

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
November 12, 2020 – Regular Meeting**

MEMBERS PRESENT: Mr. Simmons, Mr. Hackney, Mr. Riddell, Mr. Thomas, Ms. Glenn (*Alternate – seated*)

MEMBERS ABSENT: Mr. Cavens

STAFF PRESENT: Aaron Wiegand – Community Development Director

CALL TO ORDER: 6:00 PM

ADJOURNMENT 7:22 PM

Meeting was held at MidPointe Library due to construction at Township Hall.

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 9, 2020 meeting of the BZA, seconded by Mr. Thomas. Motion passed by unanimous vote, Mr. Riddell abstaining.

Mr. Simmons swore in staff.

BZA 20-07 Jesus Izquierdo 8999 Princeton-Glendale Road

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 the applicant has requested a variance from Article 20.10b Fences and Walls to construct a barbed wire fence in the B-2 (General Business) District.

Mr. Wiegand noted the request includes allowing for a barbed wire fence and also fencing in a front yard area for the applicant's storage lot along Princeton-Glendale Road. The applicant has stated the fenced in area is for material storage and not parking, thus alleviating the need to provide pavement.

Mr. Thomas clarified the use of the paved parking used by Trinity Pub.

Ms. Glenn clarified the use of barbed wire on top of a chain link fence.

Applicant: **Jesus Izquierdo**
 8999 Princeton Glendale Road

Mr. Simmons swore in the applicant.

The applicant provided the history of his business, Peru Tree Service. He clarified that the property would be used for material storage and he simply wishes to secure his stored items. He has had several instances of vandalism regarding his stored materials.

Proponent: **None**

Opponent: **None**

Neutral: **None**

Board Deliberation – Jesus Izquierdo

With no further comments, the public comments were closed and the Board moved into deliberation.

The Board was in favor of the request and noted the need for the applicant to safely secure his materials. It was noted that in an industrial area, a barbed wire fence was not out of character.

Mr. Thomas made a motion to approve case BZA 20-07 Jesus Izquierdo as submitted.

Ms. Glenn seconded the motion.

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

Nay: None

The case was approved.

BZA 20-08 Scott Montgomery 4400 Harbor Cove Drive

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 the applicant has requested a variance from Article 11.09c Fences and Walls to allow a fence in the front yard on a corner lot.

The applicant is on a corner lot and wishes to construct a new fence within the second frontage.

Applicant: **Scott Montgomery**
 4400 Harbor Cove Drive

Mr. Simmons swore in the applicant.

Mr. Montgomery discussed his desire to install the fence to make the rear yard safer for his children and pets. Mr. Montgomery showcased the fence location and design characteristics, both being similar to others in the neighborhood.

Proponent: **Patrick Warnement**
 8343 Windy Harbor Way

Mr. Warnement is a neighbor three houses from the applicant and is full support of the application as submitted.

Opponent: **None**

Neutral: **None**

Board Deliberation – Scott Montgomery

With no further comments, the public comments were closed and the Board moved into deliberation.

The Board noted their historical review of similar cases and this case fits within the character of the neighborhood.

Mr. Riddell made a motion to approve case BZA 20-08 Scott Montgomery as submitted.

Mr. Simmons seconded the motion.

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

Nay: None

The case was approved.

BZA 20-09 SAFStor Real Estate Co., LLC 9088 & 9112 Cincinnati Columbus Road

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 the applicant has requested a variance from Article 22.025 to construct a self-storage unit closer than 100 ft. from an R (Residential) District lot.

November 12, 2020

Mr. Wiegand shared that the Zoning Resolution requires self-storage units to be further than 100' from a R-zoned district. The proposed property abuts an R-zoned parcel. However, it was noted that the R-zoned property in question is currently the baseball fields for Pisgah Youth Organization and is not used for residential purposes.

Applicant: **Ken Kreider – KMK Legal**
1 E 4th St #1400, Cincinnati, OH 45202

Jim Bob McElroy - SAFStor, Inc.
355 Oneta St, Athens, GA 30601

Bryan Bender – CEC Engineering
5899 Montclair Blvd, Milford, OH 45150

Mr. Simmons swore in the applicants.

Mr. McElroy shared the history of SAFStor and discussed the general characteristics of their self-storage centers. It was noted the entire facility is indoor storage with nothing stored outside of the facility.

Mr. Bender noted the site development would be engineered to provide benefit to surrounding neighbors in the form of professional storm-water controls. Mr. Bender noted the variance request allows the facility to be better designed for the site and only affects a small corner of the proposed facility.

Mr. Kreider discussed the variance standards and how the applicant meets the threshold for variance approval.

Proponent: **None**

Opponent: **None**

Neutral: **Joy Samberg - PYO**
8015 Autumn Lane

Ms. Samberg is the current President of PYO. She expressed questions on the safety of the proposed storm water detention basin and also site lighting from the property. It would be advantageous for the new SAFStor facility to not shine lights onto the fields. Ms. Samberg noted that kids currently cut through the proposed SAFStor property and wanted to ensure the storm water basin would be secured. She had no overall concerns on the application.

Scott Hann – Scott's Awards
9044 Cincinnati Columbus Road

Mr. Hann submitted his comments via email, which Mr. Wiegand read into the record. Mr. Hann's concerns were related to storm water effects on his neighboring property with development of this new SAFStor facility. Mr. Hann noted the drainage ditch between his property and the SAFStor property has filled in over the years and he requested this ditch be cleared as part of construction.

The Board recalled the applicant to address citizen concerns. Mr. McElroy addressed the concerns on lighting and storm water. He noted SAFStor will secure the existing fence between SAFStor and PYO. He did note the storm water basin is a dry facility that will remain mostly free of water except in instance of rain.

Mr. McElroy addressed the surrounding property concerns by noting the site currently has no storm water controls on-site and everything they engineer will only help the surrounding properties. Butler County requires development to capture site storm water.

Board Deliberation – SAFStor Real Estate Co., LLC

With no further comments, the public comments were closed and the Board moved into deliberation.

Mr. Thomas noted that going from a site with no storm water controls to a site with engineered storm water can only help the water situation in the area.

Mr. Simmons noted the Board decision is only related to the setback reduction and he stated the variance is minimal and will help the development overall.

The Board discussed restricting light candles at the property lines. Mr. Wiegand noted that this condition would already be required of any construction on the site and thus was not necessary to condition on this approval.

Mr. Riddell expressed his support for the application and noted the R-District in question was more commercial in nature than residential.

Mr. Thomas made a motion to approve case BZA 20-09 SAFStor Real Estate Co., LLC as submitted.

Mr. Riddell seconded the motion.

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

Nay: None

The case was approved.

ADMINISTRATIVE MATTERS

Approval of Resolutions:

Mr. Thomas made a motion of approve BZA Resolution BZA 20-07 Jesus Izquierdo. Mr. Thomas seconded. Motion was approved unanimously.

Mr. Hackney made a motion to approve BZA Resolution 20-08 Scott Montgomery. Ms. Glenn seconded. Motion was approved unanimously.

Mr. Thomas made a motion to approve BZA Resolution 20-09 SAFStor Real Estate Co., LLC. Mr. Hackney seconded. Motion was approved unanimously.

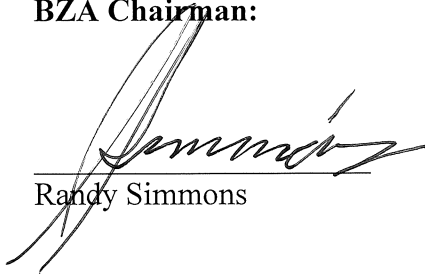
Mr. Wiegand noted that the Board of Trustees will open applications for BZA and Zoning Commission membership in December.

The BZA received no applications for the December 2020 meeting and the Board will not meet.

The Board adjourned the November 12, 2020 meeting at 7:22 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:



Randy Simmons

BZA Secretary:



Aaron Wiegand

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION OF APPROVAL
APPLICATION NO. BZA 20-07**

WHEREAS, Jesus Izquierdo on September 22, 2020, filed application no. 20-07 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking a variance from Article 20.10b Fences and Walls to construct a barbed wire fence in the B-2 (General Business) District, as applied to the property located at 8999 Princeton-Glendale Road, Parcel # M5650-046-000-003 & M5650-046-000-004 Section 10, Town 2, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on November 12, 2020, 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

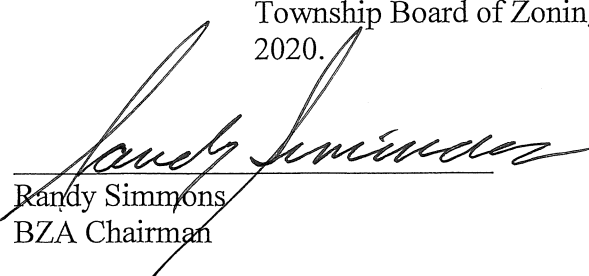
WHEREAS, Article 8 et. seq. of the West Chester Zoning Resolution empowers the Board to authorize variances that will not be contrary to the public interest, and

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

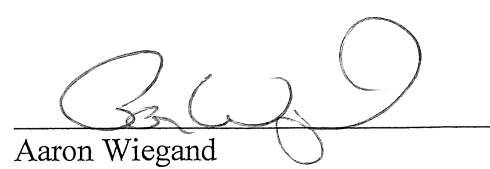
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby approve the request for a variance from Article 20.10b Fences and Walls to construct a barbed wire fence in the B-2 (General Business) District

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

Adopted and journalized at a regularly scheduled meeting of the West Chester Township Board of Zoning Appeals in session on the 12th day of November 2020.



Randy Simmons
BZA Chairman



Aaron Wiegand
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION OF APPROVAL
APPLICATION NO. BZA 20-08**

WHEREAS, Scott Montgomery on September 25, 2020, filed application no. 20-08 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking a variance from Article 11.09c Fences and Walls to allow a fence in the front yard on a corner lot, as applied to the property located at 4400 Harbor Cove Drive, Parcel # M5620-446-000-078 Section 11, Town 2, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on November 12, 2020, 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

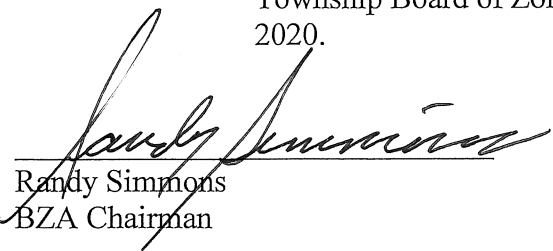
WHEREAS, Article 8 et. seq. of the West Chester Zoning Resolution empowers the Board to authorize variances that will not be contrary to the public interest, and

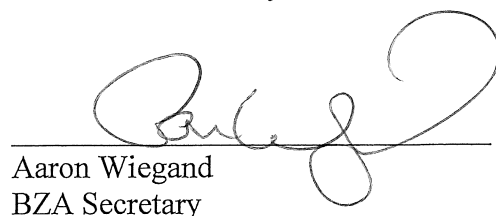
WHEREAS, the Board has considered all of the information and testimony presented at the public hearing and concludes that the requested variance is not contrary to the public interest and is consistent with the West Chester Zoning Resolution, paying particular attention to Section 8.053

THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby approve the request for a variance from Article 11.09c Fences and Walls to allow a fence in the front yard on a corner lot.

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

Adopted and journalized at a regularly scheduled meeting of the West Chester Township Board of Zoning Appeals in session on the 12th day of November 2020.


Randy Simmons
BZA Chairman


Aaron Wiegand
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION OF APPROVAL
APPLICATION NO. BZA 20-09**

WHEREAS, SAFStor Real Estate Co, LLC on October 14, 2020, filed application no. 20-08 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking a variance from Article 22.025 to construct a self-storage unit closer than 100 ft. from an R (Residential) District lot, as applied to the property located at 9088 and 9112 Cincinnati-Columbus Road, Parcel # M5610-012-000-043 & M5610-012-000-067 Section 9, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on November 12, 2020, 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 not contrary to the public interest and is consistent with the West Chester Zoning Resolution, paying particular attention to Section 8.053

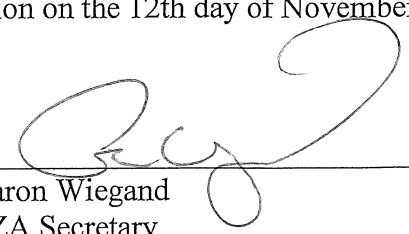
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby approve the request for a variance from Article 22.025 to construct a self-storage unit closer than 100 ft. from an R (Residential) District lot, allowing the storage facility to be 50' from the rear property line.

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

Adopted and journalized at a regularly scheduled meeting of the West Chester Township Board of Zoning Appeals in session on the 12th day of November 2020.



Randy Simmons
BZA Chairman



Aaron Wiegand
BZA Secretary