

**WEST CHESTER TOWNSHIP  
BOARD OF ZONING APPEALS  
January 14, 2015 – Regular Meeting**

MEMBERS PRESENT: Mr. Hackney, Mr. Lenz, Mr. Cavens  
Ms. Minton, Mr. Moeller

MEMBERS ABSENT: Mr. Whited

STAFF PRESENT: Cathy Walton, Code Enforcement Officer  
Vicki Sparks, Administrative Assistant

CALL TO ORDER: 6:30 PM

ADJOURNMENT 7:25 PM

Mr. Hackney called the meeting of the West Chester Board of Zoning Appeals to order. Ms. Walton called the roll. Mr. Hackney stated that BZA#14-21 has been continued until the February 11, 2015 meeting at the applicant's request.

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**BZA 14-25 Tri-County Church of the Nazarene**

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Ms. Walton presented the staff report including a PowerPoint presentation, current zoning in the area, aeriels, site views, staff comments, outside agency comments, and case history. Ms. Walton stated that the applicant is seeking a conditional use to allow removal of the existing ground sign and replace it with a new LED ground sign in a new location.

Mr. Hackney questioned if there were any questions for staff.

Mr. Moeller questioned if there were any standards for LED signs regarding whether they're static or blinking. Ms. Walton stated that message changes can only be every five seconds.

Mr. Moeller questioned whether the existing sign is lighted. Ms. Walton explained that she believed that it is internally lighted but not with LED. She said that LED is permitted in this district.

Mr. Cavens questioned for confirmation that they were just updating the sign, to which Ms. Walton replied, yes.

**Applicant: Eric Pottenger  
4778 Tylersville Rd.  
Hamilton, Ohio 45011**

Mr. Pottenger was sworn in by Mr. Hackney.

Mr. Pottenger clarified that the existing sign is internally illuminated and it will be removed upon construction of the new LED sign. He stated that the two signs are similar in size and he feels

that the sign they are proposing is compatible with surrounding properties. Mr. Hackney questioned if the intention is to run the sign 24/7. Mr. Pottenger confirmed that that is the plan.

**Proponent: None**

**Opponent: None**

**Neutral: None**

**Board Deliberation**

Mr. Moeller said that he has no problem with the sign.

Mr. Lenz thought it would be an improvement.

Mr. Cavens felt they were just updating and he was in favor.

Ms. Minton said she has no problems with it.

**Mr. Moeller moved to approve BZA14-25 replacing the existing sign with the new sign as proposed and as located, making sure that it meets Fire Department stipulations.**

**Mr. Cavens seconded.**

**Aye: Mr. Cavens, Mr. Hackney, Mr. Moeller, Mr. Lenz, Ms. Minton**

**Nay: None**

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**BZA 14-26 Drew Ratliff for Raising Cane's**

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Ms. Walton presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, site views, staff comments, outside agency comments, and case history. Ms. Walton stated that the applicant is requesting a variance for building signage that exceeds the allowable square footage of eight (8) percent.

Ms. Minton questioned if the sign that is currently by the road, which reads Fricker's Plaza, is part of the eight (8) percent. Ms. Walton said that it is not.

Mr. Cavens questioned if a mural is considered a sign or is it just painting. Ms. Walton said that it is a sign because it advertises the name of the business.

Mr. Hackney questioned how many sides of the building would the signs be permitted on while maintaining the eight (8) percent. Ms. Walton confirmed that it doesn't matter as long as the eight (8) percent is not exceeded on any side.

Ms. Minton questioned Ms. Walton if she knew what the total percentage was of the signage that the applicant is proposing. Ms. Walton said she does not have those calculations.

**Applicant: Kirk Paisley**  
**775 Yard St., Ste. 325**  
**Columbus, Ohio 43212**

Mr. Paisley was sworn in by Mr. Hackney.

Mr. Paisley said that Raising Cane's is a chicken fingers, fast food restaurant and he reviewed the history of the company. He stated that this location would be the first one in the Cincinnati area. He reviewed the significance of the wall mural and why they like to include that on all of their buildings. He stated that all of the murals are painted by the same gentleman and are of very durable materials. He stated that the applicant would like to have signs on several sides of the building to help people locate their restaurant, since it is unfamiliar to the West Chester area.

Ms. Minton wondered if all the stores have that mural and is it the same size. Mr. Paisley said of all the stores that he has been involved with; there is only one that does not have the wall mural. He stated that they are all the same size. Mr. Paisley stated that they would work with the township to scale it down if need be.

Mr. Hackney questioned what the banner is. Mr. Paisley stated that the owner's dog is the namesake of the company and his picture (golden retriever) goes on the banner. Mr. Hackney questioned what the banner is made of. Mr. Paisley described the durability of the banner and how it will be securely anchored.

Ms. Minton questioned if the dog is on all the stores. Mr. Paisley stated that it is and that it can vary in size, if necessary.

Mr. Moeller questioned if the applicant had calculated how big the mural could be and still meet the township's regulations. Mr. Paisley stated that they had not since they typically stay with the usual size in order to accommodate all the branding.

**Proponent: None**

**Opponent: Therese Jasper**  
**7679 Doc Dr.**  
**West Chester OH 45069**

Ms. Jasper was sworn in by Mr. Hackney.

Ms. Jasper stated that she represents the McDonald's across the street from the proposed restaurant. She stated that they are not against competition because it brings more people to the area. She questioned that everyone have to play by the same rules when it comes to signage and what is permitted.

**Neutral:      None**

**Board Deliberation**

Mr. Hackney questioned staff for clarification of allowable size and location of signage. Ms. Walton explained that it can't go over 8% on any side. Mr. Hackney suggested removing the dog sign and reducing slightly the size of the mural.

Mr. Cavens stated that the building is unattractive and believes that this signage will improve the look.

Mr. Lenz agreed and stated that it would help the look of the building but that it would be unfair to surrounding businesses that have not been permitted additional signage.

Ms. Minton likes the mural but questioned if it could be downsized or if the sign above the door could be removed.

Mr. Moeller is concerned about starting to allow murals.

Ms. Minton likes the idea of the mural but agrees that it's too big and that it would be unfair to the other businesses.

Mr. Cavens pointed out that most of the businesses along Tylersville Road are larger, more well-known companies. He stated that he feels that this sign would be preferable to the high-rise signs.

Mr. Hackney pointed out that even if some of the signage was eliminated on the front of the building, there would still be too much on the one side.

Mr. Lenz questioned if any other businesses on Tylersville Road had been granted significant sign size variances.

Mr. Hackney stated that he was not aware of any during his time on the board.

Mr. Lenz stated that the sign rules were written for a reason.

Ms. Minton stated that the standards are there for a reason.

Mr. Hackney questioned if anyone had any concrete ideas that the board could vote on.

Mr. Lenz suggested that the applicant scale-down the mural.

Mr. Cavens suggested that it be moved to the other side of the building. Ms. Walton said that it wouldn't work on that side of the building because of the windows.

**Mr. Moeller moved that the board not approve BZA14-26.**

**Mr. Lenz seconded.**

Mr. Hackney said this would force the applicant to live within the regulations and let them decide how they want to put the signs up.

Ms. Minton questioned if it would be better to let the applicant come back with a more reasonable proposal.

Mr. Cavens agreed.

Mr. Hackney questioned staff what would happen if the board turns the request down and would that prevent the applicant from coming back and asking for different signage.

Mr. Cavens questioned what would happen if they just tabled it and requested the applicant to modify it and come back. Ms. Walton said if they do that, she would suggest that the board give them some sort of direction.

Mr. Cavens suggested that the board come up with what they're comfortable with and then table it and tell the applicant what they would like to see.

Mr. Lenz stated that he thought it might work on the east side of the building if some of the other signage was removed.

Ms. Minton stated that she doesn't have a problem with mural being on the front of the building if they remove the oval and shrink down the mural.

Mr. Hackney stated the mural would have to be reduced considerably in order to meet regulations.

Mr. Hackney stated that since a motion had been made and seconded, they either need to withdraw it or vote on it. He stated that a motion was made to turn deny the request. He stated that if that's approved, the applicant would have to live within the regulations or come back with a revised plan. He stated that he didn't feel confident that they were going to be able to come up with an acceptable compromise. He suggested that they vote on the original motion that was made.

Mr. Paisley questioned if he might address the board and was permitted to do so. Mr. Paisley questioned if the board would consider tabling the motion. He stated that with the applicant is in the middle of construction of the property they want to make sure that they have signage in place when they open. He stated that coming back to the board might cause too much of a delay. He stated that the company has some other options that they might look in to. He requested direction from the board as far as size. Mr. Moeller said that would be difficult depending on what they were proposing. Mr. Lenz stated that if it was somewhat smaller, they may consider it.

Mr. Lenz withdrew his second to the original motion.

Mr. Moeller withdrew his motion.

**Mr. Lenz made a motion to table.**

**Mr. Cavens seconded.**

**Aye: Mr. Hackney, Mr. Moeller, Mr. Lenz, Ms. Minton, Mr. Cavens**

**Nay: None**

**ADMINISTRATIVE MATTERS**

Ms. Walton stated that the submission deadline for the February meeting was January 14, 2015. She stated that they have the continued case for BZA14-21 Vinh Ngoc Nguyen, one new case, and BZA14-26 Raising Cane's tabled from tonight.

Mr. Hackney and Mr. Cavens will not be in attendance at the February meeting.

Mr. Lenz made a motion to approve the minutes from the December 10, 2014 meeting. Mr. Hackney seconded the motion.

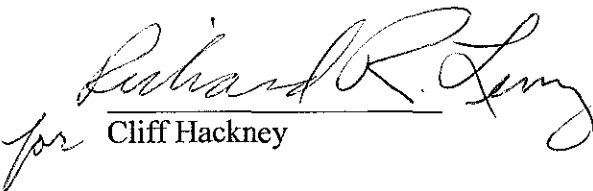
**Aye: Mr. Hackney, Mr. Moeller, Mr. Lenz, Ms. Minton, Mr. Cavens**

**Nay: None**

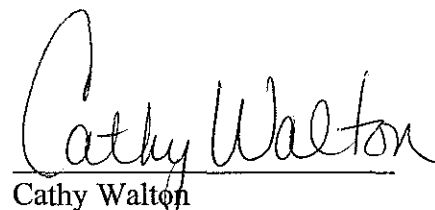
The board adjourned the January 14, 2015 meeting at 7:25 PM.

**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:**

*for*   
Cliff Hackney

**BZA Secretary:**

  
Cathy Walton

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION GRANTING  
APPLICATION NO. BZA 14-25**

WHEREAS, Tri County Church of the Nazarene, on December 9, 2014, filed Application No. 14-25 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the Zoning Resolution, seeking a conditional use to install an LED ground mounted sign as applied to the property at 4778 Tylersville Road, containing Parcel #M5610-000-000-006 in Section 12, Town 2, Range 2 (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on January 14, 2015, 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.

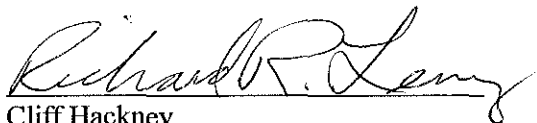
WHEREAS, the board has considered all of the information and testimony presented at the public hearing and concludes that the requested conditional use from the terms and conditions of the Zoning Resolution will not be contrary to the public interest and are consistent with the standard for conditional use set forth in the Zoning Resolution, paying particular attention to Section 8.054

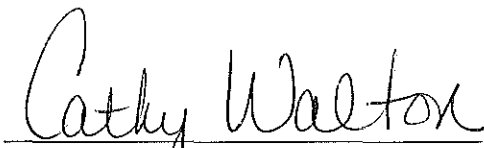
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the conditional use to allow an LED ground mounted sign with the following restrictions:

1. Must meet all Fire department 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 14th day of January, 2015 and journalized on the 11th day of February, 2015.

for   
Cliff Hackney  
Chairman

  
Cathy Walton  
BZA Secretary