

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
September 9, 2015 – Regular Meeting**

MEMBERS PRESENT: Mr. Hackney, Mr. Moeller, Mr. Lenz, Mr. Riddell, Mr. Whited

MEMBERS ABSENT:

STAFF PRESENT: Cathy Walton, Property Advisor
Tim Valentine, Property Advisor

CALL TO ORDER: 6:30 PM

ADJOURNMENT 7:33 PM

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

Ms. Walton called the roll.

BZA 15-19 Jennifer Price

Ms. Walton was sworn in by Mr. Hackney.

Ms. Walton presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments and case history. Ms. Walton stated that the applicant is requesting a variance for the property 7151 Shirley Drive to allow a front porch to encroach 7.17' into the front yard setback requirement. Ms. Walton reviewed the standards for a variance with the board members.

Mr. Whited clarified that it did not matter whether the porch was covered or not covered but the variance was required for the porch itself.

Ms. Walton stated that was correct.

Mr. Hackney clarified the dimensions of the new porch and whether the existing porch was encroaching the setback requirement.

Ms. Walton stated that was correct and stated that the existing porch was a legal non-conformance.

There was board discussion regarding the existing encroachment and the requested encroachment.

Mr. Lenz clarified the use of the porch was for those in the home that are disabled.

Ms. Walton deferred the question to the applicant and stated she believed the additional space was to allow for wheelchair access.

Applicant: Jennifer Price
7151 Shirley Drive
West Chester, Ohio 45069

Ms. Price stated that the existing porch is dilapidated and needs replaced. She stated the current step is steep and there are no handrails. She stated her husband and a child they have custody of are handicap and stated the new porch would have handrails and big steps. She discussed several homes in the area that have a similar porch to what she is requesting.

Mr. Lenz questioned whether the porch would be wood or concrete.

Ms. Price stated it would be wood.

Mr. Whited clarified that the concrete would be removed.

Ms. Price stated it would.

Proponent: Paul Pridemore
7151 Shirley Drive
West Chester, Ohio 45069

Mr. Pridemore stated he is Ms. Price's husband and said he received an injury after falling off a building. He stated the step at the end of existing porch is high and he has to reach up and use the window sill to pull himself up. He described his injuries and stated this porch would help him get around.

Dennis Bradbury
9031 Cincinnati-Dayton Road
West Chester, Ohio 45069

Mr. Bradbury stated he has helped with projects at Ms. Price's home and stated he supports this request as it would help their lifestyle and children a great deal.

Barbara Castells
8056 Lawrence Drive
West Chester, Ohio 45069

Ms. Castells stated that she feels the porch is necessary for the family and feels it will add value to the home and neighborhood. She also stated there are several other porches in the area and feels they are an improvement to the area.

Opponent: None

Neutral: None

Board Deliberation

Mr. Lenz stated that based on the standards, this is a simple case. He stated it would be an improvement and more safe.

Mr. Moeller agreed with Mr. Lenz.

Mr. Lenz stated the porch on the neighbor's home is the same size as this.

Mr. Whited agreed and stated he worries about these cases and whether something will stand out but since the other porch is the same he is comfortable with this.

Mr. Riddell stated he has no problem with this and reiterated the number of porches in the area.

Mr. Whited made a motion to approve BZA 15-19 as submitted

Mr. Lenz seconded.

Aye: Mr. Hackney, Mr. Moeller, Mr. Riddell, Mr. Lenz, Mr. Whited

Nay: None

BZA 15-20 Signs by Tomorrow for Brian and Debbie Snyder

Ms. Walton was sworn in by Mr. Hackney.

Ms. Walton presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments and case history. Ms. Walton stated that the applicant is requesting a variance for the property at 4881 Muhlhauser Road to allow larger wall signs than are permitted. Ms. Walton reviewed the standards for a variance with the board members.

Mr. Lenz asked whether the business was operating before Muhlhauser Road was widened.

Ms. Walton stated she did not know.

Mr. Whited clarified the existing wall sign was in conformance.

Ms. Walton stated it was.

There was board discussion regarding how square footage is calculated.

Applicant: Greg Girard
9143 Red Cedar Lane
West Chester, Ohio 45069

Mr. Girard stated the requested signs are on the east and west ends of the building. He discussed that there is no way to identify the business until you are in front of it which causes traffic and safety issues. He stated they are surrounded by commercial properties and the housing across the street has no view of the signs.

Mr. Riddell asked for clarification on the building size based on the submitted photos.

Mr. Moeller asked if they had considered reducing the amount of signage on the front of the building.

Mr. Girard stated the sign has been there since the building was built and they only have to reface it. He stated they did discuss removing the portion with the phone number but decided to leave it. He stated if they removed it, they would have to paint the building which is expensive.

Proponent: None

Opponent: None

Neutral: None

Board Deliberation

Mr. Lenz stated he felt that the arguments regarding safety are important issues and has no problem approving this. He would like to see a condition of no lettering on the windows.

Mr. Whited asked if it was a violation.

Ms. Walton stated if it was on the inside of the window it is not regulated but if it is on the outside it would count against the allowable square footage.

Mr. Hackney asked if they would have the option to stay within the allowable square footage and have a sign that projects from the building.

Ms. Walton stated it could project no more than two feet.

Mr. Riddell stated he was inclined to approve this based on the safety factor.

Mr. Whited stated he has no problem with the request and believes the signs on the window are there to direct people once in the lot.

There was discussion regarding temporary signs and the permit needed.

Mr. Lenz made a motion to approve BZA 15-20 as submitted.

Mr. Whited seconded the motion.

Mr. Hackney asked if clarification was needed for the motion to address the size of the signs.

Ms. Walton stated the motion was made to approve as submitted and there would not need to be any further restriction.

Aye: Mr. Hackney, Mr. Whited, Mr. Lenz, Mr. Riddell

Nay: Mr. Moeller

BZA 15-21 Mark & Christine Green

Ms. Walton was sworn in by Mr. Hackney.

Ms. Walton presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments and case history. Ms. Walton stated that the applicant is requesting a variance for the property at 6315 Stoneyford Court to allow a fence to encroach the front yard setback. Ms. Walton reviewed the standards for a variance with the board members.

Mr. Lenz asked for clarification on the measurement on a corner lot.

There was discussion regarding how the setback is measured and from what point on the house the measurement is taken.

**Applicant: Mark and Christine Green
6315 Stoneyford Court
West Chester, Ohio 45069**

Mr. Green stated that he was advised by the Zoning department that the fence had to be even with the back corner of the house.

Ms. Green stated the measurement from the road to the house is 52’.

There was discussion regarding where the setback starts from the roadway.

Mr. Hackney asked why they chose the measurement of the pool that they did and if they could have chosen a size that fits within regulations.

Ms. Green stated that was the type of pool they wanted to install.

Mr. Hackney questioned whether they could specify the dimensions.

Mr. Green stated this was a standard size and changing the dimension would cost more money.

Mr. Moeller asked for clarification on the size of the concrete deck around the pool. He stated that the deck size could be reduced to bring in the fence.

Ms. Green stated there is a drainage issue in the rear yard and the pool cannot go any closer to the house.

Mr. Moeller clarified his concern was the deck around the pool.

Ms. Green stated that was the required area for a diving board.

Mr. Green stated if the cement could be closer to the house he would do that but there is only room for walking on that side.

There was discussion regarding the amount of cement deck on all sides of the pool.

Mr. Whited asked if the item in the picture on the back corner of the lot was a playset.

Mr. Green stated it was and has been removed.

Mr. Lenz asked for clarification that the applicant understood staff to say that they had to run the fence from the back edge of the property.

Mr. Green confirmed that was the case.

Mr. Lenz stated he understood the fence could not be any closer than 30' from the setback.

There was board discussion regarding setbacks on a corner lot.

There was discussion regarding the orientation of the house on the lot.

Proponent: Peter Deltufo
7427 Galway Court
West Chester, Ohio 45069

Mr. Deltufo state he is a member of the HOA and they unanimously voted to approve this request and wanted the board to know as a neighborhood they did not have an issue with it.

Opponent: None

Neutral: None

Board Deliberation

Mr. Whited stated this was a no brainer. If the house was turned properly they would have all the room they need.

Mr. Lenz stated the encroachment was minimal.

Mr. Whited asked for the article in the Zoning resolution that speaks to fences in a front yard area.

There was further board discussion regarding the orientation of the house and the setback requirement.

Mr. Lenz stated he believes the request meets the intent of the code.

Mr. Whited stated he agreed.

Mr. Lenz made a motion to approve BZA 15-21 as submitted.

Mr. Whited seconded the motion.

Aye: Mr. Moeller, Mr. Whited, Mr. Lenz, Mr. Hackney, Mr. Riddell

BZA 15-22 Signarama for Lakota Lake, LLC

Ms. Walton was sworn in by Mr. Hackney.

Ms. Walton presented the staff report including a PowerPoint presentation, current zoning in the area, aerials, background of request, staff comments and case history. Ms. Walton stated that the applicant is requesting a variance for the property at 6757 Lakeside Drive to allow two 52SF ground signs. Ms. Walton reviewed the standards for a variance with the board members.

**Applicant: Bill Hall, Signarama
1210 W. Eads Parkway
Lawrenceburg, IN 47025**

The applicant stated that the owner has been upgrading several properties including signs. He stated the signs will match the existing ground sign. He stated it would used to advertise events within the community and also direct people who come up the road which way to go.

Mr. Lenz clarified the primary purpose of the signs were to identify the entrance to the property.

The applicant stated that was correct.

Mr. Lenz asked if there was a sign directing people to turn left to go to Butler Tech.

The applicant stated not that he was aware.

Mr. Lenz questioned why two signs were needed.

The applicant stated that they were trying to create an entryway.

Proponent: None

Opponent: None

Neutral: None

Board Deliberation

Mr. Moeller stated he has no problem with the sign on the right but feels the sign on the left is superfluous.

Mr. Lenz stated he was ok with them wanting to create a gateway type image. He feels like it is fair to give them a way to identify the property since things have changed with Butler Tech being there.

Mr. Riddell agreed.

Mr. Whited stated he felt the two signs balances it and speaks to a better project.

Mr. Riddell made a motion to approve BZA 15-22 as submitted.

Mr. Whited seconded the motion.

Aye: Mr. Whited, Mr. Lenz, Mr. Hackney, Mr. Riddell

Nay: Mr. Moeller

ADMINISTRATIVE MATTERS

Mr. Hackney announced that prior to tonight's meeting; the board participated in training regarding fire appeals board regulations.

The minutes and resolutions from the August 12, 2015 meeting were approved.

The next meeting will be Wednesday October 14, 2015, at 6:30 pm

The board adjourned the September 9, 2015 meeting at 7:33 pm

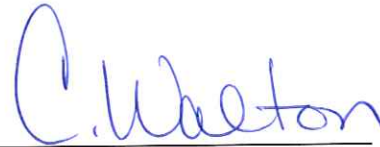
These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audiotape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must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

BZA Chairman:



Cliff Hackney

BZA Secretary:



Cathy Walton

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 15-19**

WHEREAS, Jennifer Price , on August 20, 2015 filed Application No. 15-19 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a variance to allow a front porch to encroach 7.17' into the required front yard setback as applied to the property at 7151 Shirley Drive, West Chester Ohio 45069 and containing Parcel # M5620-125-000-062 in Section 23, Town 3, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on September 9, 2015 notice of which was given to parties in interest in writing and also by publication in a newspaper of general circulation in the Township at least ten (10) days prior to 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, variances from the terms and conditions of the Zoning Resolution as will not be contrary to the public interest, and that are consistent with the criteria provided within the Zoning Resolution; and

WHEREAS, the board has considered all of the information and testimony presented at the public hearing and concludes that the requested variance from the terms and conditions of the Zoning Resolution will not be contrary to the public interest and is consistent with the standard for variances set forth in the Zoning Resolution, paying particular attention to Section 8.053

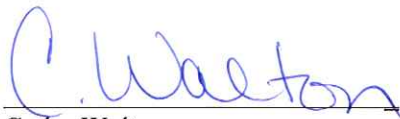
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request to allow a front porch addition to encroach 7.17' into the required front yard setback.

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 9th day of September, 2015 and journalized on the 14th day of October, 2015.



Cliff Hackney
BZA Chairman



Cathy Walton
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 15-20**

WHEREAS, Signs by Tomorrow for Brian and Debbie Snyder, on July 31, 2015 filed Application No. 15-20 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a variance to allow signage that exceeds the allowable 4% as applied to the property at 4881 Muhlhauser Road, West Chester Ohio 45069 and containing Parcel # M5610-001-000-031 in Section 2, Town 2, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on September 9, 2015 notice of which was given to parties in interest in writing and also by publication in a newspaper of general circulation in the Township at least ten (10) days prior to 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, variances from the terms and conditions of the Zoning Resolution as will not be contrary to the public interest, and that are consistent with the criteria provided within the Zoning Resolution; and

WHEREAS, the board has considered all of the information and testimony presented at the public hearing and concludes that the requested variance from the terms and conditions of the Zoning Resolution will not be contrary to the public interest and is consistent with the standard for variances set forth in the Zoning Resolution, paying particular attention to Section 8.053

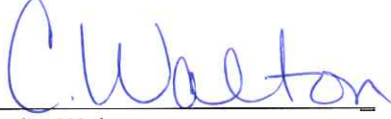
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request to allow two additional 32SF wall signs on the east and west ends of the building.

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 9th day of September, 2015 and journalized on the 14th day of October, 2015.



Cliff Hackney
BZA Chairman



Cathy Walton
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 15-21**

WHEREAS, Mark and Christine Green, on August 7, 2015 filed Application No. 15-21 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a variance to allow a fence to encroach the front yard setback requirement as applied to the property at 6315 Stoneyford Court, West Chester Ohio 45069 and containing Parcel # M5620-319-000-019 in Section 30, Town 2, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on September 9, 2015 notice of which was given to parties in interest in writing and also by publication in a newspaper of general circulation in the Township at least ten (10) days prior to 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, variances from the terms and conditions of the Zoning Resolution as will not be contrary to the public interest, and that are consistent with the criteria provided within the Zoning Resolution; and

WHEREAS, the board has considered all of the information and testimony presented at the public hearing and concludes that the requested variance from the terms and conditions of the Zoning Resolution will not be contrary to the public interest and is consistent with the standard for variances set forth in the 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 grant the request to allow a fence to encroach 8' into the front yard setback requirement as submitted.

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 9th day of September, 2015 and journalized on the 14th day of October, 2015.



Cliff Hackney
BZA Chairman



Cathy Walton
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 15-22**

WHEREAS, Signarama for Lakota Lake, LLC, on August 12, 2015 filed Application No. 15-22 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a variance to allow two ground mounted signs at 52 square feet each as applied to the property at 6757 Lakeside Drive, West Chester Ohio 45069 and containing Parcel # M5610-024-000-069 in Section 23, Town 2, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on September 9, 2015 notice of which was given to parties in interest in writing and also by publication in a newspaper of general circulation in the Township at least ten (10) days prior to 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, variances from the terms and conditions of the Zoning Resolution as will not be contrary to the public interest, and that are consistent with the criteria provided within the Zoning Resolution; and

WHEREAS, the board has considered all of the information and testimony presented at the public hearing and concludes that the requested variance from the terms and conditions of the Zoning Resolution will not be contrary to the public interest and is consistent with the standard for variances set forth in the 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 grant the request to allow two ground mounted signs at 52 square feet each as submitted.

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 9th day of September, 2015 and journalized on the 14th day of October, 2015.



Cliff Hackney
BZA Chairman



Cathy Walton
BZA Secretary