

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
May 10, 2017 – Regular Meeting**

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

MEMBERS ABSENT:

STAFF PRESENT: Aaron Wiegand, Community Development Director
Timothy Valentine, Property Advisor

CALL TO ORDER: 6:30 PM

ADJOURNMENT 7:19 PM

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

Mr. Wiegand called the roll.

The minutes and resolutions from the April 12, 2017 meeting were approved.

BZA 17-07 Architects Plus, Inc. for Mercedes Benz

Mr. Wiegand was sworn in by Mr. Cavens

Mr. Cavens reopened the case.

Mr. Wiegand confirmed that Mr. Whited and Mr. Riddell both watched the April 12, 2017 Board of Zoning Appeals meeting video and were up to date on the testimony.

Mr. Wiegand presented the PowerPoint presentation from the previous meeting.

**Applicant: Mike LaValle for Architects Plus
1100 Sycamore Street
Cincinnati, Ohio 45202**

Mr. LaValle stated that he represents Mercedes Benz. He stated he has had several discussions with staff regarding the request. He discussed wall signs and future submissions and questioned why the lot was not considered dual frontage.

Mr. Lenz stated that testimony last month was concerning not being able to identify the dealership when coming south. Mr. Lenz stated that the ground sign and the wall sign is visible but it's located on the far side of the wall.

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Mr. LaValle stated Mercedes determines the location of the signage.

Mr. Lenz stated he has driven by several times and reiterated that the issue is with the sign placement on the building.

Mr. LaValle stated the trees on the adjacent property are an issue as well.

Proponent: None

**Opponent: Larry Brueshaber
7454 Lake Park Drive
West Chetser, Ohio 45069**

Mr. Brueshaber stated he has been a West Chester resident for 42 years. He stated he has served on West Chester Boards and appreciates the Board's service. He discussed the development of the Union Centre interchange and the discussions around that. He stated he is an auto dealer and stated from his experience his best performing dealerships have limited signs. He stated the original intent of the Union Centre area should not be changed.

Neutral: None

Mr. Lenz asked staff about the double frontage issue that Mr. LaValle raised.

Mr. Wiegand stated it was not considered dual frontage because the interstate is considered a limited access right-of-way. He referred to figure 8 in the Zoning Resolution.

Mr. Wiegand reminded the Board that he directional sign has already been approved so this discussion is only for the ground mounted sign.

Board Deliberation

Mr. Lenz stated he sees no reason to approve this.

Mr. Cavens stated there is no way he will approve 16 ft. He stated he is ok with the additional 4% display area but not the height.

Mr. Whited stated there are Mercedes cars all over the lot which identify it as a Mercedes dealership. He also stated he is passionate about maintaining monument signs.

There was Board discussion regarding the request.

Mr. Cavens asked staff to clarify the request.

Mr. Wiegand stated there were two requests and clarified that the request to enlarge the display area was tied to the height of 16'.

Mr. Riddell asked for additional clarification on the request.

Mr. Wiegand clarified the display area as it related to the increased height.

Mr. Riddell stated he is one of the most lenient on signs but he is not in favor of a 100% increase in the height.

Mr. Cavens made a motion to deny BZA case 17-07 with regards to the ground sign.

Mr. Whited seconded the motion.

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

Nay: Mr. Simmons

BZA 17-08 Tommy Reed for Starbucks

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 that the applicant is requesting a variance from the building signs regulations per Article 30.144.

Mr. Whited asked how much directional signage the applicant is allowed.

Mr. Wiegand stated they are permitted two directional signs at 4 SF each.

**Applicant: Tommy Reed, Atlantic Signs
2328 Florence Avenue
Cincinnati, Ohio 45206**

Mr. Reed stated he is contracted by Starbucks sign company and have already 4-5 stores in the area with similar sign packages depending on jurisdiction. He stated the directional signs are not the most advantageous advertising for this drive thru. He stated the request was for three wall cabinets to show the drive thru service. He stated they have also requested additional wall signage on the back of the building.

Mr. Lenz asked about a temporary sign that was on the property. He stated he came in from the south and when he got to the east side it was very confusing.

Proponent: None

Opponent: None

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Neutral: None

Mr. Riddell asked for clarification from staff that the signs in consideration were three wall cabinets and a sign on the back of the building.

Mr. Wiegand stated that was correct.

Board Deliberation

Mr. Cavens stated he is in favor of the request.

Mr. Lenz stated that this is in the Central Business District but to him the request is different. He stated the building is behind other buildings and drive thru is very confusing.

Mr. Simmons stated the parking in front is confusing as well. He also stated he has looked this over carefully.

There was Board discussion regarding each case standing on its own.

Mr. Simmons stated this location is confusing without proper signage.

Mr. Cavens proposed that the Board approve the request but limit the ground signs.

There was Board discussion regarding whether the proposed signs would eliminate the problem.

Mr. Simmons made a motion to approve BZA case 17-08 with the condition that no additional directional signs be permitted.

Mr. Cavens seconded the motion.

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

Nay:

BZA 17-09 James Martin

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 that the applicant is requesting a variance from the accessory structure height standards per Article 13.061.

Mr. Lenz asked for clarification that the existing garage was built in compliance.

Mr. Wiegand stated that at the time the garage was built, the setback was 5' and the garage meets this requirement. Since the current request does not involve the setback it does not extend the nonconformance.

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Mr. Simmons asked if the additional four feet is approved, what happens if it is turned into living space.

Mr. Wiegand stated that a permit would not be issued as it is a violation. If a complaint was received, it would be handled through the zoning violation process.

Applicant: James Martin
7867 Quail Hollow Court
West Chester, Ohio 45069

Mr. Martin thanked the Board for their time. He stated as his family is growing, he is in need of storage space. He is requesting to add a second story to the garage for exercise equipment. He stated it would look like the house including the pitch of the roof.

Mr. Riddell stated asked what the finished height would be.

Mr. Martin stated it is 14' now and would be between 23'-24'.

Mr. Lenz clarified that the applicant's contractor can make this work.

Mr. Martin stated he could.

Proponent: None

Opponent: None

Neutral: None

Board Deliberation

Mr. Cavens stated he is in favor of the request.

Mr. Lenz stated it is currently an opposing building and adding height will increase that.

Mr. Riddell stated if this were a part of the house, this would not be an issue. He stated it was 4' off the allowable height.

Mr. Cavens agreed.

Mr. Lenz asked for confirmation that if the garage was attached to the house this request would not be here.

Mr. Wiegand stated that is correct.

There was discussion regarding options that would bring the garage into compliance. There was also discussion regarding the proposed addition looking better aesthetically and fitting in with the neighborhood.

Mr. Simmons agreed it will maintain the character of the lot.

Mr. Riddell made a motion to approve BZA case 17-09 as submitted

Mr. Cavens seconded the motion.

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

Nay: Mr. Lenz

ADMINISTRATIVE MATTERS

There were no administrative matters.

The board adjourned the April 12, 2017 meeting at 7:19 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:



Chris Cavens

BZA Secretary:



Cathy Walton

**WEST CHESTER TOWNSHIP
BOARD OF ZONING APPEALS
RESOLUTION DENYING APPLICATION NO. BZA 17-07**

WHEREAS, Architects Plus, for Mercedes Benz, on March 14, 2017 filed Application No. 17-07 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 50.29SF sign that is 16' in height as applied to the property at 5897 Muhlhauser Road, West Chester Ohio 45069 and containing Parcel # M5620-417-000-007 in Section 33, Town 3, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on May 10, 2017 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

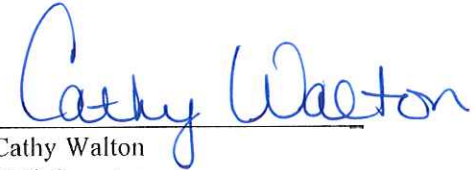
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby deny the request for a variance for a ground sign as stated in application No. 17-07.

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 10th day of May, 2017 and journalized on the 14th day of June, 2017.



Chris Cavens
BZA Chairman



Cathy Walton
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 17-08**

WHEREAS, Tommy Reed, for Starbucks, on April 7, 2017, filed Application No. 17-08 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a variance as applied to the property at 9244 Floer Drive and containing Parcel # M5610-032-000-0085 in Section 33, Town 3, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on May 10, 2017 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 extension of a non-confirming use set forth in the Zoning Resolution, paying particular attention to Section 8.0241

THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request to allow 36.84 SF of additional wall signage with the following condition:


1. No directional signs will be permitted.

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 10th day of May, 2017 and journalized on the 14th day of June, 2017.



Chris Cavens
BZA Chairman



Cathy Walton
BZA Secretary

**WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS
RESOLUTION GRANTING
APPLICATION NO. BZA 17-09**

WHEREAS, James Martin, on April 11, 2017, filed Application No. 17-09 with the Board of Zoning Appeals under Article 8, subsection 8.04 of the West Chester Township Zoning Resolution, seeking a variance as applied to the property at 7867 Quail Hollow Court and containing Parcel # M5620-211-000-007 in Section 13, Town 3, Range 2; (West Chester Township, Butler County, Ohio); and

WHEREAS, a public hearing was held on said application on May 10, 2017 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 extension of a non-confirming use set forth in the Zoning Resolution, paying particular attention to Section 8.0241

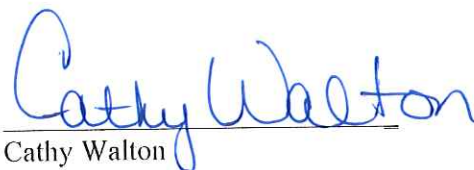
THEREFORE BE IT RESOLVED, that by virtue of the foregoing, the Board of Zoning Appeals does hereby grant the request to allow an addition to an existing accessory structure to be a maximum of 24' in height.

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 10th day of May, 2017 and journalized on the 14th day of June, 2017.



Chris Cavens
BZA Chairman



Cathy Walton
BZA Secretary