

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
June 13, 2018 – Regular Meeting**

MEMBERS PRESENT: Mr. Cavens, Mr. Lenz, Mr. Simmons, Mr. Riddell, Mr. Thomas

MEMBERS ABSENT: None

STAFF PRESENT: Aaron Wiegand – Community Development Director

CALL TO ORDER: 6:30 PM

ADJOURNMENT 8:18 PM

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

Mr. Wiegand made note that Mr. Evan Thomas was appointed by West Chester Board of Trustees to a regular full-time position on the BZA while Mr. Cliff Hackney was appointed to the alternate position on the BZA. Former member Mr. Larry Whited was appointed to a position on West Chester Zoning Commission and Mr. Scott Gilliam offered his resignation due to scheduling conflicts.

Mr. Wiegand called the role. A quorum was established. Mr. Wiegand was sworn in.

BZA 18-02 Triangle Sign Company, LLC on behalf of Skally's

Mr. Wiegand presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments and case history. Mr. Wiegand stated that the applicant is requesting a variance to allow additional building and awning signage in the CBD (Central Business) district.

Mr. Lenz asked if this was the same building the BZA had granted variances for in previous applications. Mr. Wiegand confirmed that variances had been approved for Matt the Miller's Tavern previously.

Mr. Cavens reminded the Board that each application was heard and considered independent of any other previous applications or decisions.

**Applicant: Tim Hoskins
Triangle Sign Company
221 North Main Street
Hamilton, Ohio 45013**

June 13, 2018

Mr. Hoskins stated that the proposed signs were in character and appropriately sized for the area and allowed his client, Skally's, to have a visual presence along Interstate 75.

Mr. Lenz asked if the signs were lighted signs or if they flashed or blinked in any fashion.

Mr. Hoskins confirmed the letters have interior LED lighting and are individually affixed to the property. They do not blink or change copy.

Mr. Riddell asked if Skally's was a franchise establishment and if this proposed signage was consistent with other locations.

Mr. Hoskins indicated that Skally's has one existing location in downtown Cincinnati and that the proposed signage was in-line with their existing branding.

Mr. Simmons asked if the proposed signs seemed consistent with the size of signage on the other areas of the property.

Mr. Hoskins illustrated the size of the proposed letters and discussed the signage already installed for Holtman Donut Shop located next door to Skally's.

Mr. Cavens asked if the size of the signage would pose any issues with traffic along I-75.

Mr. Hoskins said it would not cause detriment to motorists on I-75.

Applicant: **Drew Skally**
 5821 Emerald Lake Drive
 Fairfield, Ohio 45014

Mr. Skally represents Skally's Old World Bakery, the proposed tenant at this facility. He indicated the building would have a front door for dine-in customers and a rear door for carry-out orders, further necessitating additional signage. He said the signage is consistent with neighboring restaurants and confirmed the signage is the same logo as other Skally's locations.

Proponent: **None**

Opponent: **None**

Neutral: **None**

Board Deliberation

Mr. Lenz indicated the request is in-line with previous approvals and consistent with surrounding signage in the area.

Mr. Riddell commented that he believes West Chester's signage regulations are too restrictive and that this application looks nice and is fitting with the area.

Mr. Cavens made a motion to approve BZA case 18-02 as submitted.

Mr. Riddell seconded the motion.

Aye: Mr. Lenz, Mr. Cavens, Mr. Riddell, Mr. Thomas, Mr. Simmons

BZA 18-03A and 18-03B George Ghizas

Mr. Wiegand presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments and case history. Mr. Wiegand stated that the applicant is requesting two variances. The first request is to allow an accessory structure used for the storage of vehicles in excess of 25% of the principal building square footage. The second is to allow an accessory structure in a side yard area.

Mr. Cavens asked for clarification on the definition of rear and front yards.

Mr. Lenz noted that the new structure would be closer to the street than the principal structure of the neighboring lot.

Mr. Riddell asked the acreage of the lot. The applicant was asked to address this in their comments.

**Applicant: George Ghizas
 9233 Pilgrim Court
 West Chester, Ohio 45069**

Mr. Ghizas noted his family's history on the lot. He said they own 1.05 acres on this lot and an additional lot of approximately 0.5 acre adjoining this lot. Mr. Ghizas outlined the topography of his site and the concerns about the rear of the property dropping significantly toward a drainage ravine in the rear of the lot.

Mr. Simmons requested further details on the intended use of the accessory structure.

Mr. Ghizas clarified that the structure would only be used for storage of his vehicles and not for any repair activity.

Mr. Riddell discussed the topography issues and the location of storage structure.

Mr. Ghizas stated that the structure is at its proposed location because if the structure is moved to the rear, the topography makes construction much more difficult.

**Proponent: Jesse McKeehan
5102 Sullivans Ridge Drive
Morrow, Ohio 45152**

Mr. McKeehan is the builder of Mr. Ghizas' accessory structure, Timberline Builders. Mr. McKeehan detailed the post and frame construction of the garage and the challenges and hardship of the site topography. The fall is roughly 12:1 to the ravine. While he noted that technically structures can be built anywhere, cost of doing extensive site work is prohibitive to most clients. Mr. McKeehan also noted the structure would be conforming if it were attached to the principle structure, but doing so would be less visually appealing to the neighborhood.

Mr. Lenz asked if the proposed footprint was still on level land. He also noted that the post and frame construction technique may create hardships in dealing with the slope.

Mr. McKeehan confirmed that the proposed location is very level. He also discussed the post frame foundation design techniques.

Mr. Cavens also discussed construction techniques on land with topographical issues.

Mr. Ghizas returned to the podium.

Mr. Simmons discussed the potential of allowing one larger accessory structure instead of the permitted two small accessory structures.

Mr. Ghizas agreed that this is the intention of the request, to combine two allowable smaller structures into one larger structure.

**Proponent: Charles Helton
9441 Eastbrook Drive
West Chester, Ohio 45069**

Mr. Helton explained that his property abuts Mr. Ghizas' property to the rear, along the drainage ravine. Mr. Helton has known Mr. Ghizas for a long time and has confidence in his ability to perform the project properly. Mr. Helton has no issues with the proposed accessory structure.

**Opponent: Dennis Jones
9238 Pilgrim Court
West Chester, Ohio 45069**

Mr. Jones is the property that abuts Mr. Ghizas to the east. He has known Mr. Ghizas for years and has no issue with him as a neighbor. However, he has concerns on the size of the structure and its location. At its proposed construction location, Mr. Jones has concerns that the building will be out of character for his property.

Neutral: **Sue King**
9447 Eastbrook Dr.
West Chester, Ohio 45069

Ms. King had a question of the removal of additional trees on the lot. She enjoys the wooded nature of the area. She has no issue with the structure, but wanted to ensure the woods would remain.

Mr. Ghizas returned to the podium.

Mr. Ghizas stated that there were ash trees that were removed, but that he has no intention of removing any additional trees.

Mr. Thomas questioned if moving the structure's location would result in removal of additional trees.

Mr. Ghizas stated it would depend on the location and it would not be likely to affect trees no matter the location.

Board Deliberation

Mr. Lenz had no issue with the size request, but does have issue with the location request. He brought the concerns of the neighbors to the east, who would be affected by the structure. Mr. Lenz also reminded the Board that cost is not a consideration for the Board to consider when discussing requests.

Mr. Simmons agreed that the spirit of the Code is the most vital consideration. He agreed with concerns on the location, but had no concerns on the size. Mr. Simmons did appreciate the applicant's desire to enclose campers and trailers in the yard, which would be more aesthetically pleasing.

Mr. Cavens had no issue with the size request, but echoed concerns on the side yard location request.

Mr. Riddell also has concerns regarding the side yard variance and its effect on the neighboring properties. He also noted the proposed structure is actually closer to the neighboring property than the applicant's principle structure.

Mr. Lenz made a motion to approve BZA case 18-03A to approve the size variance request with a stated condition that only one accessory structure shall be permitted on the lot rather than the two permitted under the Zoning Resolution.

Mr. Riddell seconded the motion.

Aye: Mr. Lenz, Mr. Cavens, Mr. Riddell, Mr. Simmons, Mr. Thomas

Mr. Lenz made a motion to deny BZA case 18-03B to allow an accessory structure in the side yard area.

Mr. Cavens seconded the motion.

Mr. Simmons had concerns on denying the second request, as doing so does not allow the applicant to ever return to the Board on this request. He suggested a continuance to allow for the applicant to review his options.

Mr. Thomas agreed with the benefit of a continuance of the case.

Mr. Cavens stated that his decision would not change regarding a side yard variance, regardless of when the matter was considered.

Mr. Riddell agreed with Mr. Cavens, but noted his agreeability to a continuance so that the applicant can have all aspects considered without having a renewal.

Mr. Lenz retracted his original motion to deny BZA case 18-03B to allow additional discussion on the continuance.

The Board deliberated the merits of a continuance. The Board asked if the applicant would want a continuance, knowing that a denial would prohibit the applicant from ever applying for this same request in the future.

Mr. Ghizas returned to the podium.

Mr. Ghizas stated he would be in favor of a continuance, however he is unlikely to be able to move the location much.

Mr. Lenz made a motion to deny BZA case 18-03B to allow an accessory structure in the side yard area.

Mr. Cavens seconded the motion.

Aye: Mr. Lenz, Mr. Cavens

Nay: Mr. Thomas, Mr. Simmons, Mr. Riddell

Mr. Thomas made a motion to continue BZA case 18-03B to allow an accessory structure in the side yard area to the July 11, 2018 Board of Zoning Appeals meeting at 6:30 PM in the same location.

Mr. Simmons seconded the motion.

Aye: Mr. Thomas, Mr. Simmons, Mr. Riddell

Nay: Mr. Lenz

Abstain: Mr. Cavens

BZA Case 18-03B was continued to the July 11, 2018 BZA meeting at 6:30 pm at the same location.

BZA 18-04 Enterainment, Inc.

Mr. Wiegand presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments and case history. Mr. Wiegand stated that the applicant is requesting a variance to allow a commercial recreation facility within 200' from a lot located in a Residential zoned district. Entertainment would like to install a prefabricated, outdoor maze structure at their current location.

Mr. Cavens asked if Entertainment owned the wooded tree-line that separates the facility from the adjoining condos.

The applicant was asked to address this in his presentation.

Mr. Lenz asked clarification on the site layout.

**Applicant: Don Oeters
 Enterainment, Inc.
 7375 Squire Court
 West Chester, Ohio 45069**

Mr. Oeters addressed that the tree-line was owned by the property owner on the corner of Squire Ct and Kingsgate Way. Mr. Oeters explained his desire to add an additional attraction at Enterainment Junction to further the recreational offerings. He also clarified that his maze is intended to be constructed on a pervious surface such as mulch or gravel. Mr. Oeters also detailed the purpose of the maze as an entertainment option.

Mr. Simmons asked a question regarding lighting of the maze.

Mr. Oeters stated the lighting would be minimal and that the business was open until 9:00. In the summer, 9:00 pm provides enough daylight to need minimal lighting.

Mr. Thomas asked about sounds generated by the maze.

Mr. Oeters said the sound would be minimal. The maze is essentially a fence that would additionally dampen any sounds.

Proponent: None

Opponent: None

Neutral: **None**

Board Deliberation

The Board had little issue with the request. Sound and lighting concerns were minimal and the buffer provides a separation to the adjoining residential.

Mr. Lenz made a motion to approve BZA case 18-04 to allow a commercial recreation facility within 200' of a residentially zoned district.

Mr. Simmons seconded the motion.

Aye: Mr. Lenz, Mr. Cavens, Mr. Thomas, Mr. Simmons, Mr. Riddell

Nay: None

BZA 18-05 Matthew Lunn

Mr. Wiegand presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments and case history. Mr. Wiegand stated that the applicant is requesting a variance to allow a fence within the required yard setback requirements in a residential district. Mr. Lunn would like to install a fence in the required front yard setback on a corner lot.

Mr. Thomas had a question if any utilities existed in the proposed fence location.

Mr. Wiegand stated this was likely best answered by the applicant, but utilities in this location would be unusual due to the site layout.

Mr. Lenz asked what type of fence the applicant is proposing.

Mr. Wiegand indicated the fence is proposed to be chain-link, which is permitted by right.

Applicant: **Matthew Lunn**
 7625 Bonnie Drive
 West Chester, Ohio 45069

Mr. Lunn presented a PowerPoint highlighting his case and detailing other similar fences in his neighborhood. It was noted that, even with the variance, the fence would still be 20' from the roadway due to large right of ways.

Proponent: **Shawna Lewis**
 8347 Julie Marie Drive
 West Chester, Ohio 45069

Ms. Lewis owns the property that abuts the rear of the applicant's proposal. She is in favor of Mr. Lunn installing a fence. She does want to ensure the chain link is maintained over time, but has no issue with the fence request.

Proponent: **James Mohr**
 7635 Bonnie Drive
 West Chester, Ohio 45069

Mr. Mohr owns the property to the east of the applicant's, across Julie Marie Drive. He is in favor of the request. Mr. Mohr illustrated the traffic and speed on vehicles in the area make child safety in the area difficult and that a fence will help separate children from the roadways.

Proponent: **Mr. Wiegand noted that the Board was presented a written letter from Sondra Layman at 7615 Bonnie Drive in support of the application. This letter was entered into the case file record.**

Opponent: **None**

Neutral: **Paula Eisele**
 8271 Julie Marie Drive
 West Chester, Ohio 45069

Ms. Eisele wanted clarification on the fence location to ensure the fence is not in the front of the property on Bonnie Drive.

Mr. Wiegand clarified the site plan and that the fence is not past the front of the house on Bonnie Drive.

Ms. Eisele also has a fenced in lot with a chain link fence in her rear yard. She loves the neighborhood and has no issue with the request as long as it is not in the front of the property on Bonnie Drive.

Board Deliberation

The Board discussed the merits of the case.

Mr. Lenz made note that the fence would be very visible to the property in the rear. Mr. Lenz thought angling the rear corner might keep the fence in-line with the spirit of the code.

Mr. Thomas said he thought of this as a unique layout due to the double frontages. He had no issue with the request.

Mr. Simmons made a motion to approve BZA case 18-05 to allow a fence in the required yard setback.

Mr. Thomas seconded the motion.

Aye: Mr. Lenz, Mr. Cavens, Mr. Thomas, Mr. Simmons, Mr. Riddell

Nay: None

ADMINISTRATIVE MATTERS

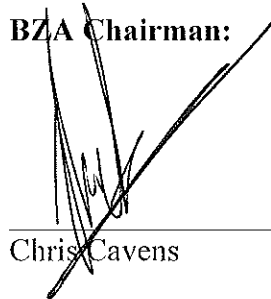
Mr. Wiegand stated the cut off for the July meeting had passed. The BZA has one new case and a continued case for consideration at the July meeting.

Mr. Wiegand noted that the July meeting will include an organizational meeting with the election of the Chair and Vice-Chair.

The Board adjourned the June 13, 2018 meeting at 8:18 p.m.

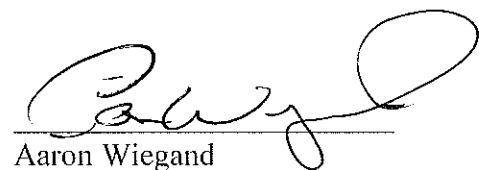
These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audiotape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must be prepaid.

BZA Chairman:



Chris Cavens

BZA Secretary:



Aaron Wiegand

June 13, 2018

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 18-02**

WHEREAS, Triangle Sign Company, LLC for Skally's, on May 8, 2018 filed application no. 18-02 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking a variance to construct additional building signage in the CBD (Central Business) District as applied to the property located at 9558 Civic Centre Boulevard Parcel # M5610-032-000-141, Section 27, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on June 13, 2018 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 will not be 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 grant the request for a sign size variance to allow up to 76.44 square feet of building signage.

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 13th day of June 2018 and journalized on the 11th day of July 2018.



Chris Davens
BZA Chairman



Aaron Wiegand
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 18-03A**

WHEREAS, George Ghizas, on May 9, 2018 filed application no. 18-03A with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking a variance to allow an accessory building used for the storage of vehicles in excess of 25% of the principal building square footage as applied to the property located at 9233 Pilgrim Court Parcel #M5620-086-000-029, Section 15, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on June 13, 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 West Chester Zoning Resolution empowers the Board to authorize variances that will not be contrary to the public interest, and

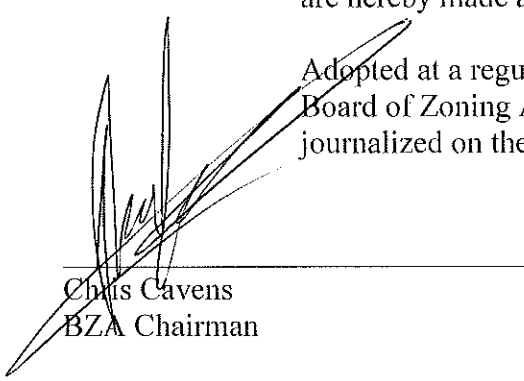
WHEREAS, the Board has considered all of the information and testimony presented at the public hearing and concludes that the requested variance will not be contrary to the public interest and is consistent with the West Chester Zoning Resolution, paying particular attention to Section 8.053

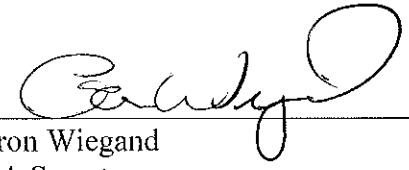
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request for an accessory structure size variance to allow an accessory building of no greater than 960 square feet. The West Chester Board of Zoning Appeals adds the further conditions toward approval of this application:

- 1) The property shall be permitted only one accessory structure on the property. This structure may be up to 960 square feet in size. Additional accessory structures shall not be permitted as a condition of this variance.

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 13th day of June 2018 and journalized on the 11th day of July 2018.


Chris Cavens
BZA Chairman


Aaron Wiegand
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 18-04**

WHEREAS, Entertrainment, Inc., on May 15, 2018 filed application no. 18-04 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking a variance to allow a commercial recreation facility within 200 feet from a lot in an R (Residential) district as applied to the property located at 7391 Squire Court Parcel #M5620-172-000-018, Section 17, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on June 13, 2018 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

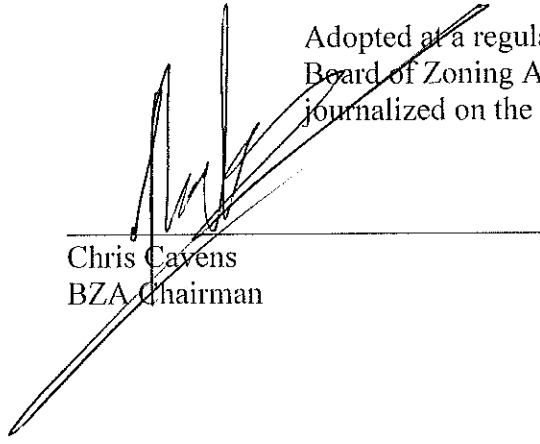
WHEREAS, Article 8 et. seq. of the West Chester Zoning Resolution empowers the Board to authorize variances that will not be contrary to the public interest, and

WHEREAS, the Board has considered all of the information and testimony presented at the public hearing and concludes that the requested variance will not be contrary to the public interest and is consistent with the West Chester Zoning Resolution, paying particular attention to Section 8.053

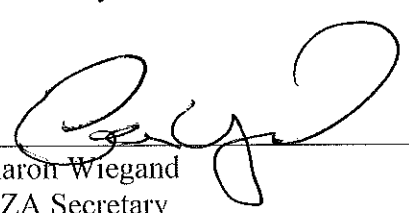
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request for a commercial recreation facility to be located within 200 feet of a R (Residential) district for installation of a commercial maze structure.

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 13th day of June 2018 and journalized on the 11th day of July 2018.



Chris Cavens
BZA Chairman



Aaron Wiegand
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 18-05**

WHEREAS, Matthew Lunn, on May 16, 2018 filed application no. 18-05 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking a variance from the fences and walls requirement in order to allow a fence in the required yard setback as applied to the property located at 7625 Bonnie Drive Parcel #M5620-108-000-031, Section 17, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on June 13, 2018 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 will not be contrary to the public interest and is consistent with the West Chester Zoning Resolution, paying particular attention to Section 8.053

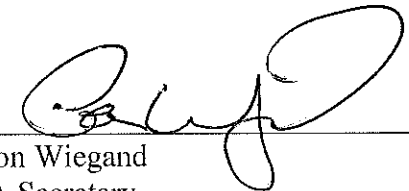
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request for a fence to be constructed within the yard setback requirements.

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 13th day of June 2018 and journalized on the 11th day of July 2018.



Chris Cavens
BZA Chairman



Aaron Wiegand
BZA Secretary