

**WEST CHESTER TOWNSHIP  
BOARD OF ZONING APPEALS  
March 11, 2015 – Regular Meeting**

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

MEMBERS ABSENT: None

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

CALL TO ORDER: 6:30 PM

ADJOURNMENT 9:02 PM

Mr. Hackney stated that alternate board member, Chris Cavens, would be sitting in on the first case since he was on the board the night that the case was originally heard. Mr. Hackney stated that, new board member, Barry Riddell, will hear the other cases.

Mr. Hackney stated that he wanted to thank Kathy Minton, whose term ended at the end of February, for her service on the board for the last several years.

Ms. Walton called the roll.

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**BZA 14-21 Vinh Ngoc Nguyen**

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Ms. Walton stated that this case is a continuation from the August meeting.

Mr. Hackney swore the applicants in.

**Applicant: Tony Ravagnani, Architect  
TRA Architects  
4345 Mt. Carmel-Tobasco Rd.  
Cincinnati OH 45244**

Mr. Hackney questioned the changes to the original plan.

Mr. Ravagnani stated that the access point, driveway and parking issues would be discussed. Mr. Ravagnani stated that they had worked with the school board and had obtained a cross-access easement. Mr. Ravagnani stated that they could abandon the cell tower access currently located there which will eliminate one of the curb cuts. Mr. Ravagnani stated that they did add more parking for the number of people that will be using the building. Mr. Ravagnani stated that revised site plans had been submitted to staff.

Mr. Hackney questioned if any modifications had been made to the building. Mr. Ravagnani stated that there were no changes to the building. Mr. Hackney questioned the number of parking spaces that are required. Ms. Walton stated that 13 were required.

Mr. Whited questioned how the driveway to the cell tower could be eliminated since the cell tower company has an easement. Mr. Ravagnani stated that that is something that they will have to work out with the cell tower company.

Mr. Whited stated that the driveway to the residence on the north side of the property will remain. He questioned if there were any plans to tie that driveway in to make a circular driveway situation on the property. Mr. Ravagnani confirmed that the driveway is only for the residences and will stay as is.

**Applicant: Brandon Lam**  
**8391 Ashmont Way**  
**Mason OH 45040**

Mr. Hackney questioned Mr. Lam as to the times of the use for the facility. Mr. Lam stated that there would be about 10-15 people one time per week, on weekends only. Mr. Hackney stated that he thought this was a change from what was originally proposed. Mr. Cavens stated that he thought there would be activities on Wednesday nights and that there would be more people. Ms. Walton stated that the original presentation was for daily prayer meetings as well as the weekend. Mr. Lam said there would only be 4-5 people daily.

Mr. Cavens questioned staff if this was the same case where originally a garage addition was applied for and then it was realized that it was to be a temple. Ms. Walton confirmed that that was correct.

**Opponent: Harold Worley**  
**7584 LeSourdsville-West Chester Road**  
**West Chester OH 45069**

Mr. Worley was sworn in by Mr. Hackney.

Mr. Worley questioned if this is a church. Mr. Worley stated that every day there are 5-7 cars there. Mr. Worley stated that on Sunday there are 17 or 18 cars there. Mr. Worley stated that on the 22<sup>nd</sup> there were over 50 cars parked up and down the driveway and also up the school driveway. Mr. Worley stated that it appears to him that it's a business because there are always 5-7 cars there.

Mr. Whited questioned what Mr. Worley means by stating that it's a business. Mr. Worley stated that he felt like the applicant knew what their intentions were when they applied to construct a garage. Mr. Worley stated that there are no garage doors on the building. Mr. Worley stated that he was denied a split for an additional residence on his property previously and reviewed the case as it was submitted.

Mr. Cavens questioned whether Mr. Worley is in opposition to this request. Mr. Worley stated that he is in opposition.

Mr. Whited stated that zoning allows churches in residential areas if they meet the criteria.

Mr. Whited questioned Ms. Walton as to how soon the curb cuts would be done. Ms. Walton stated that that would be a question for the applicant.

Mr. Cavens questioned whether the applicant was allowed to continue to use the building as a temple once the case was tabled. Ms. Walton stated that the use would be allowed until the board heard the case and made a decision.

Mr. Hackney questioned the applicant about the timing of the driveway/curb cut. Mr. Lam stated that it would be done as soon as possible after permits are issued. Mr. Whited questioned if that would include the curb cut and the driveway all at the same time. Mr. Lam stated that it would be both.

Mr. Moeller questioned how often there would be a large amount of cars. Mr. Lam stated that it would be twice a year, on Buddhist celebrations. Mr. Lam stated that there were normally 5-7 cars every night and maybe 10 on the weekend.

Mr. Whited questioned how quickly the driveway/curb cut would be done if it's approved and permits are received. Mr. Lam said possibly a week. Mr. Whited questioned the architect whether a month would be an expected amount of time to have it completed. Mr. Ravagnani stated that it could take 1-2 months including the Butler County permitting process, notwithstanding the issues with the cell tower company.

Mr. Whited questioned whether the applicant had made the school aware that the cell tower access may be closed. Mr. Ravagnani stated that they have and that they have a written agreement with the school.

**Proponent: Carl Rullmann  
8285 Ventle Drive  
West Chester OH 45069**

Mr. Rullmann was sworn in by Mr. Hackney.

Mr. Rullmann stated that he hopes that the issue of using the school driveway doesn't become a critical issue. He shared that the church he attends is between two schools and that the church has overflow availability at the schools on the weekend and the schools have overflow availability at the church during the week.

**Neutral: Larry Driscoll  
7606 LeSourdsville-West Chester Road  
West Chester OH 45069**

Mr. Driscoll was sworn in by Mr. Hackney.

Mr. Driscoll stated that he is not opposed to the Buddhist place of worship. Mr. Driscoll stated that his concern is that it was built without following the rules.

### **Board Deliberation**

Ms. Lenz stated that he believed that the agreement with the school is the optimum solution. He stated that he feels that the closing of the driveway from the street has to be addressed before this can be permitted.

Mr. Whited stated that the board can make that a condition.

Mr. Cavens stated that he doesn't have an issue with the access. He stated that he takes issue with the applicant building the temple without permission.

Mr. Hackney stated that he agreed that there has been a lot of confusion with this case.

Mr. Moeller stated that he was concerned that they didn't have an easement with the cell tower and he is concerned about the time frame.

Mr. Cavens stated that most businesses don't want to give up easements that they already have.

Mr. Whited stated that this is not the only applicant who has not taken the right steps in getting approval for something, and although it's not right, he still feels that we can't penalize them for that. He stated that he feels the board has to look at the case on the merits.

Mr. Lenz stated that the case is about allowing a place of worship and they don't want to get sidetracked by the driveway condition.

Mr. Hackney questioned whether the building is up to code to allow it as a place of worship.

Mr. Cavens stated that he has a hard time approving this without more information.

Mr. Moeller stated that he feels it needs to be contingent on meeting building and fire codes.

Mr. Ravagnani was called back up and questioned regarding adherence to building code. Mr. Ravagnani stated that the reason Mr. Lam brought him into the project was to make sure that the plans complied with the building code. He stated that per his review and additional changes to the plans, everything is in compliance.

Mr. Cavens again stated that he didn't like the fact that the applicant misled as far as what the intended use of the building was.

**Mr. Cavens made a motion to deny.**

**Motion died for lack of a second.**

**Mr. Lenz made a motion to approve BZA14-21 contingent upon the approval of the Butler County Building Department of all plans and specifications and the resolution of the easement issue for the cell tower to allow the closing of the driveway.**

**Mr. Moeller seconded.**

**Mr. Whited questioned if the motion meant that the driveway would be closed. Mr. Lenz stated that it was to allow the closing of the driveway. Mr. Hackney questioned what they would do if the driveway was not allowed to be closed. Mr. Lenz stated that they could put up a barrier or chain to keep people from using it. Mr. Whited questioned requiring them to complete the closing of the road and access to the school within a certain time frame after they get the approval. Mr. Lenz stated that he would accept that amendment. Mr. Whited and Mr. Lenz agreed that 30 days would be an acceptable amount of time. Mr. Moeller stated that he would accept that as a second.**

**Aye: Mr. Moeller, Mr. Hackney, Mr. Lenz**

**Nay: Mr. Whited, Mr. Cavens**

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**BZA 15-01 Theodore & Nancy Schickner**

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Ms. Walton presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments, outside agency comments, and case history. Ms. Walton stated that the applicant is seeking a variance from the front yard setback requirements for an existing fence located at 7651 Devonwood Drive. Ms. Walton reviewed the standards for a variance with the board members.

Mr. Lenz questioned how far off the corner of the house they could come and still meet the setback. Ms. Walton stated that they could come 6 feet.

Ms. Schickner was sworn in by Mr. Hackney.

**Applicant: Nancy Schickner  
7651 Devonwood Drive  
West Chester OH 45069**

Ms. Schickner stated that she and her husband were not originally aware that the contractor didn't have a permit. Ms. Schickner stated that it is a beautiful fence and they would like to keep it. Ms. Schickner stated that it lines up with the neighbor's fence and does enhance the yard.

Mr. Lenz questioned regarding the applicant whether they thought that the contractor had gotten a permit for the fence. Ms. Schickner responded that, yes, they thought that it had been taken care of. Mr. Lenz stated that he imagined that legal issues would be with the contractor, Lowe's. Ms. Schickner confirmed that that was correct.

Mr. Schickner was sworn in by Mr. Hackney.

Mr. Schickner stated that Lowe's has been great but that Lowe's sub-contractor was the one who dropped the ball and didn't get the proper permit.

Mr. Lenz questioned if the applicant would have put up the fence in a conforming way if they had been made aware that there was a problem. Mr. Schickner said that they would have reconfigured it to work with their privacy fence.

**Proponent: Kenneth Bracken  
6262 Bach Drive  
West Chester OH 45069**

Mr. Bracken was sworn in by Mr. Hackney.

Mr. Bracken stated that the applicants had made him aware that they would like to install a fence and wondered if they could attach to his fence. Mr. Bracken stated that he told them that it would not be a problem. Mr. Bracken stated that it looks very nice.

Mr. Riddell questioned where Mr. Bracken's property was located and Mr. Bracken pointed it out for him on the aerial.

**Opponent: None**

**Neutral: None**

### **Board Deliberation**

Mr. Whited questioned when the Zoning Board came into effect. Ms. Walton said that she believes it was 1989 and was rewritten in the early 90s.

Mr. Lenz stated that he felt Lowe's is the responsible party.

Mr. Moeller stated that he doesn't feel that it impacts the curb appeal but it does impact 50% of the setback.

Mr. Lenz stated that he was surprised that the neighbor did not have an objection to how far it came out. Mr. Lenz stated that it seemed to him that the sub-contractor thought it might be too hard to get a permit so he just didn't get one.

Mr. Hackney stated that when he drove by, he didn't think that it seemed too intrusive, but he wished that it had been done correctly to begin with. He stated that it wasn't the homeowner's fault and he would be inclined to leave it as-is.

Mr. Whited stated that this might be a bad idea to fix a contractor's mistake.

Mr. Lenz stated that he believed that the fence company knew the issues because they had gone to zoning for a permit and did not receive it.

Mr. Whited stated that he didn't feel that we should give a pass to the contractor as these kinds of mistakes affect aesthetic issues and the values of property.

Mr. Riddell stated that he didn't feel that it looks bad but that it does affect the next door neighbor's property.

**Mr. Whited made a motion to deny the request.**

**Mr. Lenz seconded.**

**Aye: Mr. Hackney, Mr. Whited, Mr. Lenz, Mr. Riddell, Mr. Moeller**

**Nay: None**

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**BZA 15-03 Bruce and Patricia Santoro**

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Ms. Walton presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments, outside agency comments, and case history. Ms. Walton stated that the applicant is seeking a variance to construct a third accessory structure located at 6443 Locust Street. Ms. Walton reviewed the standards for a variance with the board members.

Mr. Riddell questioned if the applicant is removing a shed and erecting another. Ms. Walton confirmed that that is the case.

Mr. Hackney questioned if the fact that they have 2 parcels would make a difference in how many accessory structures would be allowed. Ms. Walton stated that it would not because anything up to an acre is permitted to have two accessory structures. These two parcels are still under an acre.

**Applicant: Bruce and Patricia Santoro  
6443 Locust Street  
West Chester OH 45069**

Mr. and Mrs. Santoro were sworn in by Mr. Hackney.

Mr. Santoro stated that they have lived at this location for thirty years. He stated that when they moved in the Montessori School was at the corner. Mr. and Mrs. Santoro extended their driveway at that time in order to enable them to access their driveway via the alley since the school uses the street for pick-up and drop-off four times a day. Mr. Santoro stated that if he complies with zoning regulations to attach the garage, they will be unable to get in and out. Mr. Santoro stated that this is the reason that they would like approval

for a detached garage. Mr. Santoro stated that seven of the nine surrounding properties have detached garages.

Mr. Riddell questioned if the existing barn was used as a garage. Mr. Santoro stated that he uses it for storage and for the office for his construction company.

**Proponent: Roberta Stagge**  
**6450 West Chester Road**  
**West Chester OH 45069**

Ms. Stagge was sworn in by Mr. Hackney.

Ms. Stagge stated that the Santoros have been excellent neighbors and that she supports this 100%.

**Proponent: Jenni and Doug Johnson**  
**5540 Evergreen Drive**  
**West Chester OH 45069**

Mr. and Mrs. Johnson were sworn in by Mr. Hackney.

Ms. Johnson stated that she grew up in this neighborhood and she feels that the neighborhood would be enhanced by this addition. Mr. Johnson concurred.

**Proponent: Dennis Bradbury**  
**9031 Cincinnati-Dayton Road**  
**West Chester OH 45069**

Mr. Bradbury was sworn in by Mr. Hackney.

Mr. Bradbury stated that his family owns property directly across the street from the Santoros. Mr. Bradbury said that he would support this 100%, as there is a definite problem with gridlock due to the school.

**Opponent: None**

**Neutral: None**

Mr. Lenz stated that he was very comfortable with the applicant's request.

Mr. Moeller stated that he was concerned with the three structures, but that he felt the detached garage would improve the traffic situation.

Mr. Riddell stated that he was for this, as long as it doesn't add to the gridlock.



**Mr. Lenz made a motion to approve the request to build the 2-car garage as an accessory structure, with the understanding that the existing shed will be removed.**

**Mr. Whited seconded.**

**Aye: Mr. Whited, Mr. Lenz, Mr. Riddell, Mr. Moeller, Mr. Hackney**

**Nay: None**

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**BZA 15-04 Mike Gates, McCauly Woods, LLC**

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Ms. Walton presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments, outside agency comments, and case history. Ms. Walton stated that the applicant is seeking a variance from the sidewalk installation requirements located at 9911 McCauly Road. Ms. Walton reviewed the standards for a variance with the board members.

Mr. Whited questioned who requires the sidewalks. Ms. Walton stated that it is part of the West Chester Zoning Resolution, as it lessens the financial impact on the homeowners and the township if the sidewalks are installed at the development stage.

Mr. Moeller questioned what financial obligation the township has to build sidewalks after development. Ms. Walton stated that she was unsure. Mr. Whited stated that he didn't think the township has any obligation.

**Applicant: Michael Gates  
8176 Leeshore Drive  
Mason OH 45040**

Mr. Gates was sworn in by Mr. Hackney.

Mr. Gates stated that there are no sidewalks in the existing part of the subdivision, which means the new sidewalks would go nowhere.

Mr. Whited questioned what the additional cost would be. Mr. Gates stated that he wasn't sure. Mr. Gates stated that it wasn't so much the extra cost but the ambience of the neighborhood.

Mr. Riddell questioned if Mr. Gate's main concern was the ambience. Mr. Gates stated that it is.

**Proponent: None**

**Opponent: None**

**Neutral: None**

**Board Deliberation**

Mr. Lenz stated that all sidewalks go somewhere. Mr. Lenz stated that he felt it was a great day when West Chester finally required that all new subdivisions had to put in sidewalks.

Mr. Whited stated that he couldn't agree more. Mr. Whited stated that he felt it was much safer for children, especially on a main thoroughfare.

Mr. Riddell stated that he agreed that it would be safer for the children.

Mr. Moeller stated that part of his subdivision has sidewalks and that there is a noticeable difference in the section where children have sidewalks to play on.

Mr. Whited stated that he felt that sidewalks should be installed by the developer because he didn't think they would be put in after the fact.

Mr. Hackney stated that he is a proponent of sidewalks and feels that it would be a plus to the developer who is trying to sell the homes.

**Mr. Moeller made a motion to deny BZA 15-04.**

**Mr. Lenz seconded.**

**Aye: Mr. Lenz, Mr. Riddell, Mr. Moeller, Mr. Hackney, Mr. Whited**

**Nay: None**

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**BZA 15-05 Ken Knuckles, Development Management Group**

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Ms. Walton presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments, outside agency comments, and case history. Ms. Walton stated that the applicant is seeking a variance from the side yard setback requirement and the side yard parking buffer requirement located at 7659 Tylersville Road. Ms. Walton reviewed the standards for a variance with the board members.

Mr. Whited questioned for clarification if the east side should be 15' and if the applicant is asking for it to be reduced to 10'. Ms. Walton confirmed that that is correct.

Mr. Hackney questioned the size of the new building versus the old building.

**Applicant: Ken Knuckles  
4209 Gallatin Pike  
Nashville TN 37216**

Mr. Knuckles was sworn in by Mr. Hackney.

Mr. Knuckles stated that the lot is very narrow and explained what his client is proposing.

Mr. Moeller questioned whether they anticipate using stops on the west side for parking. Mr. Knuckles stated that they don't have a problem with doing that and agreed that it would probably be a good idea.

Mr. Whited questioned regarding the 4' parking buffer and wondered how that would affect the applicant. Mr. Knuckles stated that it would make the parking spaces too small.

Mr. Lenz questioned if the curb would be replaced as it is currently. Mr. Knuckles stated, yes.

Mr. Hackney questioned if the applicant might be forcing a building onto a lot that is too small for it. Mr. Knuckles stated that the tenant really liked this location.

Mr. Knuckles stated that they did not feel that the variance that they are asking for is excessive.

**Proponent: None**

**Opponent: None**

**Neutral: None**

**Board Deliberation**

Mr. Whited stated that he felt the wheel stops are definitely needed.

Mr. Riddell stated that he felt there would be the same issue with any tenant that wanted to go on that lot.

Mr. Whited stated that we are gaining green space and a new building that should enhance the property.

**Mr. Whited made a motion to approve BZA 15-05 with the condition that wheel stops be installed on the west side parking strip.**

**Mr. Lenz seconded.**

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

**Nay: Mr. Hackney**

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**BZA 15-06 McGill, Smith, Punshon, Inc. for Storopack**

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Ms. Walton presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments, outside agency comments, and case history. Ms. Walton stated that the applicant is seeking a variance from the height regulations to install four silos and screening that would be 60' in height located at 4663 Dues Drive. Ms. Walton reviewed the standards for a variance with the board members.

Mr. Whited questioned if there had been any objections from surrounding neighbors or the fire department. Ms. Walton stated that there have been no objections.

Mr. Hackney stated that the current silos are 48 feet.

**Applicant: Dave Clark  
McGill, Smith, Punshon Architects  
3700 Park 42 Drive, Suite 190B  
Cincinnati OH 45241**

Mr. Clark was sworn in by Mr. Hackney.

Mr. Clark gave a brief history of the business. Mr. Clark stated that the business has grown extensively and they are in need of additional storage. Mr. Clark stated that their current site has a large warehouse and rail car access. He stated that it is very difficult to find another site with the resources that they need. Mr. Clark stated that the rail cars can easily fill the four additional 60' silos that his company is requesting.

Mr. Whited questioned if the request is to add four additional silos. Mr. Clark stated that they currently have four 45' silos and a screen wall and those would remain and they would add four 60' silos with a screen wall.

Mr. Riddell questioned if the existing screen wall will remain. Mr. Clark stated that it will remain.

Mr. Moeller questioned about spill concerns. Mr. Clark stated that he had spoken with the West Chester Fire Department and the Butler County Building Department regarding spill containment, but he then deferred to the tenant for clarification.

**Applicant: Bob Mouh  
4663 Dues Drive  
Cincinnati OH 45246**

Mr. Mouh was sworn in by Mr. Hackney.

Mr. Mouh stated that these are polyethylene pellets and explained that if they did spill out, they would just pile up and not go any further. Mr. Mouh also stated that he felt the screen wall would be sufficient to keep them contained as well.

Mr. Lenz questioned if they had look at wider silos as opposed to taller. Mr. Mohr stated that they had but that this is the ideal diameter for the flow of the pellets out of the silo.

**Proponent: None**

**Opponent: None**

**Neutral: None**

**Board Deliberation**

Mr. Whited stated that he has no issues.

Mr. Lenz stated that he has no issues.

Mr. Riddell stated that he drove out to the facility and didn't feel that this proposal would be out of character for that area.

**Mr. Moeller made a motion to approve BZA 15-06 as submitted.**

**Mr. Whited seconded.**

**Aye: Mr. Moeller, Mr. Hackney, Mr. Whited, Mr. Lenz, Mr. Riddell**

**Nay: None**

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**BZA 15-07 The Kleingers Group for Bass Pro Shops**

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Ms. Walton presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments, outside agency comments, and case history. Ms. Walton stated that the applicant is seeking a variance from the accessory structure setback regulations, building signage requirements and parking setback for the property located at 5992 Allen Road. Ms. Walton reviewed the standards for a variance with the board members.

Mr. Whited questioned why the drawings show a proposed property boundary when he thought that the boundaries and lot lines are already set. Mr. Lenz stated that he believes that said wording is sometimes used for something that is not there yet, but that the applicant could probably answer that.

**Applicant: David Wright**  
**6305 Centre Park Drive**  
**West Chester OH 45069**

Mr. Wright was sworn in by Mr. Hackney.

Mr. Wright introduced those in the audience who may testify regarding this case. Mr. Wright confirmed the location of the property and explained their intentions for the property. Mr. Wright explained that the proposed property line that Mr. Whited questioned is for the proposed extension of Civic Centre Boulevard. He stated that Civic Centre Boulevard would include a round-about, which will benefit Bass Pro Shops and the property to the north. Mr. Wright explained the reasons for each variance request.

Mr. Whited stated that he didn't recall anyone ever wanting to put more parking spaces in than was required. Mr. Wright stated that there are possible plans for a future hotel and the additional parking spaces would be needed.

Mr. Lenz stated that the way the parking spaces were marked could eliminate the encroachment.

Mr. Lenz questioned if the Civic Centre Boulevard road extension would be built and open by the time Bass Pro Shops opens. Mr. Wright stated that it would.

Mr. Hackney questioned the reason for putting the ranger tower so close to the property line. Mr. Wright stated that it could be moved to eliminate the need for a variance.

**Proponent: Chris Wunnenberg**  
**8132 Dimmick Road**  
**Cincinnati OH 45241**

Mr. Wunnenberg was sworn in by Mr. Hackney.

Mr. Wunnenberg stated that he helped write the code restrictions for the Central Business District and explained the reasons for the setbacks. Mr. Wunnenberg stated that the bridge at Allen Road caused some of the setback issues because of how much land it took. Mr. Wunnenberg stated that as far as the signage, he believes that it is critical for Bass Pro Shops. Mr. Wunnenberg stated that he feels this is one of those special projects that works for the community. Mr. Wunnenberg stated that he supports this project 100%.

**Proponent: Mike Dunham**  
**9100 Centre Park Dr.**  
**West Chester OH 45069**

Mr. Dunham was sworn in by Mr. Hackney.

Mr. Dunham clarified for the board members the reason for the additional parking. Mr. Dunham stated that weekend parking can be substantial even without the possible, future hotel. Mr. Dunham stated that the ranger tower elevation is necessary because of the elevation of Allen Road, which would otherwise block signage from the highway.

**Opponent: None**

**Neutral: None**

**Board Deliberation**

Mr. Lenz stated that he didn't feel that the parking was an issue. Mr. Lenz stated that he did believe that the signage is probably needed.

Mr. Whited stated that proper signage is a safety issue so that people see it in time to get off at the correct exit. Mr. Whited stated that he was ok with all of the proposals for this case.

Mr. Moeller stated that he struggles with the signage package request being so large.

Mr. Whited reiterated that he felt the larger sign would ease safety concerns.

Mr. Hackney stated that the parking is a non-issue with him, but stated that he does have concerns with the requested size of the sign package.

Mr. Lenz stated that he understood Mr. Hackney's concerns but that he felt this was a special case regarding the location. Mr. Lenz felt that it almost needed to be this large in order to be seen. Mr. Whited concurred and stated that he felt the signage size was proportionate to the building.

Mr. Moeller stated that he doesn't believe that the extra signage will enhance the building.

Mr. Whited stated that all Bass Pro Shops look nice.

Mr. Riddell stated that he agrees with Mr. Whited and that he feels that the township is fortunate to have Bass Pro Shops.

**Mr. Riddell made a motion to approve BZA 15-07 as submitted.**

**Mr. Whited seconded.**

**Aye: Mr. Whited, Mr. Lenz, Mr. Riddell**

**Nay: Mr. Hackney, Mr. Moeller**

**ADMINISTRATIVE MATTERS**

Ms. Walton stated that the BZA training would take place at 5:00 p.m. before the next BZA meeting on April 8, 2015. Ms. Walton also stated that the board appointments would take place during that meeting. Mr. Moeller made a motion to approve the minutes from the February 11, 2015 meeting. Mr. Lenz seconded the motion.


Mr. Hackney stated that the next meeting would be on April 8, 2015 at 6:30 p.m. The training will begin at 5:00 p.m.

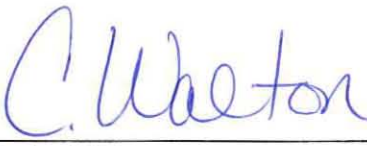
The board adjourned the March 11, 2015 meeting at 9:02 PM.

**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:**

**BZA Secretary:**

  
Cliff Hackney

  
Cathy Walton



**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION GRANTING  
APPLICATION NO. BZA 14-21**

WHEREAS, Vinh Ngoc Nguyen, on October 3, 2014 filed Application No. 14-21 with the Board of Zoning Appeals under Article 8 of the Zoning Resolution, seeking a variance from Article 28.01 regarding a conditional use as applied to the property at 7652 Le Sourdsville-West Chester Road., containing parcel # M5610-030-000-014 in Section 30 Town 3, Range 2 (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on March 11, 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 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 place of worship in an Agricultural district with the following conditions:

1. Approval from the Butler County Building Department of all plans and specifications.
2. Resolution of the easement agreement issue for the cell tower to allow the closing of the driveway.

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 11th day of March, 2015 and journalized on the 8th day of April 2015.



Cliff Hackney  
BZA Chairman



Cathy Walton  
BZA Secretary

**WEST CHESTER TOWNSHIP  
BOARD OF ZONING APPEALS  
RESOLUTION DENYING APPLICATION NO. BZA 15-01**

WHEREAS, Theodore and Nancy Shickner, on January 12, 2015 filed Application No. 15-01 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a variance from the accessory structure setback requirements as applied to the property at 7651 Devonwood Drive, West Chester Ohio 45069 and containing Parcel # M5620-154-000-062 in Section 30, Town 3, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on March 11, 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 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

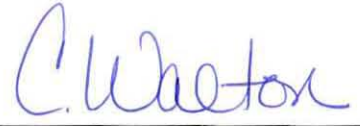
WHEREAS, the board has considered all of the information and testimony presented at the public hearing and concludes that the requested variance from the terms and conditions of the Zoning Resolution will be contrary to the public interest and are not consistent with the standard for variances set forth 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. 15-01.

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 11th day of March, 2015 and journalized on the 8th day of April, 2015.

  
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Cliff Hackney  
BZA Chairman

  
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Cathy Walton  
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION GRANTING  
APPLICATION NO. BZA 15-03**

WHEREAS, Bruce and Patricia Santoro, on February 4, 2015 filed Application No. 15-03 with the Board of Zoning Appeals under Article 8 of the Zoning Resolution, seeking a variance from Article 11.122 regarding a third accessory structure applied to the property at 6443 Locust Street, containing parcels # M5670-038-000-014, 015 in Section 27 Town 3, Range 2 (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on March 11, 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 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

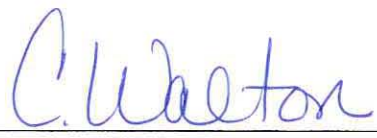
WHEREAS, the board has considered all of the information and testimony presented at the public hearing and concludes that the requested variances from the terms and conditions of the Zoning Resolution will not be contrary to the public interest and are consistent with the standard for variances set forth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

THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request to allow the construction of a third accessory structure to be built in a front yard 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 11th day of March, 2015 and journalized on the 8th day of April, 2015.

  
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Cliff Hackney  
BZA Chairman

  
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Cathy Walton  
BZA Secretary

**WEST CHESTER TOWNSHIP  
BOARD OF ZONING APPEALS  
RESOLUTION DENYING APPLICATION NO. BZA 15-04**

WHEREAS, Mike Gates, for McCauly Woods, LLC, on February 9, 2015 filed Application No. 15-04 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a variance from the sidewalk installation requirements as applied to the property at 9911 McCauly Road, West Chester Ohio 45069 and containing Parcel # M5610-011-000-049 in Section 8, Town 3, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on March 11, 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 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. 15-04.

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 11th day of March, 2015 and journalized on the 8th day of April, 2015.



Cliff Hackney  
BZA Chairman



Cathy Walton  
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION GRANTING  
APPLICATION NO. BZA 15-05**

WHEREAS, Development Management Group, LLC, on behalf of Mattress Firm, on February 11, 2015 filed Application No. 15-05 with the Board of Zoning Appeals under Article 8 of the Zoning Resolution, seeking a variance from Articles 10.188 and 22.062 regarding a side yard parking buffer and a side yard setback as applied to the property at 7659 Tylersville Road., containing parcel # M5620-180-000-001 in Section 17 Town 3, Range 2 (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on March 11, 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 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 variances from the terms and conditions of the Zoning Resolution 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 8.053

THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request to allow a side yard setback of ten feet and a parking setback of zero feet.

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 11th day of March 2015 and journalized on the 8th day of April 2015



Cliff Hackney  
BZA Chairman



Cathy Walton  
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION GRANTING  
APPLICATION NO. BZA 15-06**

WHEREAS, McGill,Smith Punshon, Inc. for Storopack, on February 11, 2015 filed Application No. 15-06 with the Board of Zoning Appeals under Article 8 of the Zoning Resolution, seeking a variance from Article 25.061 regarding the structure height regulations as it pertains to the property at 4663 Dues Drive, containing parcel # M5620-050-000-035 in Section 8 Town 2, Range 2 (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on March 11, 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 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 variances from the terms and conditions of the Zoning Resolution 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 8.053

THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request to allow the construction of four silos with screening at a height of sixty feet.

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 11th day of March, 2015 and journalized on the 8th day of April, 2015.



Cliff Hackney  
BZA Chairman



Cathy Walton  
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION GRANTING  
APPLICATION NO. BZA 15-07**

WHEREAS, The Kleingers Group for Bass Pro Shops, on February 11, 2015 filed Application No. 15-07 with the Board of Zoning Appeals under Article 8 of the Zoning Resolution, seeking a variance from Articles 30.144, 31.062 regarding the structure setback, building signage and parking setback regulations as it pertains to the property at 5992 Allen Road, containing parcel # M5610-032-000-127 in Section 33 Town 3, Range 2 (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on March 11, 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 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 variances from the terms and conditions of the Zoning Resolution 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 8.053

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 with a five foot setback, signage in excess of the regulations and a variation in parking 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 11th day of March, 2015 and journalized on the 8th day of April, 2015.

  
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Cliff Hackney  
BZA Chairman

  
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Cathy Walton  
BZA Secretary