

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
September 11, 2019 – Regular Meeting**

MEMBERS PRESENT: Mr. Thomas, Mr. Riddell, Mr. Hackney, Mr. Cavens, Ms. Glenn

MEMBERS ABSENT: Mr. Simmons

STAFF PRESENT: Aaron Wiegand – Community Development Director

CALL TO ORDER: 6:02 PM

ADJOURNMENT 7:25 PM

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

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

Mr. Thomas asked for a moment of silence to reflect on the importance of September 11, 2001.

Mr. Riddell made a motion to approve the minutes of the August 14, 2019 meeting of the BZA, seconded by Mr. Cavens. Motion passed by unanimous vote.

Mr. Thomas swore in staff and all those who may give testimony.

The Board voted to adjust the Agenda to move BZA 19-03 to the second agenda item for the evening.

BZA 19-06 Karen L. Adams

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 request from the accessory buildings and uses to allow an accessory structure exceeding 25 percent of the square footage of the principal building in an R-2 zoning district per Article 10.141. The applicant wishes to construct an approximately 1,344 sf storage structure on her property.

**Applicant: Karen Adams
8443 Ridgecrest Drive
West Chester, Ohio**

Ms. Adams presented the Board with background information indicating she wanted to construct a large storage facility on her property to handle furniture from her parent's property and also for

September 11, 2019

her own interior furniture during an anticipated remodel of her house. Ms. Adams made note that she owned a second lot adjacent to the rear of her house property. She also made note of several larger storage facilities in her neighboring area. The applicant's builder joined her at the podium and clarified several design elements of the proposed structure.

The applicant provided additional photos to the Board for review.

Mr. Cavens asked questions regarding the size and height of the new structure. It was noted that the proposed height would likely require a variance approval as well.

Mr. Riddell asked questions regarding the future use of the building, once all construction items were no longer needed to be housed.

Ms. Glenn questioned why the applicant was not considering self-storage units rather than building a new structure. The applicant responded she had concerns about mice in the rental units.

Proponent: None

The Applicant provided proponent letters as part of her original applicant packet.

Opponent: None

Neutral Party: None

Mr. Thomas closed public comment and entered into Board deliberation.

Mr. Wiegand noted to the Board that the proposed height of 18-22' would also require a variance from the Board.

The Board expressed great concern over the scope of the facility and the future use of the structure. Mr. Cavens noted the request is a wholesale departure from the Zoning Resolution. Mr. Riddell noted the same concerns on the significance of the variance request. The Board express generally unanimous concerns regarding the variance being a significant departure from the Zoning Resolution.

Rather than deny the applicant, the Board considered continuing the case to allow the applicant to make changes to the request.

Mr. Cavens made a motion to continue BZA 19-06 Karen L. Adams to the October 9, 2019 meeting of the Board of Zoning Appeals. The meeting will be held at Township Hall at 6:00 pm.

Mr. Riddell seconded the motion.

Aye: Mr. Cavens, Mr. Riddell, Ms. Glenn, Mr. Hackney, Mr. Thomas

Nay: None

BZA 19-03 Ayman Qawariq

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 has requested a variance request from the area frontage and yard requirements in an R-2 District to allow a deck to encroach the front yard setback per Article 14.062. The applicant built a deck without obtaining a permit. The deck was built within the required front yard depth, thus requiring a variance.

**Applicant: Ayman Qawariq
7984 Second Street
West Chester, Ohio**

Mr. Qawariq described his deck project. The house previously had concrete steps leaving the house, which was unsafe to his family. He hired a firm to construct the deck and was unaware of the permit requirements.

Mr. Cavens asked if the work was completed in accordance with proper codes. The applicant assured the Board the work was done so. Mr. Wiegand provided there was nothing to suggest the work was not performed properly.

Mr. Thomas asked the applicant if the front of the property was also enlarged. The applicant stated it was completed by him.

Proponent: None

Opponent: None

Neutral: None

Mr. Thomas closed public comment and entered into Board Deliberation.

Mr. Riddell provided the property has been greatly enhanced since the applicant obtained ownership. Mr. Riddell further noted the essentially character of the neighborhood would

not be adversely affected as many properties in the area have front porches encroaching the front yard depth.

Mr. Thomas noted that the deck still leaves a significant front yard depth and posed no danger to residents in the area.

Mr. Riddell made a motion to approve case BZA 19-03 Ayman Qawariq as submitted

Ms. Glenn seconded the motion.

Aye: Mr. Riddell, Ms. Glenn, Mr. Thomas, Mr. Hackney, Mr. Cavens

Nay: None

BZA 19-07 Toledo Sign Company for Twin Peaks

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 has filed a variance request from the building signs regulations in the CBD (Central Business District) to allow signage in excess of four percent of the total square footage of the front building wall elevation per Article 30.144A. The applicant already has approval for building signs promoting their new business in West Chester. They would like to add two channel letter signs to the exterior of the building in order to match brand standards and to attract travelers along the Interstate. The total square footage of all building signs would be 215 square feet.

Ms. Glenn clarified the road frontage requirement. Mr. Wiegand noted that zoning does not historically consider Interstate frontage to be road frontage for purposes of calculating front building wall elevations.

**Applicant: Chuck Veres – Toledo Sign Company
2021 Adams Street
Toledo, Ohio**

Mr. Veres noted that the signs would be in compliance if the Interstate frontage was considered a front-building frontage, the variance would not be required. He noted other businesses along Civic Centre Boulevard have variances above the 4% allowance, keeping Twin Peaks' request within the character of the neighborhood. Mr. Veres further noted that the corporate branding requires even more signage than is being requested of the West Chester location and they narrowed down to the most critical signage for the sake of requesting a variance.

**John Hong - JEB Food Group
9424 Civic Centre Boulevard
West Chester, Ohio**

Mr. Hong is the franchisee for the West Chester Twin Peaks location. He clarified the number of locations nationwide and also that this location is the first in the Cincinnati region.

Proponent: None

Opponent: None

Neutral: None

Mr. Thomas closed public comment and entered into Board Deliberation.

Mr. Cavens expressed support for the application. He thought the application fit within the character of the neighborhood.

Ms. Glenn expressed concern for the neighboring businesses and questioned any adverse effects on that business. She also questioned if consistent variances permitted in the area would create precedent.

Mr. Riddell noted his overall concerns with the signage requirements outlined in the Zoning Resolution and expressed his support for this application.

Mr. Hackney noted concerns on the 4% requirement being too constricting. He supports the application.

Mr. Thomas noted it was good for the Board to keep standards and review each application on a case-by-case basis to ensure the character of the neighborhood is kept in-tact.

Mr. Riddell made a motion to approve case BZA 19-07 Toledo Sign Company as submitted

Mr. Cavens seconded the motion.

Aye: Mr. Riddell, Mr. Cavens, Mr. Thomas, Mr. Hackney, Ms. Glenn

Nay: None

BZA 19-08 Anthony Braun

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 has filed a variance request from the fences and walls regulations to allow a fence in the front yard of a residential lot in a recorded subdivision per Article 11.09C. The applicant is on a corner lot, which results in both frontages being considered front yards. He would like to install a fence along his property that tacitly is his rear yard, but needs a variance due to his corner lot frontage.

It was clarified that a 15' utility easement exists along Kilkenny Drive, and the fence should be constructed outside of this easement.

Applicant: **Tony Braun**
 6213 Kildare Court
 West Chester, Ohio

Mr. Braun noted he wished to provide a safe backyard for his family, but the setback requirements would significantly reduce the rear yard area.

Mr. Hackney asked if the neighborhood had an HOA. The applicant responded he has no HOA.

Ms. Glenn questioned the location of the fence on the outside of the mature trees instead of inside the tree-line. The applicant responded that the fence follows the tree-line in the rear of his property. Ms. Glenn also reminded the applicant of the responsibilities of building within a utility easement.

Proponent: **Matt Howe**
 7738 Whitehall Circle East
 West Chester, Ohio

Mr. Howe has known the applicant for many years and is in favor of the application.

Opponent: **None**

Neutral: **None**

Mr. Thomas closed public comment and entered into Board Deliberation.

The Board expressed support for the case as submitted.

Mr. Cavens made a motion to approve case BZA 19-08 Anthony Braun as submitted

Mr. Hackney seconded the motion.

Aye: Mr. Cavens, Mr. Hackney, Mr. Thomas, Mr. Riddell, Ms. Glenn

Nay: None

ADMINISTRATIVE MATTERS

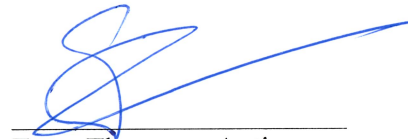
No administrative matters.

Mr. Wiegand informed the Board that two cases had been filed for the October BZA meeting.

The Board adjourned the September 11, 2019 meeting at 7:25 p.m.

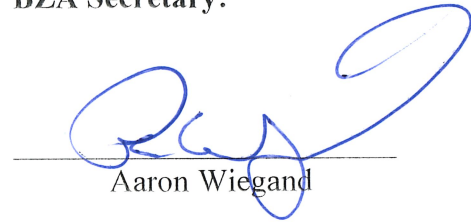
These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audiotape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must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

BZA Chairman:



Evan Thomas - Acting

BZA Secretary:



Aaron Wiegand

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 19-03**

WHEREAS, Ayman Qawariq on April 9, 2019, filed application no. 19-03 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking a variance to reduce area frontage and yard requirements in the R-2 (Single-Family Residence) District as applied to the property located at 7984 Second Street, Parcel # M5620-130-000-041 Section 23, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on September 11, 2019 (the case having previously been continued at applicant's request) 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

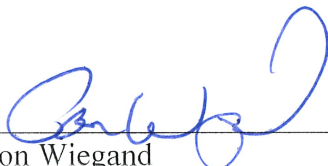
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request for a reduction in the area frontage and yard requirements to reduce the front yard depth from 30' to 16' to accommodate a new wood-framed deck.

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 September 2019 and journalized on the 9th day of October 2019.



Evan Thomas
BZA Chairman - Acting



Aaron Wiegand
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 19-07**

WHEREAS, Toledo Sign Company on August 12, 2019, filed application no. 19-08 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking a variance from the building signs regulations to allow signage in excess of four-percent of the total square footage of the front building wall elevation per Article 30.144A in the CBD (Central Business) District as applied to the property located at 9424 Civic Centre Boulevard, Parcel # M5620-449-000-005 Section 27, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on September 11, 2019, 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

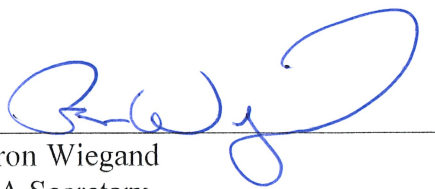
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request for a variance from the build signs regulations to allow building signage totaling approximately 215 square feet on the property.

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 11th day of September 2019 and journalized on the 9th day of October 2019.



Evan Thomas
BZA Chairman - Acting



Aaron Wiegand
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 19-08**

WHEREAS, Anthony Braun on August 14, 2019, filed application no. 19-08 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 regulations to allow a fence in the front yard of a residential lot in a recorded subdivision in the R-1A (Suburban Residence) District as applied to the property located at 6213 Kildare Court, Parcel # M5620-409-000-009 Section 30, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on September 11, 2019, 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

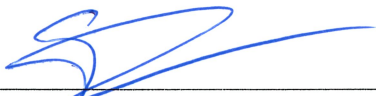
WHEREAS, Article 8 et. seq. of the West Chester Zoning Resolution empowers the Board to authorize variances that will not be contrary to the public interest, and

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

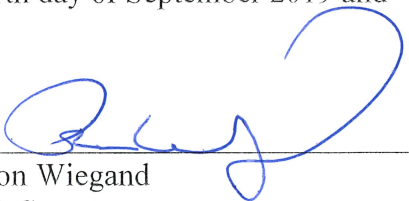
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request for a variance from the fences and walls regulations to allow a fence within the required front-yard depth, resulting in a reduction of the required front yard depth from 30' to approximately 5'.

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 September 2019 and journalized on the 9th day of October 2019.



Evan Thomas
BZA Chairman - Acting



Aaron Wiegand
BZA Secretary