

**WEST CHESTER TOWNSHIP  
BOARD OF ZONING APPEALS  
November 8, 2021 – Regular Meeting**

MEMBERS PRESENT: Mr. Thomas, Mr. Hackney, Mr. Riddell, Ms. Glenn, Mr. Simmons, *Mr. Stoker (Alternate, Not Seated)*

MEMBERS ABSENT: None

STAFF PRESENT: Aaron Wiegand – Community Development Director

CALL TO ORDER: 6:00 PM

ADJOURNMENT 6:51 PM

Meeting was held at West Chester Township Hall.

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. Simmons made a motion to approve the minutes of the August 9, 2021 meetings of the BZA, seconded by Ms. Glenn. Motion passed by unanimous vote.

Mr. Thomas swore in staff.

---

**BZA 21-05 A & B Texas Roadhouse 7419 Tylersville 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 two variances for the property.

The first request, 21-05A, is a variance from Article 10.175 to allow a parking area on a separate lot from the principle structure.

The second request, 21-05B, a variance from Article 20.091 to allow a sign on a separate lot from the principle structure.

Mr. Wiegand noted that while the two requests are related, the BZA considers each request on its own and thus the two separate cases. Texas Roadhouse has entered into agreement to buy the property at 7419 Tylersville Road, the former Long John Silvers, and intends to turn the property into additional parking for its existing restaurant. Because both the parking and sign will be off-site from the primary structure, a variance for each is needed. Staff recommends consideration of the following conditions:

---

**November 8, 2021**

- 1) Any new user of the parking-only parcel in the future will be required to gain approval from the West Chester BZA.
- 2) The existing high-rise interstate sign poles on the property shall be removed by the property owner.
- 3) The new parking area shall have a recorded access-easement for the property to the immediate east (Jack-in-the-Box) to utilize.

Mr. Riddell asked clarification on condition #1, indicating the approval would go with the property as is the general rule for BZA decisions. Mr. Wiegand indicated the condition would provide security to the township in the future against a user buying the parking-only property.

**Applicant:**                **Marisa Kolman  
GreenbergFarrow**

The applicant called into the meeting to discuss the project with the Board.

Mr. Thomas swore in the applicant.

The applicant provided information on the request, including approval of the proposed conditions. Ms. Kolman indicated Texas Roadhouse leases their principle structure lot and is purchasing direct the new parking lot. This precludes them from combining the two lots legally and necessitates the need for a variance.

**Proponents:**            **None**

**Opponents:**            **None**

**Neutral:**                **None**

**Board Deliberation – Texas Roadhouse**

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

The Board spoke generally in favor of the request. The Board discussed the new rear access being a positive for both properties along Tylersville.

**Mr. Simmons made a motion to approve case BZA 21-05A Texas Roadhouse, with three conditions recommended by staff.**

**Mr. Thomas seconded the motion.**

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

**Nay: None**

**The case was approved with conditions.**

**Ms. Glenn made a motion to approve case BZA 21-05B Texas Roadhouse, as submitted.**

**Mr. Hackney seconded the motion.**

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

**Nay: None**

**The case was approved.**

---

**BZA 21-06 Falconwing Technologies 8816 Beckett 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 conditional use in an M-2 (General Industrial) District to allow storage of hazardous material from Article 25.033.

Mr. Wiegand noted that such conditional use applications are generally managed by the West Chester Fire Department. WCFD works with applicants to propose conditions that will ensure the safety of employees and safety services should they respond to an incident at the location. WCFD worked with Falconwing to develop the following proposed conditions:

- A. Provide windsock at location determined by WCFD
- B. Provide fire extinguishers of sufficient type and quantity for materials stored and in production
- C. Provide Emergency Action Plan (EAP) that includes off-site resources for additional fire extinguishers
- D. Provide spill containment and mitigation kits for all materials listed
- E. Provide Hazardous Materials Management Plan
- F. Provide NFPA 704 placards in use and storage areas

- G. Provide air monitoring systems in areas that could produce low oxygen environments
- H. Provide system for preventing chemicals from reaching groundwater or water systems
- I. Provide documentation (Safety Data Sheets) that classify each material listed on the application so as to be able to determine Maximum Allowable Quantities. This information will be used to determine the occupancy use group (Factory vs High Hazard).
- J. Provide Dust Hazard Analysis from a qualified company capable of analyzing listed materials proposed being used.
- K. MAR M247LC / Rene 108 is susceptible to spontaneous ignition when exposed to air. Provide documentation on methods of use and emergency action plan for this product.
- L. Provide Knox Document Box in a location determined by WCFD to house Safety Data Sheets for products stored and used at this facility
- M. Provide detailed plan for housekeeping to ensure the build-up of dust by-products from use of materials listed does not occur
- N. Provide detailed plan for removal of waste products, including temporary storage location and frequency of removal.

Mr. Riddell questioned if the surrounding tenants would be notified of the safety measures. Mr. Wiegand confirmed the building is a multi-tenant building, but did not have information on the other tenants, only the building owner.

Mr. Wiegand also clarified the proposed space being occupied by Falconwing.

**Applicant:**                    **Charles Baverman**  
   **Dinsmore and Shohl – Legal Counsel**  
   **255 East 5<sup>th</sup> Street, Cincinnati**

**John Bowman**  
**Falconwing Technologies – President**

Mr. Thomas swore in the applicants.

Mr. Baverman noted the manufacturing facility is approved under current zoning. The applicant request is in regard to storage of the hazardous materials.

Mr. Bowman stated the proposed conditions with WCFD were approved in coordination with Falconwing and they had no issues with them. He provided background on the company, noting that Falconwing was a start-up and would be structured as a R&D and prototype facility and not high-volume manufacturing. They are involved in additive manufacturing, which involves the materials noted in the safety plan.

**Proponents:           None**

**Opponents:           None**

**Neutral:               None**

### **Board Deliberation – Falconwing Technologies**

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

The Board questioned the need to notify surrounding companies of the safety plan. Mr. Wiegand noted a new condition could be added to satisfy this requirement. The Board spoke in favor of such an added requirement.

The Board discussed the history of additive manufacturing with Falconwing and Mr. Bowman provided history of his staff and operations.

**Mr. Riddell made a motion to approve case BZA 21-06 Falconwing Technologies, with all conditions recommended by staff with an additional condition that WCFD shall notify all tenant of the building of the safety plan once it is developed.**

**Ms. Glenn seconded the motion.**

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

**Nay: None**

**The case was approved with conditions.**

### **ADMINISTRATIVE MATTERS**

Approval of Resolutions:

Ms. Glenn made a motion to approve BZA Resolution BZA 21-05A Texas Roadhouse with conditions. Mr. Thomas seconded. Motion was approved unanimously.

Mr. Thomas made a motion to approve BZA Resolution BZA 21-05B Texas Roadhouse as submitted. Ms. Glenn seconded. Motion was approved unanimously.

---

**November 8, 2021**

Mr. Hackney made a motion to approve BZA Resolution BZA 21-06 Falconwing Technologies with conditions. Mr. Simmons seconded. Motion was approved unanimously.

The BZA received no applications for the December 2021 meeting and the Board will not meet.

Mr. Wiegand noted that applications for BZA membership are generally opened by Trustees in December.

Mr. Wiegand presented a proposed calendar for 2022. The meetings and deadlines will be the second Monday of each month. Mr. Simmons made a motion to approve the 2022 schedule. Ms. Glenn seconded. Motion was approved unanimously. The dates are as such:

- JANUARY 10, 2022
- FEBRUARY 14, 2022
- MARCH 14, 2022
- APRIL 11, 2022
- MAY 9, 2022
- JUNE 13, 2022
- JULY 11, 2022
- AUGUST 8, 2022
- SEPTEMBER 12, 2022
- OCTOBER 10, 2022
- NOVEMBER 14, 2022
- DECEMBER 12, 2022
- JANUARY 9, 2023

The Board adjourned the November 8, 2021 meeting at 6:51 p.m.

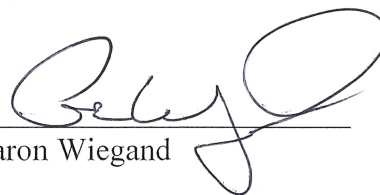
**These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audiotape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must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

**BZA Chairman:**



\_\_\_\_\_  
Evan Thomas

**BZA Secretary:**



\_\_\_\_\_  
Aaron Wiegand

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION OF APPROVAL  
APPLICATION NO. BZA 21-05A**

WHEREAS, Texas Roadhouse on October 13, 2021, filed application no. 21-05A with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking a variance from Article 10.175 to allow a parking area on a separate lot from the principle structure, as applied to the property located at 7419 Tylersville Road, Parcel # M5610-019-000-005, Section 17, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on November 8, 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 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

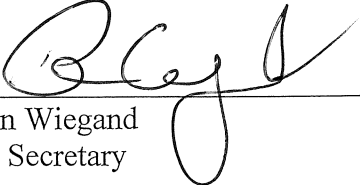
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby approve the request for a variance from Article 10.175 to allow a parking area on a separate lot from the principle structure subject to the following conditions:

- 1) Any new user of the parking-only parcel in the future will be required to gain approval from the West Chester BZA.
- 2) The existing high-rise interstate sign poles on the property shall be removed by the property owner.
- 3) The new parking area shall have a recorded access-easement for the property to the immediate east (Jack-in-the-Box) to utilize.

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 8th day of November 2021.

  
\_\_\_\_\_  
Evan Thomas  
BZA Chairman

  
\_\_\_\_\_  
Aaron Wiegand  
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION OF APPROVAL  
APPLICATION NO. BZA 21-05B**

WHEREAS, Texas Roadhouse on October 13, 2021, filed application no. 21-05B with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, seeking a variance from Article 20.091 to allow a pole sign on a separate lot from the principle structure, as applied to the property located at 7419 Tylersville Road, Parcel # M5610-019-000-005, Section 17, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on November 8, 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 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 20.091 to allow a pole sign on a separate lot from the principle structure.

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 8th day of November 2021.

  
\_\_\_\_\_  
Evan Thomas  
BZA Chairman

  
\_\_\_\_\_  
Aaron Wiegand  
BZA Secretary



**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION APPROVING WITH CONDITIONS  
APPLICATION NO. BZA 21-06**

WHEREAS, Falconwing Technologies, Inc. on October 13, 2021, filed application no. 21-06 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a conditional use in an M-2 (General Industrial) District to allow storage of hazardous material from Article 25.033, as applied to the property located at 8816 Beckett Road, Parcel M5610-033-000-080, Section 34, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on November 8, 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

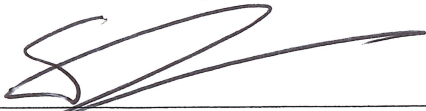
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby approve the request for a conditional use in an M-2 (General Industrial) District to allow storage of hazardous material from Article 25.033, with the following conditions:

- A. Provide windsock at location determined by WCFD
- B. Provide fire extinguishers of sufficient type and quantity for materials stored and in production
- C. Provide Emergency Action Plan (EAP) that includes off-site resources for additional fire extinguishers
- D. Provide spill containment and mitigation kits for all materials listed
- E. Provide Hazardous Materials Management Plan
- F. Provide NFPA 704 placards in use and storage areas
- G. Provide air monitoring systems in areas that could produce low oxygen environments


- H. Provide system for preventing chemicals from reaching groundwater or water systems
- I. Provide documentation (Safety Data Sheets) that classify each material listed on the application so as to be able to determine Maximum Allowable Quantities. This information will be used to determine the occupancy use group (Factory vs High Hazard).
- J. Provide Dust Hazard Analysis from a qualified company capable of analyzing listed materials proposed being used.
- K. MAR M247LC / Rene 108 is susceptible to spontaneous ignition when exposed to air. Provide documentation on methods of use and emergency action plan for this product.
- L. Provide Knox Document Box in a location determined by WCFD to house Safety Data Sheets for products stored and used at this facility
- M. Provide detailed plan for housekeeping to ensure the build-up of dust by-products from use of materials listed does not occur
- N. Provide detailed plan for removal of waste products, including temporary storage location and frequency of removal.
- O. WCFD shall inform co-tenants of the facility of the safety procedures and operations of Falconwing 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 8th day of November 2021 and journalized on the 8th day of November 2021.



Evan Thomas  
BZA Chairman



Aaron Wiegand  
BZA Secretary