

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

MEMBERS PRESENT: Mr. Whited, Mr. Lenz, Mr. Riddell, Mr. Simmons, Mr. Cavens

MEMBERS ABSENT: Mr. Moeller

STAFF PRESENT: Cathy Walton, Property Advisor  
Aaron Wiegand, Community Development Director

CALL TO ORDER: 6:30 PM

ADJOURNMENT 7:36 PM

Mr. Whited called the meeting of the West Chester Board of Zoning Appeals to order. He also announced that BZA case 16-27 had been withdrawn.

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**BZA 16-26 SHP IV Barrington West Chester, LLC**

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Ms. Walton was sworn in by Mr. Whited

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 from the ground sign regulations to add an offsite business partner.

Mr. Lenz asked for clarification that the request for an adjacent property.

Ms. Walton stated the property was to the north.

Mr. Lenz asked for clarification that the entrance off of Liberty Way was the only access for Clarity Pointe.

Ms. Walton stated it was.

Mr. Whited stated it was a landlocked piece of land and asked for clarification that the property was in Liberty Township.

Ms. Walton stated it was.

Mr. Cavens clarified that they were permitted 48 SF and were only asking for 42 SF.

Ms. Walton stated that was correct.

Mr. Simmons asked if there were two separate signs there today.

Ms. Walton explained that Clarity Pointe was a new facility and the two existing signs are for Heritage Spring and Barrington.

**Applicant: Roland Wintzinger  
2865 Hampton Cove Way SE  
Hampton Cove, AL 35763**

Mr. Wintzinger stated everything was presented accurately and he is happy to be located in West Chester. He also stated he is available for any questions.

Mr. Cavens stated this seemed pretty simple.

Mr. Whited stated it was straight forward.

**Proponent: None**

**Opponent: None**

**Neutral: None**

**Board Deliberation**

Mr. Cavens stated they are asking for a small sign and he likes it.

Mr. Whited stated the code states that you cannot advertise a company on a sign that is not on that property.

There was discussion regarding the applicant's property being landlocked.

**Mr. Lenz made a motion to approve BZA case 16-26 as submitted.**

**Mr. Simmons seconded the motion.**

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

**Nay:**

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**BZA 16-28 Guru Nanak Society**

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Ms. Walton was sworn in by Mr. Whited

Ms. Walton presented the staff report including a PowerPoint presentation, current zoning in the area, aeriels, background of request, staff comments and case history. Ms. Walton stated that the applicant is requesting a variance from the ground sign regulations to add a 16 SF LED panel to the existing ground sign.

Mr. Lenz asked if there was an electronic message sign issued to a church down the street on Tylersville.

Ms. Walton stated that was correct.

Mr. Cavens agreed that he remembered doing that.

**Applicant: Patrick Roche  
246 Laughlin Hollow  
South Portsmouth, KY 41174**

Mr. Roche stated he represented the sign manufacturer. He stated that they discuss visibility with owners. He stated one of the difficulties with this sign is the amount of text that they are requesting. He stated to make it visible they suggested a 4' x 8' top panel and add the three line message center. He stated it would be substantial for the worship center and the community. He stated it is important for the community to know about the religion.

Mr. Simmons asked if the sign was one that was high intensity and would flash.

Mr. Roche stated it is an LED sign and it can be programmed as required. He also stated it could be on a photo cell to turn off at night.

Mr. Cavens asked if the intensity of the lights could be adjusted.

Mr. Roche stated yes.

Mr. Lenz asked for clarification if this was to be LED or fluorescent.

Mr. Roche stated it would be a combination. He stated the 4' x 8' would be an illuminated sign and the portion below it would be LED.

**Applicant: Dr. Sartinder Singh  
4394 Tylersville Road  
West Chester, Ohio 45069**

Mr. Singh stated he was the President of the Guru Nanak Society. He stated that the existing sign is in a blind spot and people brake hard to make the turn. He also stated that very few people know they are there although they have been there a long time. He stated they are very much a part of the community and would like to advertise that.

Mr. Simmons stated he went to the property and the sign is difficult to see in its current location. He asked if the location of the sign will change.

Mr. Singh stated the location would not change but they were going to do some work on the tree that is next to the sign.

Mr. Lenz asked if they had thought about the hours they would like the sign illuminated.

Mr. Singh stated they are open to whatever the Board decides.

Mr. Lenz asked the hours of operation.

Mr. Singh stated they are open 24/7.

There was discussion regarding limiting the hours the sign could be illuminated.

Mr. Cavens asked if they had spoken to neighbors regarding the sign.

Mr. Singh stated they had spoken to neighbors on the north side of Tylersville.

**Proponent: None**

**Opponent: Steve Miller  
4398 Yacht Haven Way  
West Chester, Ohio 45069**

Mr. Miller stated he can raise his kitchen shade and he is looking directly down their driveway. He stated the parking lot is full every weekend and does not believe they need another sign. He stated he doesn't want his back yard lit up by a neon sign. He stated if they would plant pine trees in his rear yard he would be okay with it.

Mr. Cavens asked Mr. Miller if he was unhappy with the request.

Mr. Miller stated he doesn't want his backyard lit up and believes it will hurt his property values.

Mr. Lenz asked for clarification that if they planted trees, Mr. Miller would be okay with the request.

Mr. Miller stated that was correct.

**Opponent: Scott Sanders**  
**4180 Tylers Estates Drive**  
**West Chester, Ohio 45069**

Mr. Sanders stated his only concern is that the area is becoming a commercial looking area. He stated he doesn't believe the comparison to the church down the street is fair as that area already looks commercial. He stated his concerns are the use of multiple colored lights making it look commercial and there are still residential lots available for development and wondered if developers would want neon signs to advertise. He suggested moving the sign closer to the road.

Mr. Cavens asked if Mr. Sanders was okay with low level landscape lighting.

Mr. Sanders stated he was because the subdivision sign has the same lighting.

Mr. Riddell asked where Mr. Sanders lived in relation to the sign.

Mr. Sanders stated he lives behind the church building.

Mr. Simmons asked if he could see the sign.

Mr. Sanders stated he could not.

Mr. Cavens asked if Mr. Sanders accessed his community off of Tylersville.

Mr. Sanders stated that was correct.

There was discussion with the neighborhood being on a hill behind the church and if the sign was visible.

Mr. Sanders stated he cannot see the sign. His concern is the commercialization of the area.

Mr. Simmons asked for clarification that Mr. Sanders was not concerned with the message board itself but the intensity and coloring.

Mr. Sanders stated that was what he was mostly concerned about.

**Applicant: Dr. Sartinder Singh**  
**4394 Tylersville Road**  
**West Chester, Ohio 45069**

Mr. Singh stated the sign will not change from what it is currently.

Mr. Cavens asked how the sign is currently lit.

Mr. Singh stated it was internally lit.

Mr. Cavens asked if the lights were operational.

Mr. Singh stated they were and also stated they are on a photo cell.

Mr. Whited asked if the church would be willing to plant a shrubbery barrier.

Mr. Singh stated they want to be in harmony with the neighborhood. He stated they could not afford to plant for all neighbors on Tylersville but could address Mr. Miller's concern.

Mr. Whited stated that nothing could be planted in the right-of-way.

**Applicant: Patrick Roche**  
**246 Laughlin Hollow**  
**South Portsmouth, KY 41174**

Mr. Roche stated the display has the ability to be a tri colored display. He stated typically red is the least offensive color and the sign could be set to one color all the time. He also stated the sign and the message would be facing the road but the sign should not overpower the street light. The sign is not to attract people like a retail shop but to identify who they are and their religion. He feels the message center is important to let the community know who they are and have a better understanding.

**Opponent: Steve Miller**  
**4398 Yacht Haven Way**  
**West Chester, Ohio 45069**

Mr. Miller stated he chose his property so he wouldn't have to look at anyone else's back yard. He stated he doesn't want the commercial look whether there is shrubbery or not.

**Opponent: Scott Sanders**  
**4180 Tylers Estates Drive**  
**West Chester, Ohio 45069**

Mr. Sanders stated he believes the ability to spread the word to the community about their religion is not a good argument. He stated there are other ways to do that. He suggested maybe another sign that could be dimmer.

**Proponent: Member-Guru Nanak Society (name not recognizable)**  
**4394 Tylersville Road**  
**West Chester, Ohio 45069**

The proponent stated the sign is a big piece of their identity so they are trying to improve communication with the community so they can be more involved. He also stated the sign is the most important piece to communicate what they have.

**Applicant: Dr. Sartinder Singh  
4394 Tylersville Road  
West Chester, Ohio 45069**

Mr. Singh reiterated that they want to be part of the community and will act on any recommendations from the Board. He stated there are options for the sign such as going to a single line instead of three lines. He reiterated the sign is a part of who they are.

Mr. Cavens asked if the website was on the sign.

Mr. Singh stated it was not.

### **Board Deliberation**

Mr. Whited asked if the applicant is permitted the fluorescent sign by right.

Ms. Walton stated they would by right be permitted LED as long as it is within the 32 SF that is permitted. She also clarified that they are asking for the additional 16 SF.

There was discussion regarding signs permitted in an agricultural zoned district.

Mr. Cavens stated there are two neighbors here in opposition.

Mr. Lenz referred to the standards for variances and stated this is the first one he remembers that had opposition.

Mr. Simmons stated that although there was opposition, there is also willingness by the applicant to abide by conditions.

Mr. Cavens stated the conditioning the use of shrubs is opening a can of worms to anyone that wants shrubs.

Mr. Simmons stated that if there is a complaint, each one would need to be looked at on an individual basis.

Ms. Walton made the Board aware that the area in discussion for plantings belongs to the HOA and the Board could not condition that shrubs be planted on HOA property as Mr. Miller requested.

Mr. Lenz stated they are allowed to do what they want as long as it stays 32 SF.

Mr. Cavens stated he believes the Board should allow them to do what they are allowed to do. He reiterated that there were two neighbors here in opposition and the Board has been good about property rights.

Mr. Lenz agreed.

Mr. Riddell stated the church has rights and doesn't believe this is a commercial look. He stated because of the orientation of the sign the neighbor would see the side. He doesn't see a problem with the sign.

Mr. Simmons stated he doesn't see a problem with increasing the sign. He stated he doesn't see the commercialization aspect. He also stated the concerns of neighbors are valid and must be taken into consideration. He suggested applying conditions for intensity and hours of operation.

Mr. Cavens stated he does not believe the Board can do that.

Mr. Lenz stated they put a time limit on another church LED sign.

Mr. Riddell stated LED is the way of the future and doesn't believe its commercialization.

Mr. Cavens agreed that they should be allowed a sign but doesn't think the Board can violate other people's rights.

Mr. Riddell stated the argument has to have merit.

Mr. Simmons suggested finding a way to make two perspectives work together.

Mr. Whited stated by rights they have the right to have an LED sign. He stated the only question is the size. He stated the prudent move is to allow them what they are allowed to have.

Mr. Simmons stated he was at the site and you don't see the sign until you are right on it.

Mr. Lenz asked if the sign could be moved.

There was discussion regarding the location of the sign and the area around it.

Mr. Cavens stated churches are destination locations.

Mr. Simmons stated he does not believe that was the objective with this sign.

**Mr. Cavens made a motion to deny BZA case 16-28 as submitted.**

**Mr. Lenz seconded the motion.**

Mr. Riddell stated that denying this reverts back to the basic standards. He reiterated that he does not see a problem with the sign but will vote with the motion.

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

**Nay: Mr. Simmons**



**ADMINISTRATIVE MATTERS**

Mr. Whited announced that Mr. Moeller has resigned from the Board.

There was discussion regarding whether the position would be filled now or in February when Mr. Moeller's term is up.

Ms. Walton stated that there will be training prior to the December meeting regarding the new text amendments.

Mr. Lenz asked what the text amendments were regarding the variance standards.

Mr. Wiegand addressed the Board and explained that it is a wording issue with the variance standards and the standards will not change.

Meeting minutes from October 12, 2016 were approved.

The next meeting will be Wednesday December 14, 2016 at 6:30 pm.

The board adjourned the October 12, 2016 meeting at 7:36 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:**

**BZA Secretary:**



Larry Whited



Cathy Walton

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS  
RESOLUTION GRANTING  
APPLICATION NO. BZA 16-26**

WHEREAS, SHP IV Barrington West Chester, LLC, on October 11, 2016 filed Application No. 16-26 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 7222 Heritage Spring Drive and containing Parcel # M5610-015-000-023 in Section 12, Town 3, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on November 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 display for Clarity Pointe West Chester, which is not on the same parcel.

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 November, 2016 and journalized on the 14<sup>th</sup> day of December, 2016.

  
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Larry Whited  
BZA Chairman

  
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Cathy Walton  
BZA Secretary

**WEST CHESTER TOWNSHIP  
BOARD OF ZONING APPEALS  
RESOLUTION DENYING APPLICATION NO. BZA 16-28**

WHEREAS, Guru Nanak Society, on October 12, 2016 filed Application No. 16-28 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 48 SF sign as applied to the property at 4394 Tylersville Road, West Chester Ohio 45241 and containing Parcel # M5610-010-000-022 in Section 12, Town 2, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on November 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 be contrary to the public interest and are not 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 deny the request for a variance as stated in application No. 16-28.

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 November, 2016 and journalized on the 14th day of December, 2016.

  
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Larry Whited  
BZA Chairman

  
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Cathy Walton  
BZA Secretary