

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
March 9, 2016 – Regular Meeting**

MEMBERS PRESENT: Mr. Cavens, 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 8:12 PM

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

Ms. Walton was sworn in by Mr. Lenz.

BZA 16-07 Jack Kohler for Hot Diggity Dog Daycare

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 7443 Dimmick Road to allow a reduced setback for a dog daycare within 200' of a residential zoned property. Ms. Walton reviewed the standards for a variance with the board members.

Ms. Walton stated that was correct.

Mr. Cavens clarified that it was not measured building to building.

Mr. Lenz clarified the measurement with regards to property lines.

Mr. Cavens questioned why the measurement was not taken building to building.

Ms. Walton stated the Zoning Resolution states it is measured to the lot line.

**Applicant: Jack Kohler
4587 Greensbury Court
Batavia, Ohio 45103**

March 9, 2016

Mr. Kohler stated that the variance is no more than 20% of the requirement. He also addressed the concerns of the West Chester Police Department. He stated that the dogs would only be outside from 9:00 am and 4:00 pm, and would be confined to the rear of the property. He also stated the noise from the dogs would be less than that of the traffic on 42. He explained that the dogs that are boarded overnight would be confined inside. Mr. Kohler discussed the services offered.

Mr. Whited asked if there would be dogs spending the night.

Mr. Kohler stated there would.

Mr. Moeller asked if there would be a fence or barrier between the back corner of the building and the area on the side used for training.

Mr. Kohler stated they plan to install a 6' PVC fence to cut down on noise.

Mr. Moeller questioned the HVAC in the building and whether windows would need to be opened in the summer.

Mr. Kohler stated they would use air conditioning in the summer and further explained the climate they would be kept in

Mr. Moeller stated his concern was windows being open and dogs barking at night.

Mr. Kohler stated the windows would not be open.

Mr. Whited clarified a 6' privacy fence was being installed and its location.

Mr. Kohler stated that was correct.

There was discussion regarding the separation of the play area and the training area.

Mr. Moeller questioned whether there was a standard for the number of dogs based on the square foot of the building and how the feces would be removed.

Mr. Kohler stated the dogs are segregated by size and there are on average 10-15 dogs per person supervising. He also stated all feces are immediately picked up and removed. He stated there are stations throughout the facility with bags and trash cans for removal.

Mr. Riddell asked for clarification on the hours of the special events.

Mr. Kohler stated all events happen between 9:00 and 4:00 or are inside.

There was discussion regarding the name of the business and the promotion of fun.

Proponent: Cheryl Kocher
7274 Dimmick Road
West Chester, Ohio 45069

Ms. Kocher stated she lives about 5 houses from the subject property. She stated she owns a dog training company and she believes the fencing will cut down on the barking. She will be a trainer at the facility and will be training the dogs not to bark. Ms. Kocher also stated that due to her residence being so close if there were an emergency she would be there to help with the dogs.

Mr. Lenz asked Ms. Kocher if she would only be training one dog at a time.

Ms. Kocher stated she can train groups of dogs.

Mr. Lenz clarified that the training area was a separate area.

Ms. Kocher stated it was and this allows her to work one on one or in a small group.

Mr. Moeller questioned whether all training would take place during the stated operating hours.

Ms. Kocher stated it would.

Julie Shine
8294 Polo Trail
West Chester, Ohio 45069

Ms. Shine stated she is speaking on behalf of the doggie daycare. The applicant is her brother in law and she knows the heart and dedication he is putting in to make this a great place for pets and to bring a thriving business to West Chester. Ms. Shine feels like there are many benefits to having these services.

Nick Shine
4124 28th Street
Cincinnati, Ohio 45209

Mr. Shine stated he is familiar with the business model which was based on a doggie daycare in San Francisco and is very successful near residential properties. He believes this type of service would be an asset to the community.

Sam Shine
8294 Polo Trail
West Chester, Ohio 45069

Mr. Shine stated he wanted to add that this is a replication of an existing business in San Francisco and not a grounds up business. He believes they understand the surrounding area and believes the 6' fence will help with any noise.

Opponent: None

Neutral: None

Mr. Whited stated he believes the Board forgot to ask the maximum number of dogs would be on site.

Mr. Kohler returned to the podium to state that the maximum number will be 50-60. He stated they have not completed analysis on the building to see how many kennels will fit.

Mr. Whited asked for clarification that each dog would have a 4' x 6' kennel.

Mr. Kohler stated that was correct. He also stated the only exception would be to kennel two dogs that were brother/sister and that would be at the request of the owner.

Board Deliberation

Mr. Cavens stated that he liked the idea and didn't see any reason to deny the request.

Mr. Lenz asked staff if they had the particulars on the barking dog resolution.

Ms. Walton stated she did not.

Mr. Riddell questioned if the 200' was based on decibel testing.

Mr. Cavens stated whether a dog barks 80' or 100' away you are still going to hear it.

Mr. Lenz stated he liked the idea of the solid fence to cut down on noise.

Mr. Riddell stated the dogs will actually be further than the measurements taken.

Mr. Lenz stated the exception is the training area on the side of the building.

There was Board discussion regarding the training area and the number of dogs being trained at one time.

Mr. Cavens stated it was important to note that no neighbors came to oppose the case.

Mr. Moeller stated the number of dogs on the weekend will be less than the weekday and feels like that is a plus.

There was Board discussion regarding the cleanliness of picking up the feces immediately.

Mr. Riddell suggested a condition of limiting outdoor activity on the side to training.

Mr. Cavens disagreed and stated if they are going to have a birthday party the number will be limited.

Mr. Lenz pointed out that the area in question was closer than the 200' requirement and limiting the activity will go a long way toward satisfying any noise concerns.

Mr. Riddell pointed out that was the applicants plan as presented.

There was additional discussion regarding limiting the side yard to training.

Mr. Cavens made a motion to approve BZA case 16-07 with the condition that the side yard be used for training purposes only.

Mr. Whited seconded the motion.

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

Nay: None

BZA 16-08 Atlantic Sign Company for West Chester Pet Resort and Spa

Ms. Walton was sworn in by Mr. Lenz.

Mr. Whited questioned the statement regarding the pole sign height.

Mr. Cavens questioned the reasoning for not allowing pole signs in this district.

Ms. Walton explained that pole signs are used more in business districts such as Tylersville Road.

**Applicant: Mike Cassidy
Preferred Resources
5769 Vice Lane
Burlington, KY 41005**

Mr. Cassidy stated he was here on behalf of Atlantic Sign Company and West Chester Pet Resort and Spa. He stated that the owners of the facility have a monumental challenge. He stated the location has always been a retail challenge mostly due to the topographical layout. He explained it sits 10-12 feet below the elevation of the street. He stated other signs in the area are at the elevation of the street that can meet the height requirement. He discussed the competition in West Chester for pet resorts. He stated this is a single tenant unit and the most affordable advertising is an electronic message center which has been incorporated into this sign. He stated

they have tried to make the business work with the existing signage and are not getting their fair market share. Preferred Resources did a vehicular survey and determined the size that the sign copy should be and then drew a box around it. They then added 54 inches which is the average height of a car and determined that the proposed sign is necessary for all traffic lanes to safely see the sign and turn into the business.

Mr. Moeller asked for an explanation of the survey that was taken.

Mr. Cassidy stated they went out with survey equipment and took measurements. They then drove north and southbound on Princeton-Glendale and took more than 100 pictures.

There was discussion regarding the height and color of sign copy and how it affects readership.

Mr. Riddell asked if the photos presented were to scale.

Mr. Cassidy stated they are as close as they can possibly get.

Mr. Riddell asked for clarification on how the determination on how far below grade the parking lot sits was calculated and whether it was to the sign location.

Mr. Cassidy stated from the parking lot to the detention basin was fairly level and that is how they measured for the sign.

Mr. Lenz stated the LED portion of the sign doesn't appear to be visible from the street and asked stated if it was removed the variance request would not be as substantial.

There was discussion regarding what parts of the sign would be visible if the LED portion was removed.

Mr. Riddell stated that if you take the 12' that is lost due to grade and the 10' permitted for the sign you only have about 6' left to account for.

Mr. Cassidy discussed the usefulness of ground signs with regards to car height.

Mr. Riddell stated that he believed if the LED portion was removed it would take care of pretty much all of the additional 6' being requested.

Mr. Cavens asked for clarification on how many signs were permitted when there were multiple tenants in the building.

Ms. Walton stated the property is permitted one 48SF ground sign.

Mr. Lenz asked for clarification on allowable wall signs for multiple tenants.

Ms. Walton stated each tenant would be permitted 4% of their front elevation.

**Raymond Schneider
10988 Deerfield Road
Blue Ash, Ohio 45242**

Mr. Schneider stated that there is an electronic sign two properties away and he does electronic signs at all his locations. He also stated there was an allowance for the sign to be higher than permitted when he bought the property. Lastly he stated he was at the property today and took photos. He discussed the amount of the existing sign that is covered by passing cars. He stated several potential customers have stated they had a hard time locating the business.

**Opponent: Janice Ferguson
9473 Deer Track Road
West Chester, Ohio 45069**

Ms. Ferguson stated she is against the request because the business has been a challenge for the homeowners behind it. She stated there are still barking dogs and a horn that blows once or twice a day to corral the dogs. She pointed out several variance standards and how she felt the request did not meet them.

Mr. Whited asked if the conditions have improved from the previous owner.

Ms. Ferguson stated she still hears dogs barking and a horn blowing.

Mr. Cavens asked if it had improved or if she could not tell a difference.

Ms. Ferguson stated she still hears barking dogs and cannot state that it is improved.

Mr. Riddell asked how long Ms. Ferguson had lived in her neighborhood.

Ms. Ferguson stated nineteen years and a few months.

Mr. Riddell clarified that there was no dog business there when she moved in.

Ms. Ferguson stated when she moved in it was a carpet cleaning business.

**Don Angel
9473 Deer Track Road
West Chester, Ohio 45069**

Mr. Angel stated in response to Mr. Cavens question about if conditions had improved that conditions are better but not a notable improvement. He discussed the barking dogs and stated that it is not a constant barking but you can count on several times a day having the dogs bark.

Neutral: Mike Cassidy
Preferred Resources
5769 Vice Lane
Burlington, KY 41005

Mr. Cassidy returned and went over several of the variance standards. He stated this variance was not in regards to the activity on the property but strictly the sign.

Mr. Lenz asked for clarification as to the whether the top portion of the sign was illuminated.

Mr. Cassidy stated it was internally illuminated.

Mr. Riddell asked if it was illuminated at night.

Mr. Cassidy stated it was. He also stated the background does not illuminate.

Raymond Schneider
10988 Deerfield Road
Blue Ash, Ohio 45242

Mr. Schneider returned and responded to the complaint about barking dogs. He stated they have put up a \$26,000 fence and the sound has diminished considerably. He also stated that there are dogs in the neighborhood that could be causing the issue.

Mr. Riddell asked if the lot behind Mr. Schneider's building belonged to him.

Mr. Schneider stated it was not owned by him.

Mr. Riddell confirmed that the vacant lot abutted the residential properties.

Mr. Schneider stated that was correct and again reiterated the changes made to diminish the barking dog sounds.

Board Deliberation

Mr. Riddell asked if the houses are on a higher grade than the subject property.

Mr. Lenz stated they were substantially lower.

Mr. Riddell questioned the height of the subject building

Mr. Lenz stated maybe fifteen feet.

Mr. Riddell questioned how the residents could be affected by the sign.

Mr. Cavens stated he takes his dog there personally and they do a great job.

Mr. Riddell reiterated that he did not see how the sign would impact the residential lots.

Mr. Lenz agreed.

Mr. Whited clarified that this business was a permitted use.

Ms. Walton stated it was.

Mr. Whited asked for clarification that there was no question that they could operate this business at this location.

Ms. Walton stated the Board granted a variance to allow the business within 200' of the residential lots.

Mr. Cavens reminded the Board the previous business was operating without approval and when Mr. Schneider bought the building he came in and rectified the issues including the conditions that Board placed on the use.

Mr. Whited questioned whether a sign actually generates business.

Mr. Cavens stated he knows where the business is and has a hard time turning in without signage.

Mr. Riddell stated the elevation drop makes the sign almost worthless if they are held to the standards.

Mr. Cavens agreed and stated he didn't believe the standards apply to this parcel due to the issue with the grade.

Mr. Riddell stated he did not have an issue with the height.

Mr. Lenz questioned a neighboring sign and if it were non-conforming because of its size.

Ms. Walton stated it was.

Mr. Lenz went over the standard questioning if the sign fit the character of the area and he believes it does due to other signs in the area.

Mr. Riddell went over several issues with the location.

Mr. Cavens stated Mr. Schneider has done everything the Board has asked of him.

Mr. Moeller stated that he has issue with doubling the size of the sign and raising the height.

Mr. Cavens stated it does not change the character of the neighborhood.

Mr. Moeller stated the height of the sign especially bothers him.

Mr. Lenz stated it would bother him as well if it were level with the road.

There was discussion regarding other signs in the area.

Mr. Riddell stated the height is not the only issue. He stated the drainage ditch pushes the sign back even further and perspective is everything.

Mr. Lenz stated they are as close to the road as they can get.

Mr. Whited stated he is sensitive to the owners but if you buy residential property that abuts commercial property you have no control over what happens. He stated they have the right to have the business. He also discussed the safety of not being able to see the sign.

Mr. Cavens made a motion to approve BZA case 16-08.

Mr. Whited seconded the motion.

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

Nay: Mr. Moeller

BZA 16-09 Don Moore, Lights and Signs for AstraZeneca

Ms. Walton was sworn in by Mr. Lenz.

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 the applicant is requesting a variance from the sign regulations.

**Applicant: Don Moore, Lights and Signs
1720 Petersburg
Hebron, KY 41048**

Mr. Moore stated the directional signs are keeping with corporate branding and he discussed how the variance standards would apply. He also stated that the signs can only be seen from Trade Port drive and are the best solution to directing traffic to the numerous areas for AstraZeneca.

Mr. Cavens stated this sounds like an application to control the traffic pattern and maintain safety.

Mr. Moore confirmed that was true.

Proponent: George Hagedon
5897 Dantawood
Liberty Township, Ohio 45044

Mr. Hagedon stated he was representing AstraZeneca and was here to answer any questions and give clarification.

Mr. Lenz asked if Trade Port Drive was a public street.

Mr. Hagedon stated it was and also stated they had been in negotiation with the only other property on the street to purchase their land and privatize the street but that did not happen.

Neutral: None

Board Deliberation

Mr. Whited stated this was a no brainer.

Mr. Lenz stated he drove to the property and without signage you don't know where you are going.

Mr. Riddell discussed the size of the signs.

Mr. Moeller reiterated it was not visible unless you are on Trade Port.

Mr. Moeller made a motion to approve BZA case 16-09.

Mr. Cavens seconded the motion.

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

Nay: None

ADMINISTRATIVE MATTERS

The minutes and resolutions from the February 10, 2016 meeting were approved.

Ms. Walton stated the cut off for next month is not until next Wednesday.

Ms. Walton announced there would be a mandatory annual Fire Board training prior to the April meeting.

Board appointments:

Mr. Riddell made a motion to nominate Mr. Whited to the position of Chairman.

March 9, 2016

Mr. Cavens seconded.

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

Nay: None

Mr. Riddell made a motion to nominate Mr. Cavens as Vice-Chairman.

Mr. Moeller seconded.

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

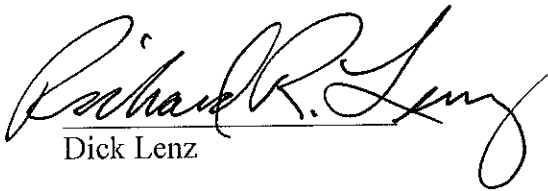
Nay: None

The next meeting will be Wednesday April 13, 2016 at 6:30 pm.


The board adjourned the March 9, 2016 meeting at 8:18 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 Vice-Chairman:


Dick Lenz

BZA Secretary:


Cathy Walton

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 16-07**

WHEREAS, Jack Kohler, for Hot Diggity Dog Daycare, on February 8, 2016 filed Application No. 16-07 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 dog daycare with boarding to be less than 200' from a residential zoned property as applied to the property at 7443 Dimmick Road, West Chester Ohio 45069 and containing Parcel # M5610-016-000-019 in Section 14, Town 3, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on March 9, 2016 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

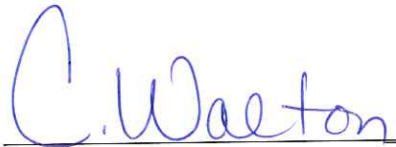
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request to allow a dog daycare with boarding to be less than 200' from a residential zoned property.

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 March, 2016 and journalized on the 13th day of April, 2016.



Larry Whited
BZA Chairman



Cathy Walton
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 16-08**

WHEREAS, Atlantic Sign Company for West Chester Resort and Spa, on February 8, 2016 filed Application No. 16-08 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a variance from the sign regulations as applied to the property at 9474 Princeton-Glendale Road and containing Parcel # M5610-002-000-134 in Section 3, Town 2, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on March 9, 2016 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 100SF ground sign that is 28' in height.

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 March, 2016 and journalized on the 13th day of April, 2016.



Larry Whited
BZA Chairman



Cathy Walton
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 16-09**

WHEREAS, Don Moore, Lights and Signs, for AstraZeneca, on February 10, 2016 filed Application No. 16-09 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a variance from the sign regulations as applied to the property at 8814 Trade Port Drive and containing Parcel #s M5620-008-000-039, 041 in Section 10, Town 2, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on March 9, 2016 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 10.68SF directional signs.

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 March, 2016 and journalized on the 13th day of April, 2016.



Larry Whited
BZA Chairman



Cathy Walton
BZA Secretary