

**WEST CHESTER TOWNSHIP  
BOARD OF ZONING APPEALS  
April 11, 2022 – Regular Meeting**

MEMBERS PRESENT: Mr. Thomas, Mr. Hackney, Mr. Riddell, Ms. Glenn  
MEMBERS ABSENT: Mr. Simmons, Mr. Thomas, (*Alternate Position Vacant*)  
STAFF PRESENT: Aaron Wiegand – Community Development Director  
CALL TO ORDER: 6:00 PM  
ADJOURNMENT 7:23 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.

Minutes from the previous meeting were not yet available and will be voted on at the May meeting.

Mr. Thomas swore in staff.

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**BZA 22-03 Seven Star Properties, LLC – 8419 Cincinnati-Columbus Road**

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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 requested a variance from Article 22.022 to permit an automobile fuel service station within 200 feet of an R (Residential) District.

Mr. Wiegand explained the property is permitted to have a fuel station, however the fuel station must be a minimum of 200' from a residential district. In this case, the fuel station is within the 200' to residential properties to the north and west.

**Applicant:**                **Stephen Butler**  
                                  **2440 Dayton Xenia Road – Suite B**

**Rajinder Kumar**  
**6846 Southampton Ln**

Mr. Thomas swore in the applicants.

The applicant provided information on the request noting the site distances and the location of the building on the property. There is limited room to move the fuel center closer to US 42 due to internal circulation requirements.

The applicant noted the existing building would shield the neighbors to the west. There was discussion on a secondary access, which would not be likely due to the distance to the intersection.

The applicant noted the LED lighting for the canopy does not spread like older light systems and would be directed downward.

The Board discussed the operations of the proposed fuel center. Staff noted hours of operation are not a consideration when considering variance requests.

**Proponents:**            **Sherry Courtney**  
                                  **730 Marbea Drive**

Mr. Thomas swore in proponents.

Ms. Courtney is the listing agent for the parcel. She noted the absence of fuel centers in the area. She also noted the surrounding businesses that currently exist. The privacy fence is owned by the property owner.

**Opponents:**            **Ann and Brendan ONeal**  
                                  **8545 Butler Warren Road**

Mr. Thomas swore in opponents.

The ONeals own the residential property to the north of the proposed location. They are vehemently opposed to the application due to the nature of a fuel center lighting, traffic and sight to their property. They had concerns about the property value if a fuel center was permitted.

The ONeals offered the former uses at the property did not bother them since they were mostly contained inside and operated during daytime hours. They had concerns any screening would take years to mature to provide sufficient buffering.

**Tiffany Romans**  
**8541 Butler Warren Road**

Ms. Romans lives to the north of 8545 Butler Warren and has concerns about the lighting and sight to the property. Her bedroom is on that side of her house and she has a direct view of the proposed property.

**Larry and Donna Coates**  
**8560 Acredale Drive**

Mr. Wiegand read an email from the Coates into the record. They have concerns about the fuel center.

**Gagan Agrawal**  
**9210 Cincinnati Columbus Road**

Mr. Wiegand read an email from Mr. Agrawal into the record. He has concerns about the fuel center and the additional traffic it would cause.

**Neutral:                   None**

**Board Deliberation – Seven Star Properties, LLC**

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

Mr. Riddell noted there would never be a second access to the site due to the intersection location. He noted that people may have looked at it as a fuel center before and not moved forward due to the zoning restriction.

Mr. Simmons noted the balance between commercial development and residential protections. He noted that a gas station is permitted on the site, but must meet certain setback requirements.

The Board had issues with the character of the neighborhood being affected and the neighboring properties would be adversely affected as noted in Article 8.053.

Mr. Thomas made note of the importance of the site distance requirements. The Board had no issue with the fuel center if it meets the required setbacks. Mr. Thomas had concerns over the overall character of the neighborhood.

Mr. Riddell made a motion to deny case BZA 22-03 Seven Star Properties, LLC, as submitted.

Mr. Simmons seconded the motion.

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

Nay: None

The case was denied.

### ADMINISTRATIVE MATTERS

Approval of Resolutions:

Mr. Riddell made a motion to approve BZA Denial Resolution 22-03 Seven Star Properties, LLC as submitted. Ms. Glenn seconded. Motion was approved unanimously.

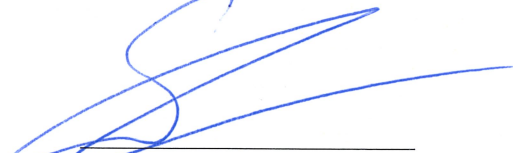
Mr. Wiegand noted the next meeting would typically include the yearly organizational meeting.

Mr. Wiegand noted the BZA had one case submitted for the May 9, 2022 meeting.

The Board adjourned the April 11, 2022 meeting at 7:23 p.m.

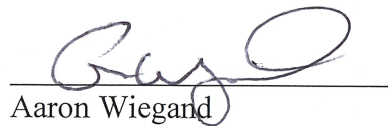
**These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audiotape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must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

**BZA Chairman:**



Evan Thomas

**BZA Secretary:**



Aaron Wiegand



**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION OF DENIAL  
APPLICATION NO. BZA 22-03**

WHEREAS, Seven Star Properties, LLC on March 11, 2022, filed application no. 22-03 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution requesting a variance from Article 22.022 to permit an automobile fuel service station within 200 feet of an R (Residential) District, as applied to the property located at 8419 Cincinnati-Columbus Road, Parcel M5610-013-000-005, Section 10, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on April 11, 2022, 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

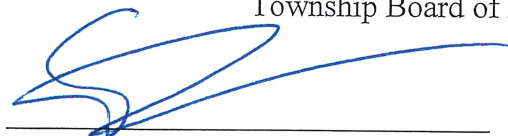
WHEREAS, Article 8 et. seq. of the West Chester Zoning Resolution empowers the Board to authorize variances that will not be contrary to the public interest, and

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, with conditions.

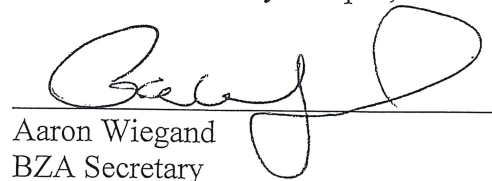
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby deny the requested variance from Article 22.022 to permit an automobile fuel service station within 200 feet of an R (Residential) District

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 11<sup>th</sup> day of April, 2022



Evan Thomas  
BZA Chairman



Aaron Wiegand  
BZA Secretary