

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
January 10, 2018 – Regular Meeting**

MEMBERS PRESENT: Mr. Cavens, Mr. Lenz, Mr. Simmons, Mr. Whited
MEMBERS ABSENT: Mr. Riddell
STAFF PRESENT: Cathy Walton, Business Attraction and Expansion Manager
CALL TO ORDER: 6:35 PM
ADJOURNMENT 7:21 PM

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

Mr. Cavens stated that only four board members were present and let the applicants know they could continue their case.

Ms. Walton called the role.

BZA 18-01 The Free Holiness Church of God

The applicant indicated they wanted to proceed with their case.

Ms. Walton was sworn in.

Ms. Walton presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments and case history. Ms. Walton stated that the applicant is requesting a conditional use to allow a church in an A-1 (Agricultural) district.

Mr. Whited asked if staff was permitted to make minor changes and a request was denied, would the applicant still have the right to appeal to the Board.

Ms. Walton stated they would.

Mr. Lenz asked for clarification that the request was only with respect to 28.031 and not the other listed uses under 28.03.

Ms. Walton stated that was correct.

Mr. Simmons stated the church across the street is in and Industrial zone.

Applicant: **Steven Stitsinger**
 35 North D Street
 Hamtilon, Ohio 45013

Mr. Stitsinger stated the request is straight forward. The church would like to purchase the property and the uses would conform with traditional church uses. He stated they have no problem with any of the stated conditions.

Mr. Lenz stated there was a request from a neighbor to install a fence and asked if that was something the church would consider.

Mr. Stitsinger stated the Pastor would have to answer that question.

Ms. Walton stated there was a house on the property and if the church wanted to keep the house it would need to be dealt with in the conditional use otherwise there would need to be a condition to remove it.

Mr. Stitsinger stated the house was being removed.

Mr. Whited stated the Butler County Engineer listed several conditions and asked if the conditions could be met.

Mr. Stitsinger stated the church is aware of the conditions and will meet all conditions.

Proponent: **None**

Opponent: **Rhonda Beaver**
 4941 Rialto Road
 West Chester, Ohio 45069

Ms. Beaver stated her concerns with the church being septic vs. sewer, traffic, and the addition of a commercial building on the side with residential houses.

Applicant: **Randall Brown**
 346 5th Street
 Waynesville, Ohio 45068

Mr. Brown stated the church has been in Sharonville for over 50 years. He discussed their community outreach and the church's willingness to meet all conditions.

Board Deliberation

Mr. Simmons stated from he sees they are checking to see if they can get the conditional use for this property and then go through the process.

Mr. Lenz stated the zoning regulation was written to allow churches in certain areas and the approval is just for the church use.

Mr. Cavens stated the issue with the septic is handled by the County.

Mr. Lenz stated the traffic should only be impacted for an hour on Sunday and maybe Wednesday night.

Mr. Whited stated that they by rights can go in a residential neighborhood but his concern is the timeframe for the house to be removed.

There was board discussion with placing a timeframe on demolition of the house.

Mr. Simmons made a motion to approve BZA case 18-01 with the stated conditions, conditions from the Butler County Engineer's office and also a condition that the house be removed prior to zoning final inspection.

Mr. Whited seconded the motion.

There was discussion regarding the request from the neighbor to install a fence.

Aye: Mr. Lenz, Mr. Cavens, Mr. Whited, Mr. Simmons

BZA 17-18 SAIA Motor Freight Lines, LLC.

Mr. Cavens stated there are only four board members and discussed a continuance with the applicant.

Mr. Cavens called for a recess.

The applicant decided to move forward with his case.

Ms. Walton was sworn in.

Ms. Walton presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments and case history. Ms. Walton stated that the applicant is requesting two variances. The first is to allow an accessory structure in a front yard area. The second is to allow 96% lot coverage where 85% is permitted.

Mr. Whited asked for clarification on the maximum allowable lot coverage.

Ms. Walton stated it was 85%.

Mr. Lenz asked for clarification that the coverage included paving and buildings.

Ms. Walton stated that was correct.

Applicant: Brett Rabe
3051 Knox Avenue
Atlanta, GA 30041

Mr. Rabe explained that due to the lot configuration there was no way to put the maintenance shop behind the building. He discussed the doors to the terminal and the materials to be used for the maintenance shop. He stated they are working with Butler County regarding impervious surfaces. He also stated that since the first drawings were done the lot coverage has come down to 90%.

Mr. Cavens clarified that they have already been working with Butler County.

Mr. Rabe stated they were.

Mr. Simmons asked if the plan is to provide access off Cincinnati-Dayton Road.

Mr. Rabe stated the trucks will not come in and out on Cincinnati-Dayton but employees will and will only be car traffic.

Mr. Lenz stated the drawing indicated a drive leading to automobile parking.

Applicant: Adam Korn
6305 Centre Park Drive
West Chester, Ohio 45069

Mr. Lenz asked if they have looked into a permeable pavement for the car parking.

Mr. Korn indicated that is something they are looking into for storm water regulations.

Mr. Lenz asked if they had looked at other positions for the maintenance shop.

Mr. Korn indicated the key was having access from Cincinnati-Dayton Road and to have a separate access point for cars.

Mr. Lenz asked if the new maintenance building met setback requirements.

Ms. Walton stated it does.

Mr. Whited asked if there was an issue combining the two lots.

Mr. Korn said if that was a requirement they would be open to do that.

Mr. Simmons stated that the building adjacent to the site looks to have a similar setback.

Mr. Lenz asked if there was a detention or retention basin on this property.

Mr. Korn stated not that he is aware of. He discussed the storm sewer drainage.

There was discussion regarding detention and permeable pavement.

Proponent: None

Opponent: None

**Neutral: Dan McCabe
6985 Sprucewood Court
Cincinnati, Ohio 45241**

Mr. McCabe stated he is the President of Environmental Enterprises which is on the adjacent property. He stated he does not have any opposition to the proposal and it fits very well with the neighborhood.

Board Deliberation

There was discussion regarding potentially continuing the case or proceeding.

Mr. Lenz stated he does not have any problems with the request. He stated it was well thought out.

Mr. Simmons agreed.

Mr. Cavens stated they are working with Butler County and doing what they need to do.

Mr. Simmons agreed.

Mr. Cavens made a motion to approve BZA case 17-18 with the stated conditions.

Mr. Simmons seconded the motion.

Aye: Mr. Lenz, Mr. Cavens, Mr. Whited, Mr. Simmons

ADMINISTRATIVE MATTERS

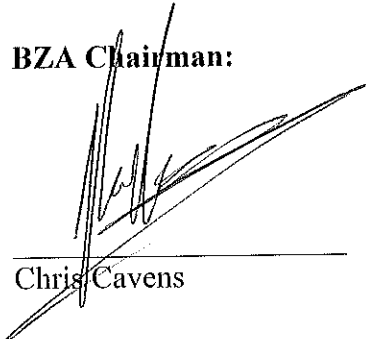
Ms. Walton stated the cut off for the February meeting is next week.

Minutes from the December 13, 2017 meeting were approved.

The board adjourned the January 10, 2018 meeting at 7:21 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 Chairman:



Chris Cavens

BZA Secretary:



Cathy Walton

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 17-18**

WHEREAS, SAIA Motor Freight Line, LLC, on November 15, 2017, filed Application No. 17-18 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a variance as applied to the property at 3000 Crescentville Road and containing Parcels # M5610-026-000-019, 075 in Section 26, Town 3, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on January 10, 2018 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

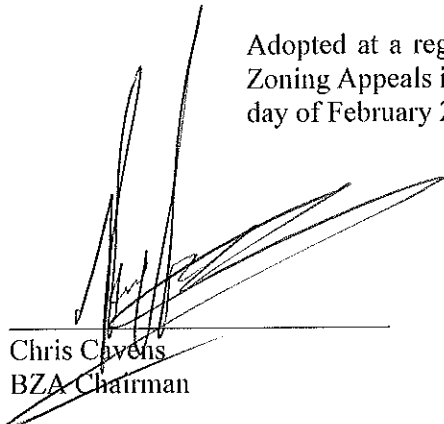
WHEREAS, Article 8 et. seq. of the Zoning Resolution empowers the Board to authorize upon appeal in specific cases, variances from the terms and conditions of the Zoning Resolution as will not be contrary to the public interest, and that are consistent with the criteria provided within the Zoning Resolution; 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 use set forth in the Zoning Resolution, paying particular attention to Section 8.0241

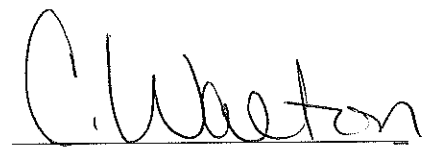
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request to allow an accessory structure in a front yard area and 96% lot coverage.

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 10th day of January 2018 and journalized on the 14th day of February 2018.



Chris Cavens
BZA Chairman



Cathy Walton
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 18-01**

WHEREAS, The Free Holiness Church of God, on December 13, 2017 filed application no. 18-01 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the Zoning Resolution, seeking conditional use to construct a place of worship in an A-1 (Agricultural) District as applied to the property located at 4913 Rialto Road Parcel # M5610-002-000-032, Section 3, Town 2, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on January 10, 2018 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 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 conditional uses 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 conditional use will not be contrary to the public interest and is consistent with the use 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 for a Conditional Use with the following conditions:

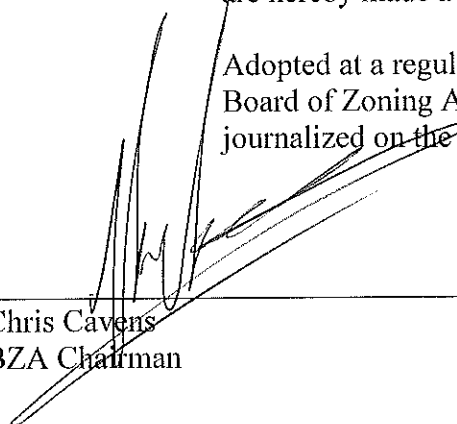
West Chester Community Development Department

1. Conditional Use approval granted is limited to traditional church purposes meaning worship services, children's and other outreach ministries, fellowships and recreational activities conducted in church facilities on the property. Traditional church purposes do not mean activities such as shelters, food pantries or overnight accommodations (other than for staff or youth group activities). Future applications regarding the use of the property can be reviewed at an administrative level without BZA approval provided the activity falls within the "traditional church purposes" listed above and further provided all development standards are met.
2. No Zoning Certificate shall be issued until a detailed photometric lighting plan is submitted and approved by staff.

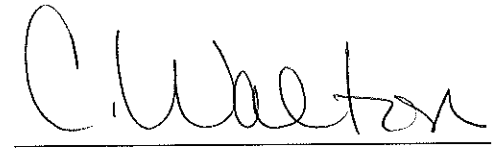
3. West Chester Planning and Zoning Staff shall have authorization to approve minimal changes to the approved Conditional Use Plan provided any minimal changes do not require BZA approval for a variance from development standards. Any changes to the plan that are required by other agencies (Butler County Engineers Office, Butler County Building Department, West Chester Fire Department, etc.) shall be subject to approval by the West Chester Township Community Development Department.
4. Landscape buffer along the west and south property lines shall be kept intact to provide natural screening to the adjacent residential properties.
5. All concerns from the Butler County Engineer's Office shall be addressed prior to the issuance of a zoning certificate.
6. The existing residence must be removed prior to a final zoning inspection.

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 10th day of January 2018 and journalized on the 14th day of February 2018.



Chris Cavens
BZA Chairman



Cathy Walton
BZA Secretary