

**WEST CHESTER TOWNSHIP  
BOARD OF ZONING APPEALS  
March 10, 2021 – Regular Meeting**

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

MEMBERS ABSENT: Mr. Simmons, Mr. Riddell

STAFF PRESENT: Aaron Wiegand – Community Development Director

CALL TO ORDER: 6:00 PM

ADJOURNMENT 7:26 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. Wiegand noted that Ms. Glenn was recently appointed to a full-term position on the BZA by the Board of Trustees. Mr. Stoker was appointed to fill the remainder of the alternate term through February 2022. The Board thanked Mr. Chris Cavens for his years of service to West Chester Township.

Ms. Glenn made a motion to approve the minutes of the November 12, 2020 meeting of the BZA, seconded by Mr. Cavens. Motion passed by unanimous vote, Mr. Stoker abstaining.

Mr. Thomas swore in staff.

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**BZA 21-01 ZRALH, LLC 7500 Tylers Place Boulevard**

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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 the applicant has filed for a conditional use to transition an existing hotel to an institutional care facility (assisted living center), in a B-2 (General Business) District per Article 22.038.

Mr. Wiegand noted the history of institutional care facilities in West Chester, including the case history on standard conditions from previous approvals.

Ms. Glenn clarified the surrounding zoning, specifically the lots to the immediate north. Mr. Wiegand confirmed both were within the B-2 zoning district.

Mr. Thomas noted the scope of the BZA review was related to a senior care facility and associated uses.

Mr. Thomas sworn in all those who may give testimony in the above case.

**Applicant:                    Todd Ziegler, ZRALH, LLC**  
**1795 Valleybrook Place , Centerville Ohio**

Mr. Ziegler gave a history of the property, including its hotel use. Mr. Ziegler noted the hotel has ceased operations and is currently not in business and is not likely to return as a hotel.

Mr. Ziegler then provided insight to the proposed senior living facility on site, including a background on the proposed curriculum and staffing operations. The facility would include memory care and assisted living. The facility has 90 units. Some units would be double-occupancy and some would be single occupancy.

Mr. Stoker inquired as to how many senior living facilities were currently operated by the applicant. Mr. Ziegler noted ZRALH would not be operating the facility and is only a holding company. Operations would be performed under a lease from a separate company.

Mr. Stoker ask clarification on the distinction between memory care, long term care and skilled nursing. Mr. Ziegler explained the legal differences between such uses. Further discussion was held on traffic impacts and occupancy loads.

Ms. Glenn inquired about the architectural layout and amenities of the facility.

Mr. Hackney discussed the memory care component of the facility. Mr. Ziegler discussed the operational layout and policies related to memory care mostly being geared to curriculum more than physical separation from other residents.

Mr. Thomas discussed the emergency operations of the facility and the safety of residents within the facility.

The Board discussed the costs of rooms for potential residents.

**Proponent:                    Matthew Drennan**  
**7601 Blue Fox Run**

Mr. Drennan was in favor of the facility being utilized. However, he urged the Board to consider the level of nursing provided on the site as well as the use and reliance on public safety services. As a former fire fighter in Colerain, Mr. Drennan noted the discrepancy in service offered by different care facilities.

**Opponent:**                 **Mary Jane Hauck**  
                                     **7608 Blue Fox Run**

Ms. Hauck noted her family history with memory care facilities and asked about some of the insurance related operations of the facility. Ms. Hauck also asked about the memory care operations within the facility.

**Neutral:**                 **None**

**Board Deliberation – ZRALH, LLC**

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

Mr. Wiegand noted the proposed conditions provide coverage of township safety services so WCFD is not overburdened with non-emergency calls.

Mr. Wiegand also noted that memory care is considered an associated use to senior care and would not necessarily need to be approved specifically.

The Board recalled the applicant for additional information related to the operations of the facility.

Mr. Wiegand also noted that from staffing and operations discussions, the licensing for such is handled by the State of Ohio and West Chester would not be in position to supersede the State when it comes to operations of the facility.

**Mr. Stoker made a motion to approve case BZA 21-01 ZRALH, LLC with conditions.**

**Ms. Glenn seconded the motion.**

**Aye: Mr. Thomas, Mr. Hackney, Ms. Glenn, Mr. Stoker**

**Nay: None**

**The case was approved with conditions.**

**ADMINISTRATIVE MATTERS**

Approval of Resolutions:

Mr. Thomas made a motion to approve BZA Resolution 21-01 ZRALH, LLC with conditions. Ms. Glenn seconded. Motion was approved unanimously.

The Board agreed to adjust the BZA calendar to move meeting to Mondays. The dates would be April 12, May 10, June 7, July 12, August 9 and September 7<sup>th</sup>. Mr. Thomas made a motion to adjust to the proposed dates. Mr. Cavens second. The motion passed unanimously.

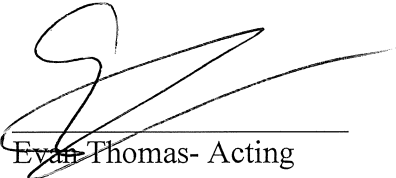
Those dates will also serve as the new deadlines for submission.

The BZA received no applications for the April 12, 2021 meeting. However the Board will still meet to conduct the organizational meeting and Board training.

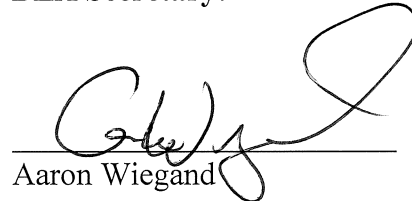
The Board adjourned the March 10, 2021 meeting at 7:26 p.m.

**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:**

  
Eyan Thomas- Acting

**BZA Secretary:**

  
Aaron Wiegand

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION APPROVING WITH CONDITIONS  
APPLICATION NO. BZA 21-01**

WHEREAS, ZRALH, LLC on February 9, 2021, filed application no. 21-01 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 an institutional care facility in an B-2 (General Business District) per Article 22.038, as applied to the property located at 7500 Tylers Place Boulevard, Parcels M5610-020-000-115 Section 18, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on March 10, 2021, 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 an institutional care facility in an B-2 (General Business District) per Article 22.038 for renovation of an existing hotel into an assisted living facility, with the following conditions:

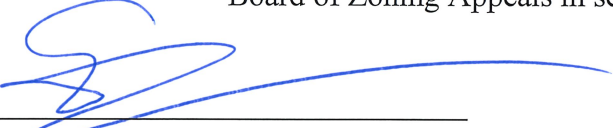
1. The terms and conditions of this Conditional Use approval shall run with the land. As such, these terms and conditions will apply equally to any properly licensed assigned successor organizations to ZRALH performing the same services as provided for in this Conditional Use approval.
  
2. A Zoning Certificate will be issued for use of the property, pursuant to and compliant with any other applicable provisions of the West Chester Township Zoning Resolution, as an institutional care facility providing senior assisted living and associated uses. Nothing in this Conditional Use shall be construed to allow ZRALH to operate an outpatient Methadone or other opioid dispensed drug clinic, as identified in the West Chester Township Zoning Resolution, on the property.

3. Any Zoning Certificate issued in accordance with this Conditional Use approval will relate exclusively to the site, building, and proposed uses as described in the application. Should ZRALH later desire to provide any other services at (or make any other use of) this facility which significantly differs from this approval, ZRALH will be required to file an application for a revised Zoning Certificate with the West Chester Township Community Development Department in accordance with the provisions of the West Chester Township Zoning Resolution at that time.
4. Notwithstanding anything contained herein, ZRALH will at all times be required to comply with applicable federal, state, and local laws, including provisions of any applicable building or zoning code, and also maintenance of a valid license or certificate as may be required by any applicable regulatory agency for operation of an assisted living facility.
5. ZRALH shall provide prompt written notice to West Chester Township of suspension or revocation of any such licensure. Notwithstanding the foregoing, in the event that ZRALH's license is suspended or revoked by the applicable licensing agency or agencies, the Zoning Certificate shall be suspended until such suspension or revocation is cured by ZRALH.
6. Install and maintain a minimum 4' high decorative metal fence that is well kept and properly maintained, along the proposed north and south property lines of the parcel containing the proposed facility, encompassing the building or parking lot. The minimum 4' high fence must be consistent with the applicable zoning provisions of the West Chester Township Zoning Resolution.
7. ZRALH agrees to reimburse West Chester Township for any non-fully reimbursed EMS medical transports to and from the proposed facility that exceeds 18 non-reimbursed transports annually starting from January 1st each year. Proof of failure to be reimbursed for services will be submitted to ZRALH with invoice. ZRALH will pay the Township within 30 days from receiving the invoice. The invoiced amount will be reasonable and comparable to other cities and townships in the county for same or similar EMS services.
8. ZRALH will at all times have contracted, or otherwise arrange for, a 24 hour private transportation service for non-life threatening injuries or illnesses.

9. All requirements of West Chester Fire Department will be met prior to occupancy.

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 10th day of March 2021.



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Evan Thomas  
BZA Chairman (Acting)



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Aaron Wiegand  
BZA Secretary