

**WEST CHESTER TOWNSHIP  
BOARD OF ZONING APPEALS  
September 12, 2018 – Regular Meeting**

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

MEMBERS ABSENT:

STAFF PRESENT: Cathy Walton – Business Attraction and Expansion Manager  
Tim Valentine – Property Advisor

CALL TO ORDER: 6:30 PM

ADJOURNMENT 7:59 PM

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

Ms. Walton called the role. A quorum was established.

Mr. Simmons made a motion to approve the minutes of the August 8, 2018 meeting of the BZA, seconded by Mr. Thomas. Motion passed by unanimous vote.

Mr. Riddell swore in staff and public.

---

**BZA 18-08A-C VCARVE Constructions, LLC**

---

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 three variances. The first is for a reduction in setback required for a drive thru restaurant, the second is a request for signage in excess of the signs requirements, and lastly, to allow a reduction in the required loading spaces.

Mr. Lenz asked for a clarification on the distance from the property line to the closest residence.

Mr. Riddell asked for clarification on the procedure for hearing each request.

Ms. Walton stated testimony and deliberation could be done together but separate motions will need to be made.

**Applicant: David Layman  
3080 Ackerman, Suite 320  
Kettering, Ohio 45429**

Mr. Layman stated the applicant was here as well as his engineer and landscape architect. He stated it was important to note that although the drive thru window did not meet code, it was over 200' to the nearest residence. He explained the landscape plan and how it would minimize the impact to residents. He explained the type of tenants this type of development attracts.

Mr. Lenz questioned the landscape plan.

**Applicant: Gayle Frazer  
7377 Bridge Point Pass  
Cincinnati, Ohio 45248**

Ms. Frazer stated she was the landscape architect. There was discussion regarding the proposed landscaping and amplified noise from the menu board.

**Applicant: Sam Echuri  
No address given**

Mr. Echuri gave further clarification on the landscaping plan. There was also additional discussion regarding the menu boards and noise reduction.

Mr. Thomas asked why there was an amendment submitted.

Mr. Eschuri explained it was by request of the Butler County Engineer's Office.

**Applicant: Tim (inaudible)  
803 Compton  
Cincinnati, Ohio 45231**

Tim clarified the new request distance for the drive thru window.

Mr. Lenz asked if the apartment buildings were three stories.

Ms. Walton stated they were two.

There was further discussion regarding landscape mounding.

Mr. Cavens asked about the loading space reduction.

Tim stated the developer has developed many of these buildings and has found one space to be sufficient.

There was discussion regarding the size of the building, tenants, and the drive thru with regards to the loading space.

Mr. Lenz asked if the applicant knew the operating hours of the drive thru.

Mr. Eschuri stated it would be up to the tenant.

Mr. Simmons asked what portion of the variance the top of the sign represented.

Mr. Eschuri stated it was part of the 64SF request.

There was additional discussion regarding the ground sign.

Ms. Walton stated that the area in question did not count against the signage.

Ms. Frazer returned with additional landscape discussion.

Mr. Riddell opened discussion for the request for more wall signage than permitted.

Mr. Laymen stated that the property is zoned industrial and they are asking for signage consistent with the adjacent business uses.

There was additional discussion regarding the loading space.

**Proponent:**            **None**

**Opponent:**           **None**

**Neutral:**             **Robert Lawson**  
**9077 Union Centre Boulevard**  
**West Chester, Ohio 45069**

Mr. Lawson stated he is not against the request and wanted to make one comment. He stated he owns the preschool next door and supports the development. His concern is the location of the ground sign. He believes it will cause visibility issues.

**Applicant:**           **David Layman**  
**3080 Ackerman, Suite 320**  
**Kettering, Ohio 45429**

Mr. Layman returned to discuss the sign location and the changes made at the Butler County Engineer's concerns.

There was Board and applicant discussion regarding the ground sign location.

Mr. Riddell closed the public comment and entered into Board Deliberation.

**Board Deliberation**

Mr. Lenz stated that once customers learn that this is here, they will be coming in through the gas station.

Mr. Simmons stated he has been at the site numerous times and stated the sign location will not become problematic.

Mr. Riddell stated he agreed that the sign is set back from Union Centre Boulevard and would not cause an issue.

There was discussion regarding the request for 8% of wall signage.

Mr. Riddell stated he does not have an issue with request.

**Mr. Lenz made a motion to approve BZA case 18-08B as submitted.**

**Mr. Cavens seconded the motion.**

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

**Nay: None**

Mr. Riddell asked for discussion regarding 18-08A.

Mr. Lenz stated the spirit of the regulation is not the proximity to the property but the noise. He stated he is concerned with impact of the menu board.

Mr. Thomas stated the location of the dumpster enclosure was a good attempt but there is more screening needed.

Mr. Cavens stated he agreed with Mr. Lenz.

Mr. Riddell asked for clarification from Mr. Lenz about his feelings on adding a mound.

Mr. Lenz stated a small mound will not affect the noise.

There was discussion regarding necessary steps to block the noise.

**Mr. Simmons made a motion to approve BZA case 18-08A with conditions.**

**Mr. Lenz seconded the motion.**

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

**Nay: Mr. Cavens, Mr. Thomas**

Mr. Riddell asked for discussion regarding 18-08C.

Mr. Cavens stated there is no way this can be done.

Mr. Simmons stated this was a business decision and should be dealt with by the landlord.

Mr. Lenz stated he believed Mr. Cavens was overestimating use of the space.

Mr. Thomas stated with the drive thru there would be probably not be a semi-trailer but still a half semi-trailer.

Mr. Riddell stated the property owner and the tenants will figure this out.

Mr. Cavens stated he has worked where logistics is an issue.

Mr. Simmons stated all of these could be issues but beyond the scope of the board.

Mr. Cavens stated this could affect future tenants.

Mr. Riddell reiterated that he did not see this being a problem.

Mr. Thomas stated he would like to see two spaces but believes one is adequate.

**Mr. Riddell made a motion to approve BZA case 18-08C as amended.**

**Mr. Simmons seconded the motion.**

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

**Nay: Mr. Cavens**

### **ADMINISTRATIVE MATTERS**

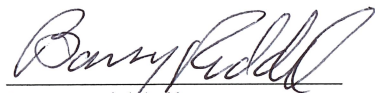
Ms. Walton stated there are no cases for the October meeting.

The Board adjourned the August 8, 2018 meeting at 7:59 p.m.

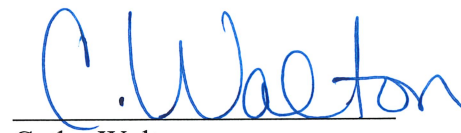
**These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audiotape and may be**

obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must be prepaid.

**BZA Chairman:**

  
Barry Riddell

**Acting BZA Secretary:**

  
Cathy Walton

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION GRANTING  
APPLICATION NO. BZA 18-08A**

WHEREAS, VCARVE Constructions, LLC on August 14, 2018 filed application no. 18-08A with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking a variance to allow a drive thru restaurant to be located less than 200 feet from a residential zoned property as applied to Parcels #M5620-369-000-017, 018, Section 33, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on September 12, 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 to allow a drive thru restaurant to be located 168.4' from a residential zoned property.

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 12th day of September 2018 and journalized on the 12th day of December 2018.



Barry Riddell  
BZA Chairman



Cathy Walton  
Acting BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION GRANTING  
APPLICATION NO. BZA 18-08B**

- WHEREAS, VCARVE Constructions, LLC on August 14, 2018 filed application no. 18-08B with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking a variance from the signs requirements as applied to Parcels #M5620-369-000-017, 018, Section 33, Town 3, Range 2 (West Chester Township, Butler County); and
- WHEREAS, a public hearing was held on said application on September 12, 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 to allow a 64SF ground sign and wall signage equal to 8 percent of the front wall elevation.
- 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 12th day of September 2018 and journalized on the 12th day of December 2018.



Barry Riddell  
BZA Chairman



Cathy Walton  
Acting BZA Secretary



**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION GRANTING  
APPLICATION NO. BZA 18-08C**

WHEREAS, VCARVE Constructions, LLC on August 14, 2018 filed application no. 18-08C with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking a variance to reduce the number of required loading spaces as applied to Parcels #M5620-369-000-017, 018, Section 33, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on September 12, 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

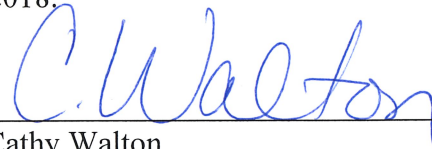
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request to allow one 65 foot loading space for use by all tenants.

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 12th day of September 2018 and journalized on the 12th day of December 2018.



Barry Riddell  
BZA Chairman



Cathy Walton  
Acting BZA Secretary