

**WEST CHESTER TOWNSHIP  
BOARD OF ZONING APPEALS  
April 10, 2023 – Regular Meeting**

MEMBERS PRESENT: Mr. Hackney, Mr.Riddell, Ms. Glenn, Mr. Mear (*Alternate-Seated*)

MEMBERS ABSENT: Mr. Simmons, Mr. Reisen

STAFF PRESENT: Aaron Wiegand – Community Development Director

CALL TO ORDER: 6:00 PM

ADJOURNMENT 6:45 PM

Meeting was held at West Chester Township Hall.

Mr. Hackney called the meeting of the West Chester Board of Zoning Appeals to order.

Mr. Wiegand called the role. A quorum was established.

Mr. Wiegand welcomed Mike Mear to the BZA Board as the recently appointed Alternate Member. He noted that Carl Reisen was appointed to a full 5-year term by Trustees.

Ms. Glenn made a motion to approve meeting minutes from December 12, 2022 and January 9, 2023. Mr. Riddell seconded. Motion passed, with Mr. Mear abstaining.

Mr. Hackney swore in staff.

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**BZA 23-04 Stephen Butler – 8567 Cincinnati-Dayton 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 that the applicant wishes to build a new fuel center in front of the existing hotel. West Chester zoning requires fuel centers to be 200' from residentially zoned lots. The lot across the street, though currently undeveloped, is residentially zoned.

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

Mr. Hackney swore in the applicant.

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**April 10, 2023**

The applicant noted the application is for a standard gas station. No overnight parking or semi truck accommodations are included in the plan.

The Board clarified the elevation changes from the applicant's lot to the surrounding residential lots.

**David Lehman**  
**38 Ackerman Boulevard – Kettering, Ohio**

Mr. Hackney swore in the applicant.

Mr. Lehman is the attorney representing the applicant. He noted that the owner has touched base with the surrounding residential neighbors and wants to be a good neighbor.

Mr. Lehman discussed the Standards for Variance as it applies to his owner's application.

**Rajinder Kumar**  
**6846 Southhampton Lane**

Mr. Hackney swore in the applicant.

Mr. Kumar is the owner of the proposed fuel center. He noted he has developed several gas stations and convenience stores, recently in Mason. Mr. Kumar also discussed the safety of the underground tanks and the various regulations fuel centers must adhere to.

Mr. Hackney asked about a drive-thru shown on the site plan. Mr. Kumar clarified this would be for his convenience store operation.

**Proponents:           None**

**Opponents:           None**

**Neutral:               Jan Frankel & John Cobey**  
**231 Oliver Road, Cincinnati**

Mr. Hackney swore in the residents.

Ms. Frankel owns the residentially zoned property in question to the east. Ms. Frankel told the history of the property and discussed some of the future plans for the lot. Ms. Frankel noted the site is currently undeveloped, but discussed the plans to develop the lots residentially in the future.

The Board discussed the various egress options to the site. The owners did not have major issues with the fuel center request. They just wanted clarifications on the egress points.

**Board Deliberation – Stephen Butler**

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**April 10, 2023**

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

The Board did not have major issues with the case. Mr. Riddell noted the purview of the BZA to look only at the reduction in required separation. Mr. Riddell noted the site conditions would reduce the concerns to the residential properties, should they ever be developed.

Ms. Glenn noted the sites were separated enough to limit the issues posed by the fuel center. Mr. Hackney noted the residential area is not yet developed and in their design they could work to limit the effects of the fuel center as well.

**Mr. Riddell made a motion to approve case BZA 23-04 Stephen Butler, as submitted. Ms. Glenn seconded the motion.**

**Aye: Mr. Riddell, Ms. Glenn, Mr. Hackney, Mr. Mear**  
**Nay: None**

**The case was approved.**

#### **ADMINISTRATIVE MATTERS**

Approval of Resolutions:

Mr. Hackney made a motion to approve BZA Approval Resolution 23-04 Stephen Butler. Mr. Riddell seconded.

Aye: Mr. Hackney, Ms. Glenn, Mr. Riddell, Mr. Mear  
Nay: None

The resolution was approved

Mr. Wiegand noted the May meeting would include Board training.

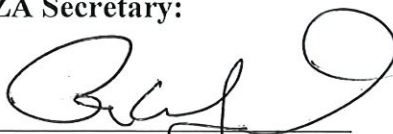
The Board adjourned the April 10, 2023 meeting at 6:45 p.m.

**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:**

  
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Cliff Hackney

**BZA Secretary:**

  
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Aaron Wiegand

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**April 10, 2023**



**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION OF APPROVAL  
APPLICATION NO. BZA 23-04**

WHEREAS, Stephen Butler on March 10, 2023, filed application no. 23-04 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 8567 Cincinnati Dayton Road, Parcel # M5610-023-000-060, Section 22, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on April 10, 2023, 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.

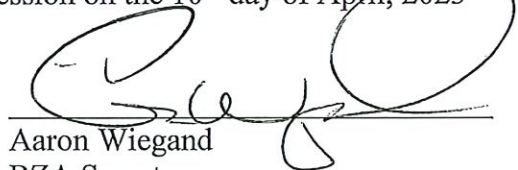
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby approve the request for a variance from Article 22.022 to permit an automobile fuel service station within 200 feet of an R (Residential) District.

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 10<sup>th</sup> day of April, 2023



Cliff Hackney  
BZA Chairman



Aaron Wiegand  
BZA Secretary