

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
March 11, 2024 – Regular Meeting**

MEMBERS PRESENT: Mr. Riddell, Mr. Sanchez, Mr. Reisen, Mr. Mear. (*Alternate-seated*)

MEMBERS ABSENT: Mr. Simmons, Ms. Glenn

STAFF PRESENT: Bryan Hellard – Property Advisor
Katy Kanelopoulos – Interim Director, Comm. Development
Beverly Worley – Administrative Professional III
Jon Roach - FBT

CALL TO ORDER: 6:05 PM

ADJOURNMENT 6:50 PM

Meeting was held at West Chester Township Hall.

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

Mr. Hellard called the roll. A quorum was established.

Old Business:

There was a motion by Mr. Reisen and a second by Mr. Mear to approve meeting minutes from 10-11-23 and 12-11-23

Aye: Mr. Riddell, Mr. Mear, Mr. Reisen, Mr. Sanchez

Nay: None

Mr. Riddell explained the meeting process to attendees including the lack of five board members.

Mr. Riddell swore in staff.

BZA 24-01 Matthew & Michele McNally – 7358 Coachford Dr

Mr. Hellard presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments and case history. Mr. Hellard stated the applicant has requested a variance to permit an accessory building closer than 10' from the property line as required per Article 10.144.

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Mr. Riddell asked if neighboring property owners were notified. Mr. Hellard confirmed.

There were no further questions for staff.

Applicant: **Matthew McNally**
 7358 Coachford Drive, West Chester, OH

Mr. Riddell swore in the applicant.

Mr. Roach asked the applicant for confirmation that he understood there were only four board members present. Mr. McNally confirmed.

Mr. McNally presented his case and discussed the topography of his property.

Mr. Riddell asked if the shed was on a foundation. Mr. McNally stated it was on skids. Mr. Riddell asked if the applicant considered moving the shed. Mr. McNally said he would consider it, but it would be at some expense.

Proponent: **Kelly Middleton**
 7359 Coachford Drive, West Chester, OH

Ms. Middleton was sworn in by Mr. Riddell. Ms. Middleton stated that she represents the HOA where the subject property is in and is also a neighbor to the applicant. She discussed another neighbor's shed and the topography of the McNally property. She stated she has zero problem with the shed. From an HOA standpoint, Ms. Middleton described that they are in process of potentially revising the HOA guidelines.

Mr. Hellard stated for the record that there were three letters sent in with approval of the shed in its current location.

Opponent: **Tom Sharkey**
 6232 Birkdale Drive, West Chester, OH

Mr. Sharkey was sworn in by Mr. Riddell. Mr. Sharkey described the reasons he moved to West Chester, which included zoning among other reasons. He stated this case is opening a very bad precedent for the neighborhood and of West Chester. Mr. Sharkey stated he wanted a strong home owner's association. He further stated the shed did not follow HOA guidelines and the applicant did not get a permit, stating the applicant wouldn't be applying for a variance.

Mr. Reisen inquired to the board whether precedence applies. Mr. Riddell confirmed that it did not.

Mr. Riddell asked Mr. Sharkey where in location to applicant he lives. Mr. Sharkey stated he lives about three to four blocks away. He stated that the reason he was aware of the shed is that he was on the HOA board previously and the shed was brought to his attention.

Mr. Reisen asked if the current HOA had a problem with the shed. Mr. Sharkey stated it never went in for approval.

Mr. Mear inquired about the length of time the shed has been in place. Mr. Sharkey stated the HOA has been trying to work with the applicant for approximately two and half years to get it resolved.

Mr. Hellard stated there were four emails that were received against the shed.

Neutral Information: None

Mr. Riddell asked how this case was brought before the zoning department. Mr. Hellard stated that West Chester zoning is complain-based and there was a complaint file against the property owner because of the shed. Mr. Riddell inquired about the property line and Mr. Hellard clarified that the fence was not the property line.

Mr. Reisen asked about the location of the three residents who sent in letters in support. Mr. Hellard clarified that they are the three properties that are contiguous to the applicant's property.

Mr. Sanchez asked about the shed on the property to the south. Mr. Hellard clarified that there was a complaint on that property owner, but they agreed to move their shed when the ground condition suits.

Mr. Riddell asked about the letters from opponents. Mr. Hellard stated that two were anonymous, one had no address and the last was on another street.

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

Board Deliberation

Mr. Reisen said the weight was with the proponent letters and their proximity to the applicant. There was some discussion about precedence and topography.

Mr. Reisen made a motion to approve case BZA 24-01 Matthew McNally to allow an accessory building closer than 10' to the property line.

Mr. Sanchez seconded the motion.

Aye: Mr. Riddell, Mr. Mear, Mr. Reisen, Mr. Sanchez

Nay: None

The application was approved.

BZA 24-02 Meghan Meyer for ABC Signs – 7721 Service Center Drive

Mr. Hellard presented the staff report including a PowerPoint presentation, current zoning in the area, aeriels, background of request, staff comments and case history. Mr. Hellard stated the applicant has requested a variance to permit a 15’ overall height monument sign where a maximum 10’ overall height sign is permitted per Article 23.092(d).

Mr. Reisen asked if there were any objections to the application. There were none.

There were no further questions for staff. Mr. Reisen also asked if letters had been sent out to the appropriate neighbors. Mr. Hellard confirmed.

Mr. Sanchez and Mr. Mear inquired about the sign location potentially being in a swale and what constitutes grade. Mr. Hellard clarified that the height of the sign starts at the grade where the sign is located.

Applicant: **Natalie Morris and Phil Swisher with ABC Signs**
2336 Iowa Avenue, Cincinnati, OH

Mr. Riddell swore in the applicants.

Mr. Roach asked is the applicant was comfortable with only four members on the board. Ms. Morris confirmed.

Ms. Morris presented her case.

Mr. Reisen asked if the sign was a tenant sign. Ms. Morris confirmed.

Mr. Sanchez asked if the trees were to be removed. Ms. Morris confirmed the trees would probably be removed.

Proponents: **Phil Morrival**
337 Ludlow Street, Hamilton Ohio.

Mr. Riddell swore in Mr. Morrival.

Mr. Morrival was representing the building owners as a proponent of the sign. Mr. Morrival explained the intent was to create more exposure for the businesses in the building. He stated the extra 5’ in height would help visibility from highway traffic.

Mr. Reisen asked if the sign would be lit. Mr. Morrival confirmed.

Opponents: **None**

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Neutral Information: None

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

Board Deliberation

Mr. Riddell stated he thought West Chester’s sign policy is too strict and thought the sign deserved another 5’.

Mr. Mear made a motion to approve case BZA 24-01 Meghan Meyer for ABC Signs for a 15’ overall height monument sign.

Mr. Sanchez seconded.

Aye: Mr. Mear, Mr. Riddell, Mr. Reisen, Mr. Sanchez

Nay: None

The application was approved.

ADMINISTRATIVE MATTERS

Approval of Resolutions:

BZA Approval Resolution 24-01 Matthew McNally.

Aye: Mr. Riddell, Mr. Reisen, Mr. Sanchez, Mr. Mear

Nay: None

The resolution was approved.

BZA Approval Resolution 24-02 Meghan Meyer for ABC Signs.

Aye: Mr. Riddell, Mr. Reisen, Mr. Sanchez, Mr. Mear

Nay: None

The resolution was approved.

There is one confirmed case for the April 8, 2024 meeting.

The Board adjourned the March 11, 2024 meeting at 6:50 p.m.

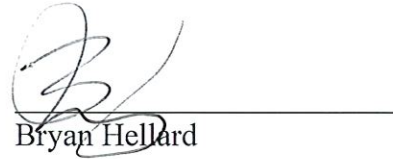
These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audiotape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must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

BZA Chairman:



Barry Riddell

BZA Secretary:



Bryan Hellard

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION OF APPROVAL
APPLICATION NO. BZA 24-01**

WHEREAS, Matthew and Michelle McNally on February 9, 2024, filed application no. 24-01 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, requesting a variance from Article 10.144 to permit an accessory structure closer than 10' from the property line in an R-1A (Suburban Residence) District, as applied to the property located at 7358 Coachford Drive, Parcel # M5620-319-000-074, Section 30, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on March 11, 2024, 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.

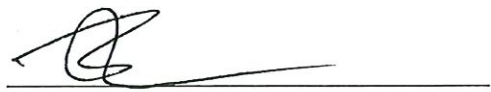
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby approve the request for a variance from Article 10.144 to permit an accessory structure closer than 10' from the property line in an R-1A (Suburban Residence) District.

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 11th day of March, 2024



Barry Riddell
BZA Chairman



Bryan Hellard
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION OF APPROVAL
APPLICATION NO. BZA 24-02**

WHEREAS, Meghan Meyer for ABC Signs on February 12, 2024, filed application no. 24-02 with the Board of Zoning Appeals under Article 8, Subsection 8.022 of the West Chester Zoning Resolution, requesting a variance from Article 23.092(d) to permit a 15' overall height monument sign where a maximum 10' overall height sign is permitted in an M-1 (Light Industrial) District, as applied to the property located at 7721 Service Center Drive, Parcel # M5610-020-000-027, Section 18, Town 3, Range 2 (West Chester Township, Butler County); and

WHEREAS, a public hearing was held on said application on March 11, 2024, 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 23.092(d) to permit a 15' overall height monument sign in an M-1 (Light Industrial) 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 11th day of March, 2024



Barry Riddeff
BZA Chairman



Bryan Hellard
BZA Secretary