

**WEST CHESTER TOWNSHIP  
BOARD OF ZONING APPEALS  
October 9, 2019 – Regular Meeting**

MEMBERS PRESENT: Mr. Simmons, Mr. Thomas, Mr. Riddell, Mr. Hackney, Mr. Cavens, Ms. Glenn (*Alternate, not seated*)

MEMBERS ABSENT: None

STAFF PRESENT: Aaron Wiegand – Community Development Director

CALL TO ORDER: 6:05 PM

ADJOURNMENT 7:30 PM

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

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

Mr. Simmons made a motion to approve the minutes of the September 11, 2019 meeting of the BZA, seconded by Mr. Thomas. Motion passed by unanimous vote.

Mr. Simmons swore in staff.

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**BZA 19-06 Karen L. Adams - *Continued from September 11, 2019***

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Mr. Simmons re-opened case BZA 19-06, which was continued at the September 11, 2019 meeting. Staff presented a brief overview of the original case, which included a variance request for an accessory structure to exceed 25% of the principle building square footage. Mr. Simmons verified that he was informed of the original case and was comfortable sitting in the continued hearing.

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

The applicant was sworn in. The applicant's builder joined her at the podium and clarified several design elements of the proposed structure. They clarified that the square footage of the principle structure that was used to calculate the 25% allowance did not include a fully finished basement and a garage area. Adding those into the calculations would allow for significantly more square footage in the accessory structure. The applicant noted that since the September meeting, she had reduced the overall height of the accessory structure and made a minor modification to its square footage. The new proposed height of the accessory structure is 14' at the peak and the dimensions are now proposed at 24' x 52'.

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**October 9, 2019**

The applicant provided drawings and layouts of the new building proposal to the Board for review.

Mr. Simmons clarified the new dimensions compared to the previous application heard in October. The building would be slightly smaller than originally proposed.

Mr. Cavens questioned if basement square footage would typically be considered when calculating calculations on allowable square footage. Mr. Wiegand clarified that West Chester historically uses the official square footage from the Butler County Auditor.

Mr. Riddell discussed the idea of combining accessory structures to allow one larger structure in lieu of two smaller structures. Mr. Riddell noted that this may be considered by the Board on any particular case, but is not binding or precedent setting.

**Proponent:           Michael Renn  
                              7535 Barrett Road**

The proponent was sworn in. Mr. Renn lives near the backyard of the proposed project and has no issue with the accessory structure.

**Opponent:           None**

**Neutral Party:     None**

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

The Board expressed concerns on the size of the accessory structure. It was noted that the variance request is substantial and does not fit in the character of the surrounding area. The addition of using a finished basement to calculate square footage was discussed by the Board, with concerns raised off of the verification of any particular structure.

**Mr. Cavens made a motion to deny BZA 19-06 Karen L. Adams.**

**Mr. Thomas seconded the motion.**

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

**Nay: None**

**The case was denied.**

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**BZA 19-09 Dar-E-Zerha**

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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 for a conditional use for a church or other similar place of worship in an A-1 (Agricultural District) per Article 28.031. The applicant wishes to obtain a conditional use to operate a religious retreat center on the property.

Mr. Thomas clarified the requirements for site conditions such as means of egress. Mr. Wiegand clarified that agencies have standards that would be required of any application, regardless of being a conditional use, however they enjoy making applicants aware of these conditions up-front.

**Applicant:**               **Sean Chmura**  
                                  **9243 Montgomery Road**

**Arif Baiq**  
                                  **4574 Braid Lane**

The applicants were sworn in. Mr. Chmura indicated the property is currently a single-family house. Dar-e-Zehra is a small religious community of around thirty families who currently meet in Mason. They wish to purchase this property on Cincinnati-Dayton Road to provide a gathering spot for its members. Mr. Chmura noted that the organization is aware that the structure may need alterations to make it suitable for their intended use and that the organization has allocated funds toward such improvements.

Mr. Baiq indicated that the facility would become the only location for the organization and they would move their operations from Mason. It is a relocation, not an expansion.

Mr. Cavens asked if there was any intention to offer a school at the new site. Mr. Baiq indicated there would be Sunday school type offerings, but no daily school at the site.

The Board had general questions regarding the site layout, including parking and means of egress. The applicant indicated they would comply with any requirements.

**Proponent:**               **None**

**Opponent:**               **None**

**Neutral:**                 **None**

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

The Board expressed general acceptance of the request. They discussed conditions that would ensure the rights of the neighboring property. The proposed conditions include:

1. Screen the south property line via fencing or landscaping to mitigate the effects on the neighboring residential property.
2. Pave the current gravel parking area with a solid surface to bring the parking area into compliance with West Chester Zoning Resolution requirements.
3. Ensure all lighting meets the Zoning Resolution requirements to not exceed .02 foot candles at all property lines.
4. Outdoor activities should generally conclude before 9:00 pm in keeping with the residential nature of the area.
5. Met all requirements of the BCEO and WCFD.

The Board expressed support for the proposed conditions.

**Mr. Cavens made a motion to approve case BZA 19-09 Dar-e-Zehra with conditions as outlined.**

**Mr. Simmons seconded the motion.**

**Aye: Mr. Cavens, Ms. Simmons, Mr. Thomas, Mr. Hackney, Mr. Riddell**

**Nay: None**

**The case was approved with conditions.**

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**BZA 19-10A and 19-10B Hub and Weber for Kemba Credit Union**

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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 two variance requests:

- 1) The applicant has filed a variance request from the height regulations to allow a structure exceeding 120 feet in height in the CBD (Central Business District) per Article 31.061.
- 2) The applicant has filed a variance request to permit a reduction in off-street parking below the required one space per 400 square feet of floor area in the CBD (Central business District) per Article 30.101 and Article 17.041.

Kemba is constructing a new headquarters and needs the two variances to accommodate this new project.

**Applicant: Jim Guthrie – Hub & Weber  
200 West Pike Street**

**Dan Sutton – Kemba Credit Union  
8763 Union Centre Boulevard**

**Chris Wunnenburg – Schumacher Dugan  
6355 Centre Park Drive**

The applicants were sworn in. Mr. Guthrie noted the staff report was correct and he was able to answer any questions the Board may have. Mr. Sutton noted that Kemba is excited about its growth potential of its headquarters.

Mr. Simmons clarified that the parking reduction is intended to accommodate future expansion. Mr. Guthrie concurred that the building is planned to have 2.5 empty floors at onset and the reduction covers these empty floors. As the spaces were occupied, parking could easily be added to the site to accommodate new employees.

Mr. Hackney inquired if the new facility would include a retail banking center. Mr. Sutton noted the retail banking center would remain in its current location and the new building is for back-office operations. He noted that the new building is planned to have 140 new employees in the immediate future.

**Proponent:           None**

**Opponent:           Steve Tooman – Millikin and Fitton  
7302 Union Centre Boulevard**

Mr. Tooman represents the neighboring Savannah Center and just wants to ensure that their parking would not overflow onto the Savannah Center's property. He has no issue with the height variance request, but does have concerns on the reduction of parking.

**Neutral:             None**

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

Mr. Wiegand noted that the Board could condition approval of any variance, allowing for the Board to condition that future expansion into vacant floor space would include associated expansion of parking requirements.

**Mr. Simmons made a motion to approve case BZA 19-10B Hub & Weber for Kemba Credit Union, with condition that additional parking be included as the empty floors are occupied.**

**Mr. Cavens seconded the motion.**

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

**Nay: None**

**The case was approved with conditions.**

**Mr. Riddell made a motion to approve case BZA 19-10A Hub & Weber for Kemba Credit Union as submitted**

**Mr. Thomas seconded the motion.**

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

**Nay: None**

**The case was approved**

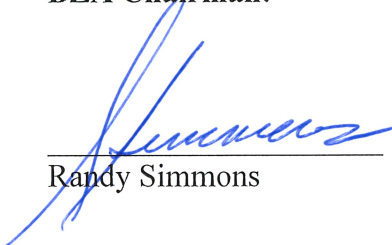
**ADMINISTRATIVE MATTERS**

No administrative matters. The next meeting is scheduled for November 13, 2019.

The Board adjourned the September 11, 2019 meeting at 7:30 p.m.

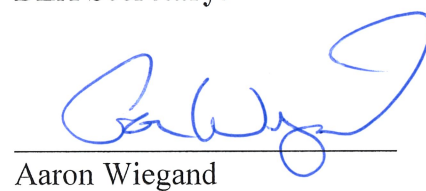
**These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audiotape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must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

**BZA Chairman:**

  
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Randy Simmons

**BZA Secretary:**

  
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Aaron Wiegand

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION DENYING  
APPLICATION NO. BZA 19-06**

WHEREAS, Karen L. Adams on August 8, 2019, filed application no. 19-06 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking 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 per Article 10.141, as applied to the property located at 8443 Ridgecrest Drive, Parcel # M5620-105-000-019 Section 16, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on September 11, 2019 and continued to October 9, 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 is contrary to the public interest and is not 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 deny the request for a variance from the accessory buildings and uses to allow an accessory structure exceeding 25 percent of the square footage of the principal building per Article 10.141.

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 9th day of October 2019 and journalized on the 13th day of November 2019.

  
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Randy Simmons  
BZA Chairman

  
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Aaron Wiegand  
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION APPROVING WITH CONDITIONS  
APPLICATION NO. BZA 19-09**

WHEREAS, Dar-e-Zehra on September 11, 2019, filed application no. 19-09 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a conditional use to allow for a church or other similar place of worship in an A-1 (Agricultural District) per Article 28.031, as applied to the property located at 7285 Cincinnati-Dayton Road, Parcel # M5620-134-000-012 Section 24, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on October 9, 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 Zoning Resolution empowers the Board to authorize upon appeal in specific cases, conditional uses or special exception zoning certificates for those uses which are specified as such by the Resolution; and

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

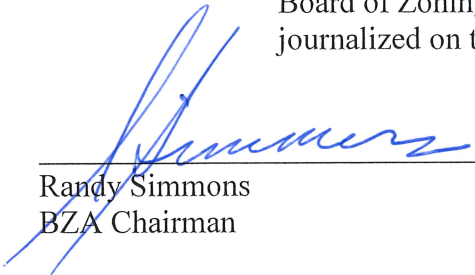
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby approve the request for a conditional use for a church or other similar place of worship in an A-1 (Agricultural District) per Article 28.031, with the following conditions:

1. The south property line must be screened via fencing or landscaping to mitigate the effects on the neighboring residential property. Screening or landscape plan subject to approval by West Chester Township staff.
2. All parking and driveway areas must be paved with a solid surface to bring the parking area into compliance with West Chester Zoning Resolution requirements.
3. All lighting must comply with the Zoning Resolution requirements to not exceed .02 foot candles at all property lines.
4. Outdoor activities should generally conclude before 9:00 pm in keeping with the residential nature of the area.
5. All conditions requested of the Butler County Engineer Office and West Chester Fire Department must be met prior to zoning authorization by West Chester Township.



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 9th day of October 2019 and journalized on the 13th day of November 2019.



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Randy Simmons  
BZA Chairman



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Aaron Wiegand  
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION GRANTING  
APPLICATION NO. BZA 19-10A**

WHEREAS, Hub & Weber Architects for Kemba Credit Union on September 11, 2019, filed application no. 19-10A with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking a variance from the height regulations to allow a structure exceeding 120 feet in height in the CBD (Central Business District) per Article 31.061.as applied to the property located at Chappell Crossing Boulevard, Parcel # M5620-470-000-011 Section 34, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on October 9, 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

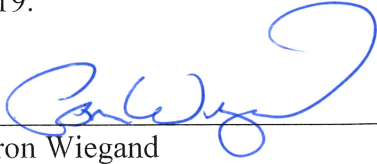
WHEREAS, the Board has considered all of the information and testimony presented at the public hearing and concludes that the requested variance will not be contrary to the public interest and is consistent with the West Chester Zoning Resolution, paying particular attention to Section 8.053

THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request for a variance request from the height regulations to allow a structure exceeding 120 feet in height in the CBD (Central Business District), allowing a structure not to exceed 140 feet in height, per Article 31.061.

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 9th day of October 2019 and journalized on the 13th day of November 2019.

  
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Randy Simmons  
BZA Chairman

  
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Aaron Wiegand  
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION GRANTING  
APPLICATION NO. BZA 19-10B**

WHEREAS, Hub & Weber Architects for Kemba Credit Union on September 11, 2019, filed application no. 19-10B with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking a variance to permit a reduction in off-street parking below the required one space per 400 square feet of floor area in the CBD (Central business District) per Article 30.101 and Article 17.041, as applied to the property located at Chappell Crossing Boulevard, Parcel # M5620-470-000-011 Section 34, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on October 9, 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

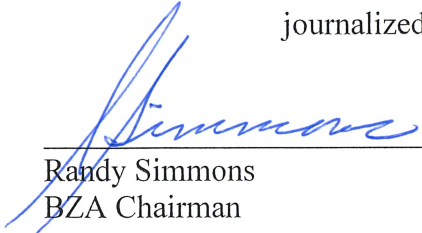
WHEREAS, the Board has considered all of the information and testimony presented at the public hearing and concludes that the requested variance will not be contrary to the public interest and is consistent with the West Chester Zoning Resolution, paying particular attention to Section 8.053

THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request for a variance to permit a reduction in off-street parking below the required one space per 400 square feet of floor area in the CBD (Central business District) per Article 30.101 and Article 17.041. per the following conditions:

1. The reduction generally covers 2.5 floors of unfinished office space and results in a total number of spaces at 247 spaces provided on-site
2. At such time any of the unfinished space becomes finished, this variance becomes void and all parking shall be brought into compliance per the West Chester Zoning Resolution prior to issuance of a Final West Chester Zoning Certificate for the additional space.

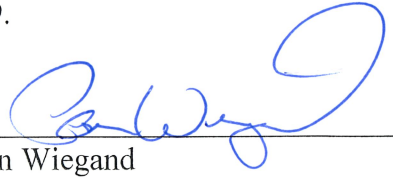
BE IT FURTHER RESOLVED, that all plats, plans, applications and other data submitted be and are hereby made a part of this Resolution.

Adopted at a regularly scheduled meeting of the West Chester Township Board of Zoning Appeals in session on the 9th day of October 2019 and journalized on the 13th day of November 2019.



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Randy Simmons  
BZA Chairman



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Aaron Wiegand  
BZA Secretary