needed consistency in their decisions.

Mr. Lenz reiterated that they have turned all the other requests for chickens down.

Mr. Riddell stated there was always opposition to those cases.

Mr. Cavens stated he agrees with what everyone is saying but thinks they need an 18 month approval. He stated if you want to have chickens and there is no change in neighbors he thinks its ok.

Mr. Riddell stated that is one thing that has to change and he will go to the Board of Trustees regarding the application fee.

Mr. Cavens stated the options were to come back every 18 months and pay or deny the request.

Mr. Riddell stated he would like to see the time extended.

Mr. Whited stated he would like to bring the Board back to the variance request. He read the section of the code pertaining to poultry husbandry and stated it was there for a reason.

Mr. Lenz stated the approval was before the Trustees decided not to make changes to the code.

Mr. Riddell asked if there were only two accessory buildings allowed on a residential lot.

There was discussion regarding the number of accessory structures allowed on a lot.

Mr. Riddell stated that although it was in the code, the Board grants variances for accessory structures.

There was discussion regarding the difference in a request for a third accessory structure verses the number of chickens being requested.

Mr. Riddell was at the Trustee meetings and stated they were prepared to make changes that would put conditions on having chickens but the applicant became unreasonable.

Mr. Whited stated that was irrelevant.

Mr. Riddell stated in this day and age there are issues about sustainable lifestyles. He can see the difference between a poultry farm and pets.

Mr. Cavens stated before the approval 18 months ago, everyone understood that the applicant may have to come back every 18 months because neighbors change. He stated we can't do a wholesale departure and approve chickens on this lot for eternity.

Mr. Lenz stated that neighbors may not change because someone may not buy a house by if it is by a house with chickens.

Mr. Cavens stated then that person should come to the next meeting and state they don't want the chickens.

Mr. Riddell stated for every person that stated they do not want chickens next to them, there are people who don't mind.

Mr. Lenz stated there was no new information being discussed.

Mr. Riddell stated he would agree to an 18 month approval if that was the only way but he thinks it should be lengthened.

Mr. Whited stated that it is telling that the Trustees reviewed it and left it at 3 acres. He feels like it is a major departure. He also stated he wanted to get input from Mr. Moeller.

Mr. Cavens stated there is a reason that happened.

Mr. Moeller stated he looks at these things like what does the community think is appropriate and he feels his role is to represent the community. He stated he has difficulty thinking this would get a positive response throughout the community.

Mr. Cavens stated that not one community member showed up to speak against this.

Mr. Whited stated that doesn't mean the Board should take a major departure from the code.

There was discussion regarding community involvement at meetings.

Mr. Whited stated he respects what the applicant has done and allowed him to come back to make a statement.

**Applicant: Don Warmbier
9142 Revere Run
West Chester, Ohio 45069**

Mr. Warmbier stated he did get the consensus of the community and submitted a signed petition from the neighbors. He believes there were 10 signatures. He stated he doesn't believe this is a major departure at all. He suggested placing a condition that if they leave the property the variance is vacated.

Mr. Riddell stated variances stay with the property.

Mr. Cavens asked if it would be a financial hardship if the applicant was required to come back every 18 months.

Mr. Warmbier stated this isn't about him, it was for his wife and if that's what needed to be done that's what he would do.

Board Deliberation

Mr. Riddell stated he heard character of the community a lot and he doesn't believe there is one character for the whole community. He described the different neighborhoods with the Township.

Mr. Lenz stated the code was supposed to represent everybody.

Mr. Cavens stated it was a great starting point.

Mr. Moeller reiterated it was just reevaluated.

Mr. Cavens made a motion to approve BZA case 16-23 with conditions.

Mr. Riddell seconded the motion.

Aye: Mr. Cavens, Mr. Riddell

Nay: Mr. Lenz, Mr. Moeller, Mr. Whited

Mr. Riddell made a motion to approve BZA case 16-23 without an 18 month renewal.

Mr. Moeller stated he wanted to compliment the parties for being willing to work together.

Mr. Whited made a motion to deny BZA case 16-23.

Mr. Moeller seconded the motion.

Mr. Cavens stated this was a bad idea.

Aye: Mr. Lenz, Mr. Moeller, Mr. Whited

Nay: Mr. Cavens, Mr. Riddell

BZA 16-24 Teresa Johnson

Mr. Dawson was sworn in by Mr. Whited

Mr. Dawson presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments and case history. Mr. Dawson stated that the applicant is requesting a conditional use for the property 9494 Cincinnati Columbus Road to allow a dwelling as part of a principal permitted use. Mr. Dawson reviewed the standards for a conditional use with the board members.

Mr. Moeller asked, if there is a fee for overnight, is it considered renting a public hotel or motel.

Mr. Dawson went over the definition of a hotel and motel.

Mr. Moeller asked if the request required Fire code.

Mr. Lenz stated all buildings have codes that must be followed.

**Applicant: Teresa Johnson
9494 Cincinnati Columbus Road
West Chester, Ohio 45069**

Ms. Johnson took a great deal of time researching this. She stated that one thing she did want to avoid was falling into the hotel/motel category. She stated the Ohio Revised Code stated it had to have more than 5 rooms. The main use of the building is for scrapbooking. She said the layout of the rooms and the use of the detached garage as an office is the perfect setup for her.

Mr. Whited asked how many rooms would be used.

Ms. Johnson stated the rooms were already divided and more than she needs so she will use them for storage. She stated she would like 5 rooms for sleeping quarters. She stated she attends a scrapbook retreat and that is what this is modeled after. She stated the other places she has gone to have had full kitchens but she stated that right now she will just have a kitchenette. She feels like this fits into the land use plan. She stated she felt like it would bring additional revenue to the surrounding area and would not be a detriment.

Mr. Moeller questioned if the applicant had looked at parking requirements.

Ms. Johnson stated she had not but there are currently 15 spots which is more than they would ever use. She also stated they would be upgrading the parking area.

Mr. Whited stated the application stated possible weekday hours and the testimony was for weekends. He asked if it would be a problem to limit the hours to weekends.

Ms. Johnson stated she would not like to limit it to weekends. Her plan currently is to run it only on weekends but would like to possibly do daytime scrapping after she retires from her full time job.

Mr. Moeller asked if she would be ok with limiting the overnight stay to weekends only.

Ms. Johnson stated she was comfortable with that.

Mr. Lenz stated that the drawings only showed two bathrooms and questioned whether that was adequate for 10 beds.

Ms. Johnson stated they had looked at upgrading the water heater for now and will look into another bathroom if the need arises.

Mr. Whited reminded the Board that the request was for overnight stay and that the Building Department would handle the bathroom requirements.

There was discussion regarding conditioning the overnight stay to weekends.

Mr. Lenz asked for clarification that the request was for a dwelling as part of principal use.

Mr. Whited stated that was right.

Mr. Dawson stated the conditional use if for the dwelling.

There was discussion regarding whether the rooms will be rented.

Ms. Johnson stated there was a fee for the weekend that included a place to sleep. She stated the purpose of the business is not to rent rooms but to have a retreat facility that has a place to sleep.

Mr. Cavens asked if the applicant was trying to make this like an airbnb.

Ms. Johnson stated she was not.

There was discussion regarding how this use relates to a bed and breakfast definition.

Mr. Whited asked if this was the proper way for this application to be made.

Mr. Moeller stated he was confused and wondering if the applicant should sit down with staff to define the use.

Mr. Riddell stated they are only being asked to approve a dwelling as part of a principal use.

Mr. Cavens clarified that this is not being advertised on airbnb or any one night rental sites.

Mr. Lenz stated one of her selling points is that she has a place to scrapbook and the dwelling is a side use.

There was discussion regarding the fees for using the retreat and whether they included a place to sleep. There was also a clarification on the request.

Ms. Johnson stated she was not familiar with the procedure and counted on staff to help her make the right request.

Mr. Whited stated this request was unique.

**Proponent: Harold Clevenger
7537 Christine Avenue
West Chester, Ohio 45069**

Mr. Clevenger stated he was here out of curiosity. He wasn't sure what the request was before tonight but he thinks this is a good idea.

**Proponent: Nicole Zistler
1211 Jeremy Court
Cincinnati, Ohio 45240**

Ms. Zistler stated the use is a unique idea and there is nothing like it in the Cincinnati area. She feels like it would be a nice addition to the community.

Opponent: None

Board Deliberation

Mr. Cavens stated he likes the idea.

Mr. Riddell stated this corridor needs business.

Mr. Lenz stated his concern is that she will not be able to get through the Building Department.

Mr. Moeller agreed.

Mr. Cavens made a motion to approve BZA case 16-24.

Mr. Whited seconded the motion.

Aye: Mr. Cavens, Mr. Riddell, Mr. Lenz, Mr. Moeller, Mr. Whited

Nay: None

ADMINISTRATIVE MATTERS

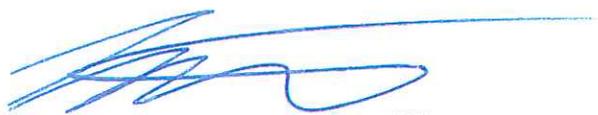
Meeting minutes from July 13, 2016 were approved.

The next meeting will be Wednesday October 12, 2016 at 6:30 pm.

The board adjourned the July 13, 2016 meeting at 8:57 pm.

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 Chairman:



Larry Whited

BZA Secretary:



Cathy Walton

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 16-21**

WHEREAS, George Wilburn, on August 16, 2016 filed Application No. 16-21 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a variance to allow a 0' side perimeter buffer for a drive aisle and parking area as applied to the property at 4848 Duff Drive, West Chester Ohio 45069 and containing Parcel # M5620-039-000-030 in Section 02, Town 3, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on September 14, 2016 notice of which was given to parties in interest in writing and also by publication in a newspaper of general circulation in the Township at least ten (10) days prior to 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, variances from the terms and conditions of the Zoning Resolution as will not be contrary to the public interest, and that are consistent with the criteria provided within the Zoning Resolution; and

WHEREAS, the board has considered all of the information and testimony presented at the public hearing and concludes that the requested variance from the terms and conditions of the Zoning Resolution will not be contrary to the public interest and is consistent with the standard for variances set forth in the 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 grant the request to allow 0' side perimeter buffer for a drive aisle and parking area.

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 14th day of September, 2016 and journalized on the 12th day of October, 2016.



Larry Whited
BZA Chairman



Cathy Walton
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 16-22**

WHEREAS, Anne McBride, for Exeter 9924 9936 International, LLC, on August 17, 2016 filed Application No. 16-22 with the Board of Zoning Appeals under Article 8 of the Zoning Resolution, seeking a conditional use from Article 25.03 regarding a conditional use as applied to the property at 9924 International Boulevard, containing parcel # M5820-377-000-001 in Section 32 Town 3, Range 2 (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on September 14, 2016 notice of which was given to parties in interest in writing and also by publication in a newspaper of general circulation in the Township at least ten (10) days prior to date of the hearing in accordance with Section 519.15 of the Ohio Revised Code; and

WHEREAS, Article 8.023 of the Zoning Resolution empowers the Board to have the power to authorize upon application, conditional use or special exception zoning certificates for those uses which are specified as such by this Resolution.

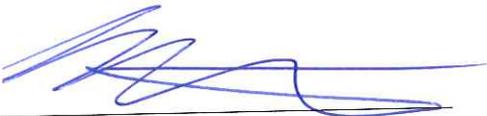
WHEREAS, the board has considered all of the information and testimony presented at the public hearing and concludes that the requested conditional use or special exception will not be contrary to the public interest and are consistent with the standard for variances set forth in the Zoning Resolution, paying particular attention to Section 8.023

THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request to conduct as its principal activity the production, processing, storing, or similar industrial action of solids, liquids, or gases, that have a degree of hazard rating in health, flammability, or reactivity of 2, 3, or 4 as ranked by the National Fire Protection Association 704 with the following conditions:

1. Provide a windsock on the exterior of the building at a location approved by the Fire Department.
2. Provide a spill containment kit appropriate for the chemicals to be stored and used.
3. Material Safety Data Sheets shall be stored in a Knox MSDS box at a location approved by the Fire Department.
4. The building shall comply will all Building and Fire codes.
5. A sprinkler analysis must be provided to the Fire Department for the proposed storage area.

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 14th day of September, 2016 and journalized on the 12th day of October, 2016.


Larry Whited
BZA Chairman


Cathy Walton
BZA Secretary

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
RESOLUTION DENYING APPLICATION NO. BZA 16-23**

WHEREAS, Don Warmbier, on August 17, 2016 filed Application No. 16-23 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a variance to allow poultry husbandry on a lot with less than three acres as applied to the property at 9142 Revere Run, West Chester Ohio 45069 and containing Parcel # M5620-083-000-012 in Section 15, Town 3, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on September 14, 2016 notice of which was given to parties in interest in writing and also by publication in a newspaper of general circulation in the Township at least ten (10) days prior to 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, variances from the terms and conditions of the Zoning Resolution as will not be contrary to the public interest, and that are consistent with the criteria provided within the Zoning Resolution; and

WHEREAS, the board has considered all of the information and testimony presented at the public hearing and concludes that the requested variance from the terms and conditions of the Zoning Resolution will be contrary to the public interest and are not consistent with the standard for variances set forth in the Zoning Resolution, paying particular attention to Section 8.053

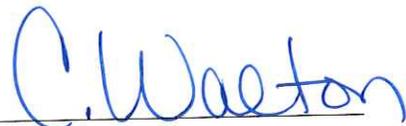
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby deny the request for a variance as stated in application No. 16-23.

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 14th day of September, 2016 and journalized on the 12th day of October, 2016.



Larry Whited
BZA Chairman



Cathy Walton
BZA Secretary

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

WHEREAS, Teresa Johnson, on August 19, 2016 filed Application No. 16-24 with the Board of Zoning Appeals under Article 8 of the Zoning Resolution, seeking a conditional use from Article 21.03 regarding a conditional use as applied to the property at 9494 Cincinnati-Columbus Road, containing parcel # M5620-088-000-013 in Section 15 Town 3, Range 2 (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on September 14, 2016 notice of which was given to parties in interest in writing and also by publication in a newspaper of general circulation in the Township at least ten (10) days prior to date of the hearing in accordance with Section 519.15 of the Ohio Revised Code; and

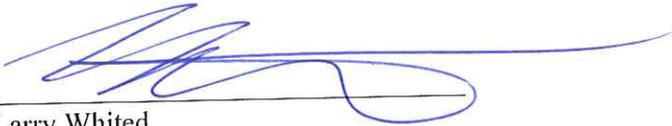
WHEREAS, Article 8.023 of the Zoning Resolution empowers the Board to have the power to authorize upon application, conditional use or special exception zoning certificates for those uses which are specified as such by this Resolution.

WHEREAS, the board has considered all of the information and testimony presented at the public hearing and concludes that the requested conditional use or special exception will not be contrary to the public interest and are consistent with the standard for variances set forth in the Zoning Resolution, paying particular attention to Section 8.023

THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request to allow a dwelling as part of an approved principal use.

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 14th day of September, 2016 and journalized on the 12th day of October, 2016.


Larry Whited
BZA Chairman


Cathy Walton
BZA Secretary