

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
September 15, 2014**

MEMBERS PRESENT: Jim Williams, Doug Rinnert,
Susan Hendel, Jim Hahn, Art Hupp,

MEMBERS ABSENT: Bruce Fisher

STAFF PRESENT: Bryan Behrmann, Planner
Vicki Sparks, Administrative Assistant

LOCATION: Township Hall

CALL TO ORDER: 6:30 p.m.

ADJOURNMENT: 7:08 p.m.

Mr. Williams called the meeting to order. Mr. Behrmann called the roll.

Minutes were presented from the Zoning Commission meeting from August 18, 2014 and approved as submitted.

OWC-RCO 186, 8910 Cincinnati-Dayton Road

Mr. Behrmann stated that the subject property is located at 8910 Cincinnati-Dayton Road and is on the east side of Cincinnati-Dayton Road, approximately 125 feet south of Station Road. He stated that the property is zoned B-2 (General Business) and the current use was approved for this property on September 19, 1994. He stated that a Major Use Change was approved on June 15, 2009 for a building addition to house equipment for a system upgrade for signal distribution. He stated that the applicant is requesting a Major Use Change that includes upgrades to electric service, replace existing generator with a new diesel generator, enclosing the existing generator area for new equipment, and installing a cedar fence around the new generator location. Mr. Behrmann stated that the Olde West Chester Road Corridor Overlay District requires that the Olde West Chester Architectural Advisory Committee conduct a public meeting and provide a recommendation for said request; and, the Zoning Commission shall also conduct a public meeting and make a decision on said request.

Mr. Behrmann stated that the Olde West Chester Architectural Advisory Committee held a public meeting on September 3, 2014 on this request and recommended approval of the proposed request with conditions.

Mr. Behrmann presented the staff report and a PowerPoint presentation that included: aerials, previously approved Major Use Change from June 2009, submitted proposed Major Use Change, proposed building elevations, proposed site plan, proposed fence variance, staff comments, outside agency and site views.

Mr. Behrmann explained that the overlay district empowers the Zoning Commission to authorize variance requests when in conjunction with a request in the overlay district; however, when reviewing variance requests, the zoning Commission must consider the "Standards for Variances" in Section 8.053 of the Zoning Resolution.

Mr. Behrmann stated that the Zoning Commission is to approve, approve with modification, or deny the

submitted Major Use Change, unless additional information is deemed necessary to make an informed decision.

Applicant: Greg Warner
2814 Stanton Avenue
Cincinnati, Ohio

Mr. Warner reviewed the project and stated that some things are being revised to meet the proposed staff conditions. He stated that the main reason for the upgrade to the generator is for additional power requirements. He reviewed the two types of generators that will be used.

Mr. Williams questioned who will be installing the generator. Mr. Warner stated that Buckeye Power is the provider.

Mr. Hahn questioned if the generator runs full time. Mr. Warner stated that it is a backup generator and it cycles once a week.

Mr. Hahn questioned the location of the diesel fuel and spill prevention. Mr. Warner reviewed the fuel location and spill prevention.

Proponents: none

Opponents: none

Neutral: none

Deliberations

Mr. Hahn stated that it meets all the standards for a variance.

Mr. Rinnert stated that he agrees.

Mr. Hahn made a motion to approve case OWC-RCO 186, 8910 Cincinnati-Dayton Road subject to staff comments. Mr. Rinnert seconded the motion.

Aye: Mr. Williams, Mr. Rinnert, Mr. Hupp, Ms. Hendel, Mr. Hahn

Nay: none

Wetherington-RFDP 7276 Wetherington Drive, 09-14-A

Mr. Behrmann stated that the subject property is located within the Wetherington R-PUD on the south side of Wetherington Drive, between Shaker Run Lane and Great Waters Lane. He stated that the R-PUD was originally approved by the Butler County Commissioners on March 23, 1989, prior to the township assuming zoning control. He stated that the Final Development Plan for the subject portion of the Wetherington PUD (Parcels 11b and 12) was approved by the West Chester Zoning Commission on November 15, 1993, which included 41 residential lots.

Mr. Behrmann stated that the applicant is requesting Revised Final Development Plan approval for a covered porch on the rear of the existing residence that encroaches into the designated rear yard setback. He stated that the site plan that was approved for the original construction of the residence in May 1994 reflected that the residence was to be located at the minimum 30' rear yard setback as measured from the

golf course easement. The submitted surveyed site plan illustrates that the house was actually constructed 26.2 feet from the golf course easement, which is a slight encroachment into the minimum rear yard setback.

Mr. Behrmann presented the staff report and a PowerPoint presentation that included: aerials, previously approved 1993 Final Development Plan, proposed Revised Final Development Plan including the site plan showing the proposed rear yard covered porch location, proposed porch rendering, proposed landscape plan, golf course easement, staff comments, outside agency comments, and site views.

Mr. Behrmann stated that the Wetherington Home Owners Association granted approval for this request.

Mr. Hahn questioned if the Wetherington Country Club gave approval to this request. Mr. Behrmann stated that he would refer that question to the applicant.

Mr. Behrmann stated that the Zoning Commission is to approve, approve with modification, or deny the submitted Revision to a Final Development Plan, unless additional information is deemed necessary to make an informed decision.

Applicant: Neal Blank
5849 Henderson Road
Waynesville, Ohio

Mr. Blank reviewed the project and stated that both the HOA and the Club came to the site and that he did receive approval from the HOA and the Country Club. He stated that this addition will add value to the home.

Mr. Williams questioned if the normal setback is 30 feet from the easement and if this case will have a 10.2' setback from the setback. Mr. Behrmann stated that is correct.

Opponents: none

Proponents: none

Neutral: none

Deliberations

Mr. Hahn stated that he would like to see an approval from the Board of the Wetherington County Club as a conditional of approval added to item #2.

Mr. Hahn made a motion to approve Wetherington-RFDP 7276 Wetherington Drive, subject to staff comments and a modification to item #2 of the conditions to read: It is the property owner's responsibility to obtain any necessary approvals from the Wetherington Home Owner's Association, Wetherington Golf & Country Club, management company and/or architectural review board and provide a letter of documentation of such approvals to staff. Mr. Hupp seconded the motion.

Aye: Mr. Rinnert, Mr. Hupp, Ms. Hendel, Mr. Hahn, Mr. Williams

Nay:

Administrative Matters:

Findings of Fact ZMA01-14 Town Centre-Mixed Use

Mr. Behrmann stated that the West Chester Zoning Resolution requires a Findings of Fact for Zoning Commission cases and the Township has always used case individual resolutions for approval as its written Findings of Fact. He stated that after discussion with legal counsel they believe the township is in good standing with that practice. Mr. Behrmann stated that however, there has been some opposition to that particular point of order for the Town Centre-Mixed Use case, and to satisfy that request from the opposition the Zoning Commission can entertain adopting an official Findings of Fact to supplement the resolution that was approved in July of 2014. He stated that this does not change the prior recommendation or conditions of the prior recommendation but instead provides a finding in support of that decision reached in July of 2014. He stated that staff did draft and send for review to the Zoning Commission ahead of time and he would like to recommend that the Zoning Commission adopt the Findings of Fact to supplement that decision in July of 2014.

Mr. Behrmann stated that Mr. Hupp was not in attendance at the July 2014 meeting and he would recommend that Mr. Hupp recuse himself from this portion of the meeting. Mr. Hupp recused himself from this vote.

Mr. Rinnert made a motion to approve the Findings of Fact for ZMA01-14 Town Centre-Mixed Use. Mr. Hahn seconded the motion.

Aye: Ms. Hendel, Mr. Hahn, Mr. Williams, Mr. Rinnert

Nay:

Communication & Miscellaneous Business

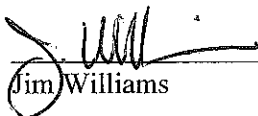
Mr. Behrmann stated that the next scheduled meeting would be October 20, 2014 at 6:30 p.m. He stated that the deadline is tomorrow and staff is expecting a few cases.

The Commission voted unanimously to adjourn at 7:08 p.m.

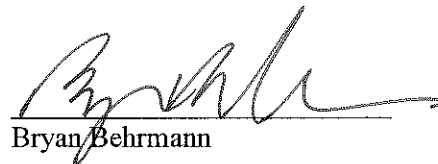
These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audio tape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must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

Chairman:

Secretary:



Jim Williams



Bryan Behrmann

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 14-22
8910 CINCINNATI-DAYTON ROAD, OWC-RCO 186**

WHEREAS, on September 19, 1994, the property at 8910 Cincinnati-Dayton Road was approved for use by Time Warner Entertainment to house equipment for signal distribution in the Olde West Chester Road Corridor Overlay District; and,

WHEREAS, on June 15, 2009, a Major Use Change was approved for a building addition to house equipment for a system upgrade for signal distribution; and,

WHEREAS, on August 12, 2014, HGC Construction submitted an application on behalf of Time Warner Cable Midwest, LLC for a Major Use Change located at 8910 Cincinnati-Dayton Road to upgrade the electrical service, replace the existing diesel generator with a new diesel generator, enclose the existing generator area for new electric equipment and install a cedar fence around the new generator; and,

WHEREAS, on September 3, 2014, the Olde West Chester Architectural Advisory Committee conducted a public meeting for said Major Use Change and recommended approval of the aforesaid application; and

WHEREAS, on September 15, 2014, the West Chester Township Zoning Commission conducted a public meeting for said Major Use Change.

NOW THEREFORE BE IT RESOLVED, the West Chester Township Zoning Commission does hereby approve said Major Use Change at 8910 Cincinnati-Dayton Road with the following conditions:

1. A revised plan shall be submitted within 30 days to reflect the following changes:
1)Screening shall be provided on the north and south side of the new fence with evergreen plantings that are 5' – 7' tall at the time of planting; 2)Foundation plantings shall be provided on the north side of the building enclosure to match the foundation plantings on the front of the building; 3)Show the location of both dead trees and the dilapidated retaining wall on the property and noting their removal; and, 4)correctly label the building elevations. The revised plan shall be subject to approval by the West Chester Community Development Department.
2. All exterior building materials needed for the approved improvements shall match the existing exterior building materials.
3. The privacy fence shall be approved as it is illustrated on the submitted plans, which is 10' tall at its highest point. As provided for in Section 33.091 of the West Chester Zoning Resolution, which empowers the Zoning Commission to authorize variance requests when in conjunction with a request in the overlay district, it is determined that granting a variance for a fence that exceeds 6' in height as it is proposed with this application does not create a safety hazard and is in keeping with the character of Olde West Chester. The board members reviewed Section 8.053 (Standards for Variances) of the West Chester Zoning Resolution and considered the referenced factors when granting this variance.

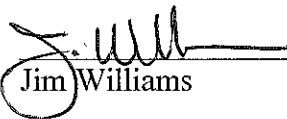
4. Since the existing building partially encroaches into the 75' stream buffer which is required by the Butler County Flood Damage Prevention Regulations, as regulated by the Butler County Soil & Water District, and the proposed improvements further encroaches into the 75' stream buffer, all improvements shall meet the approval of the Butler County Soil & Water District.
5. The West Chester Community Development Department Staff shall be authorized to approve minimal revisions to the approved Major Use Change. Any changes to the plan that are required by other agencies (Butler County Engineers Office, Butler County Building Department, Butler County Soil & Water District, West Chester Fire Department, etc.) shall be subject to approval by the West Chester Township Community Development Department.

BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated in this approval. This action shall take effect this 15th day of September 2014.


West Chester Township
Butler County

Chairman:

Secretary:



Jim Williams



Bryan Behrmann
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 14-23
WETHERINGTON R-PUD – 7276 WETHERINGTON DRIVE, RFDP**

WHEREAS, a R-PUD District and Preliminary Development Plan was approved by the Butler County Board of Commissioners on March 23, 1989 for land containing approximately 332.6 acres, situated in Section 18 and 24, Town 3, Range 2, West Chester, Butler County, Ohio; and,

WHEREAS, on November 15, 1993, the West Chester Zoning Commission approved a Final Development Plan for Parcels 11b and 12 of the Wetherington R-PUD, which included 41 residential lots; and,

WHEREAS, on August 13, 2014, Neal Blank submitted an application, on behalf of the property owner Rick Sternberg, for Revised Final Development Plan approval for a new covered porch on the rear of the existing house inside the rear yard setback; and,

WHEREAS, on September 15, 2014, the West Chester Township Zoning Commission conducted a public meeting for said Revised Final Development Plan.


NOW, THEREFORE BE IT RESOLVED, that the West Chester Township Zoning Commission does hereby approve said Revised Final Development Plan consistent with the submitted site plan with the following conditions:

1. The Revised Final Development Plan shall be approved according to the surveyed site plan that was submitted, which includes the as-built location of the house at 26.2 feet from the golf course easement and the new covered porch at 10.2 feet from the golf course easement. The architectural details of the covered porch shall be pursuant to the submitted details.
2. It is the property owner's responsibility to obtain any necessary approvals from the Wetherington Home Owner's Association, Wetherington Golf & Country Club, management company and/or architectural review board and provide a letter of documentation of such approvals to Staff.
3. The West Chester Community Development Department Staff shall be authorized to approve minimal revisions to the approved RFDP. Any changes to the plan that are required by other agencies (Butler County Engineers Office, Butler County Building Department, West Chester Fire Department, etc.) shall be subject to approval by the West Chester Township Community Development Department.


BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated in this approval as modified by this resolution. This action shall take effect this 21st day of September 2014.

West Chester Township
Butler County

Chairman:


Jim Williams

Secretary:


Bryan Behrmann
Township Planner