

**West Chester  
West Chester Township, Butler County  
Community Development Department**

**February 10, 2017**

Klusty Sign Associates, Inc., for Tylersville Investments, LLC, has submitted an application to the West Chester Township Community Development Department requesting a variance from the free standing sign regulation per Article 20.091. The subject case has been assigned BZA number 17-05 according to the West Chester Community Development Department's filing system and is scheduled to be heard on March 8, 2017. Please submit any comments relevant to the case that may be included in the staff report by **February 20, 2017**. Your comments can be faxed or emailed to:

**Cathy Walton  
West Chester Community Development  
9577 Beckett Road, Suite 100  
West Chester, Ohio 45069  
cwalton@westchesteroh.org  
Fax: (513) 874-6804**

Thank you for your input.

- ☐ Rick Prinz, West Chester Township Fire Department
- ☐ Eric Pottenger, Butler County Engineer's Office
- ☒ Teresa Barnes, Butler County Engineer's Office
- ☐ Kevin Fall, Butler County Soil/Water Conservation
- ☐ Constance Kepner, Butler County Environmental Services
- ☐ Jeff Agnew, Butler County Health Department
- ☐ Jim Fox, Butler County Building and Zoning
- ☐ Joel Herzog, West Chester Police Department
- ☐ Tom Makris, ODOT
- ☐ Tim Franck, West Chester Services



APPLICATION FOR A ZONING VARIANCE  
TO THE BOARD OF ZONING APPEALS  
WEST CHESTER TOWNSHIP COMMUNITY DEVELOPMENT DEPARTMENT  
9577 Beckett Road Suite 100, West Chester, Ohio 45069  
Telephone: (513) 777-4214

FOR WEST CHESTER TOWNSHIP COMMUNITY DEVELOPMENT USE ONLY:

CASE # 17-05 DATE RECEIVED: FEB 8 2017

FEE RECEIPT # 28138 RECEIVED BY: MM

West Chester Township  
Community Development Department

NOTE: THIS APPLICATION MUST BE TYPEWRITTEN OR PRINTED CLEARLY - USE ADDITIONAL SHEETS IF NECESSARY

NAME OF APPLICANT Klusty Sign Associates Inc

ADDRESS 3160 E KEMPER Rd.

CITY/STATE/ZIP Cincinnati OH 45241

PHONE NO. 513-772-4500 FAX NO. 513-772-3101

EMAIL ADDRESS: m.wilson@klustysa.com

LOCATION OF PROPERTY (if applicable): SECTION 17 TOWN 3 RANGE 2

PROPERTY ADDRESS 7309 Kingsgate Way

FOR EACH PARCEL WITHIN THE SUBJECT PROPERTY PLEASE PROVIDE:

PROPERTY OWNER NAME	PROPERTY OWNER ADDRESS	SUBJECT PARCEL(S) NUMBER
<u>Tylersville</u>	<u>938 Montgomery Rd #1202</u>	<u>MS620-172-000-036</u>
<u>Investments LLC</u>	<u>Cinti, Oh 45242</u>	<u>MS620-172-000-037</u>

REQUEST VARIANCE FROM ARTICLE 20 SUBSECTION .091

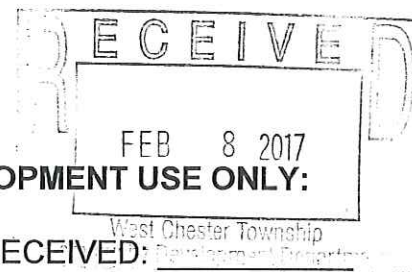
INTEREST IN THE PROPERTY: OWNER \_\_\_\_\_ AGENT X LESSEE \_\_\_\_\_ OPTIONEE \_\_\_\_\_

APPLICANT Melody Wilson Klusty Sign Associates 3160 E. Kemper Rd. 513-772-4500

Signature Address Phone Number

Cinti, Oh 45241





FOR WEST CHESTER TOWNSHIP COMMUNITY DEVELOPMENT USE ONLY:

CASE # 17-05

DATE RECEIVED:                     

**NOTE: THIS APPLICATION MUST BE TYPEWRITTEN OR PRINTED CLEARLY**

THE APPLICANT SHOULD PREPARE DEFINITIVE STATEMENTS REGARDING THE FOLLOWING (USE ADDITIONAL SHEETS IF NECESSARY):

**1) Please describe the requested variance:**

We are requesting permission to install an off premise pole sign on the property that would identify the tenant on the parcel it is installed on and the tenant on the parcel behind it that has no street frontage. The sign is 8' x 8' or 64 square feet in area and 20' 0" tall. This will replace an existing pole sign on site that is 8' x 6' or 48 square feet in area and 20' 10" tall.

**2) Can the property yield a reasonable return without a variance? If no, please explain:**

We do not feel the property will yield the needed return without being permitted to identify its location at the street where the entrance is. The restaurant is in the back of the property and, once the front parcel is developed, it will not be clearly visible as to where it is and how to get to it.

**3) Can there be any beneficial use of the property without a variance? If no, please explain:**

This is not really applicable in this case, as the sign is not on the property that the sign is going on. The sign, however, will have space on it to identify the business that is there once it is developed.

**4) Please explain whether you believe the variance requested is or is not substantial and why:**

We do not feel like the variance requested is substantial for a couple of reasons – first, there is already a similar sign on the property in the general area where this will go, second, the restaurant is on the property in the back of the area and does not have frontage for a sign to identify its location and entrance and combining identification for both of these parcels in to the one sign keeps the number of signs for this development along Kingsgate Way to a minimum

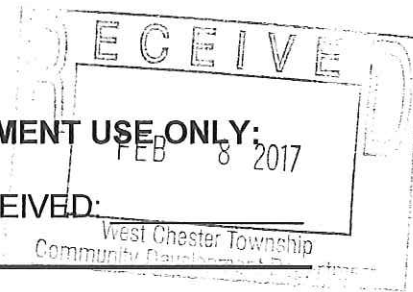
**5) Would granting this variance substantially alter the essential character of the neighborhood? If no, please explain.**

No, allowing this request would not alter the character of the neighborhood. There are other businesses in the area with signs similar to this one in front of their locations.

FOR WEST CHESTER TOWNSHIP COMMUNITY DEVELOPMENT USE ONLY:

CASE # 1705

DATE RECEIVED: \_\_\_\_\_



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- 6) **Would granting this variance be detrimental to surrounding property? If no, please explain:**

No, allowing this sign would not be detrimental to surrounding property. Most of the surrounding properties have very similar pole signs in front of their buildings to identify their business.

- 7) **Would granting this variance adversely affect the delivery of governmental services? Please explain:**

No it will not affect this at all. Having this sign with the restaurant identification on it at the entrance to the site will help identify it to emergency vehicles, potential patrons, etc.

- 8) **Did the property owner purchase the property with knowledge of the zoning restriction? If no, was the property owner aware that zoning existed in West Chester? If no, please explain:**

The property owner was aware that Zoning existed in West Chester Township but there was a sign on the property in the same general area at the time of purchase. Because the parcel was split the back parcel wound up with no greenspace at the road to place a sign on.

- 9) **Could other methods besides a variance allow the property to be used as desired? Please explain:**

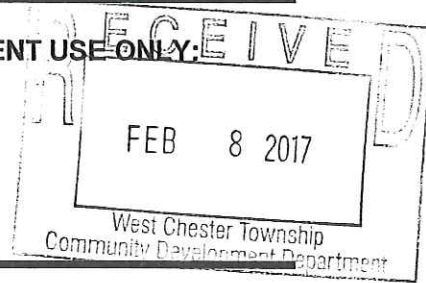
We do not feel there is any other remedy to this situation. The sign is strictly to identify the restaurants location since it is in the back of the property and not visible from the road, especially once the front parcel is developed.

**ADJACENT PROPERTY OWNERS**  
**WEST CHESTER TOWNSHIP COMMUNITY DEVELOPMENT DEPARTMENT**  
 9577 Beckett Road Suite 100, West Chester, Ohio 45069  
 Telephone: (513) 777-4214

**FOR WEST CHESTER TOWNSHIP COMMUNITY DEVELOPMENT USE ONLY:**

CASE#                     

DATE RECEIVED:



LIST ALL PROPERTY OWNERS WITHIN TWO HUNDRED (200) FEET OF SUBJECT PROPERTY.

[illegible]



BOARD OF ZONING APPEALS APPLICATION  
OFF PREMISE POLE SIGN FOR TEXAS ROADHOUSE

7309 Kingsgate Way  
Property Owners within 200' of sign location

MAP LOCATION SIGN OWNER	SECTION	TOWN	RANGE	PARCEL #	PROPERTY OWNER / TAX MAILING ADDRESS
	17	3	2	M5620-172-000-036	Tylersville Investments LLC 938 Montgomery Rd., Ste. 202, Cinti, OH 45242
SIGN LOCATION	17	3	2	M5620-172-000-037	Tylersville Investments LLC 938 Montgomery Rd., Ste. 202, Cinti, OH 45242
#1	17	3	2	M5610-019-000-005	Majid Qureshi 8413 Preakness Ln., Cinti, OH 45249
#2	17	3	2	M5610-019-000-037	Jack in the Box Eastern Division LP 9330 Balboa Ave., San Diego, CA 92123
#3	17	3	2	M5620-172-000-005	Nicholas E. Tonssaint TR 101 Montgomery Rd., # 1825 San Francisco, CA 94109
#4	17	3	2	M5610-019-000-006	B & K Land Associates LTD c/o Thorntons Inc.
#5	17	3	2	M5610-019-000-019	10101 Linn Station Rd., Anchorage, KY 40223
#6	17	3	2	M5620-172-000-001	Bagshaw Enterprises P O Box 826, Hillsboro, OH 45133
#7	17	3	2	M5620-180-000-001	AKB West Chester LLC 8204 Squirrel Hollow Rdg, West Cheter, OH 45069
#8	17	3	2	M5620-180-000-002	Yu Zhou Zhang & Xiu Jin Zhao 5199 Franklin Park St., Mason, OH 45040
#9	17	3	2	M5620-180-000-002	Blue Chip Brothers & Harris J Harbor LLC P O Box 21, Vandalia, OH 45377
#10	17	3	2	M5620-172-000-023	7345 Kingsgate LLC 7300 Beechmont Ave., Cinti, OH 45230
#11	17	3	2	M5620-172-000-007	Brolan & Assoc. LTD c/o Restaurant Management 300 Main St., Cinti, OH 45202
#12	17	3	2	M5620-172-000-022	7345 Kingsgate Way LLC 7300 Beechmont Ave., Cinti, OH 45230
#13	17	3	2	M5620-172-000-021	7363 Kingsgate Way LLC 7363 Kingsgate Way, West Chester, OH 45069
#14	17	3	2	M5620-172-000-008	J Neal Gardner One E. 4th St., Cinti, OH 45202

PROPERTY OWNER'S AFFIDAVIT

STATE OF OHIO  
COUNTY OF BUTLER

I (we) Tykesville Investments, LLC by Richard Hyman Manager  
hereby certify that we are all of the owners of the property which is the subject of this Variance application. I (we) hereby consent to the Board of Zoning Appeals of West Chester Township acting on our application. We understand that our application will be considered and processed in accordance with the regulations as set forth by the West Chester Township Community Development Department and Zoning Resolution. I (we) agree to accept, fulfill and abide by those regulations and all stipulations and conditions contained in the decision entered by the Board of Zoning Appeals of West Chester Township. I (we) authorize West Chester Township to place a Public Meeting Notification sign on the property. I (we) authorize staff and board members to enter and inspect the property. The statements and attached exhibits are in all respects true and correct to the best of our knowledge and belief.

  
Signature

Richard Hyman  
Printed Name

110 3rd Avenue, #31A  
Mailing Address

New York, NY 10003  
City and State

917-364 6000  
Phone

Subscribed and sworn to before me this 17<sup>th</sup> day of FEBRUARY 20 17

WYKEITHIA SMALLS  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01SM6335153  
Qualified in New York County  
My Commission Expires 01-04-2020

Wykeithia Smalls  
Notary Public

Person to be contacted for details, other than signatory:

Melody Wilson Kinsky Sign, 3160 E. Kemper Rd. 513-7724500  
Name Address Phone  
Cincinnati, OH  
45241







Sign to be removed - 18 sq. ft.

6' 1'

8'

ECONOMY INN

Arby's

Look for Food? Th k Arby's

ITALIAN CATSALL ONE TODAY

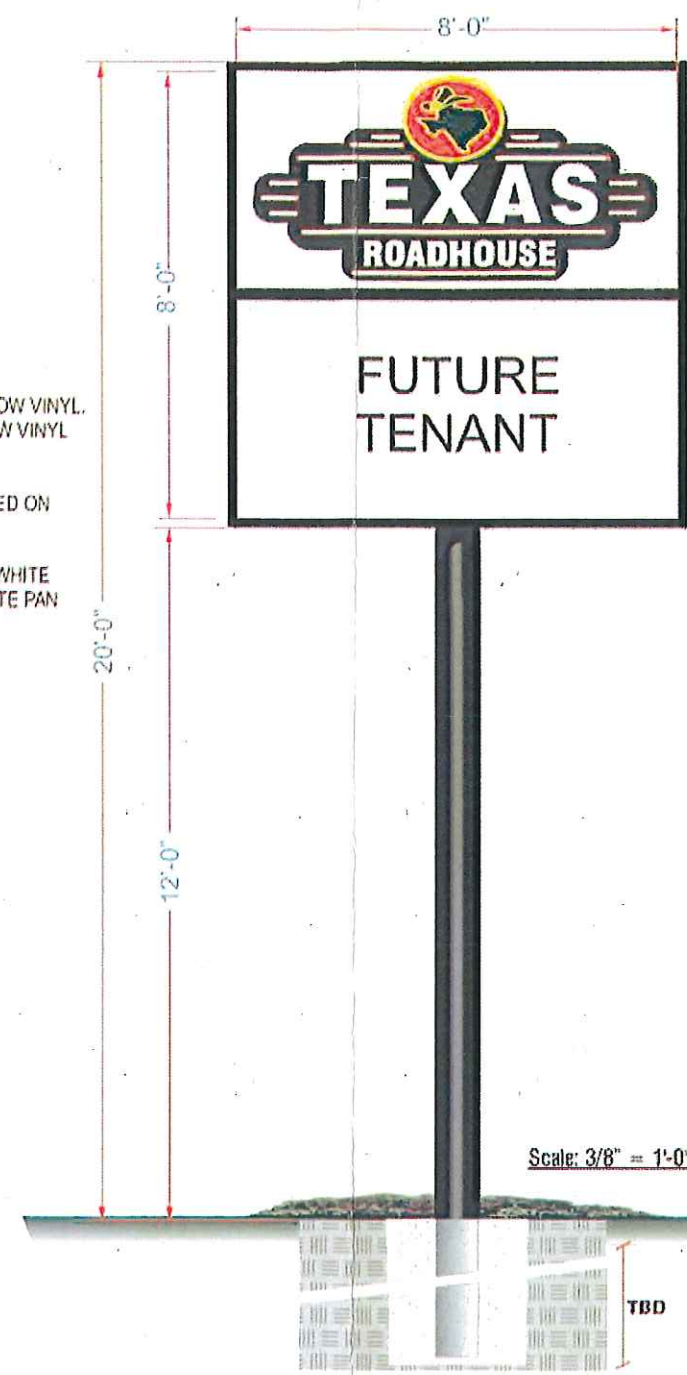
20'10"

Klusty Sign Associates  
3160 E. Kemper Rd.  
Cinti, OH 45241  
513-772-4500





FLORESCENT ILLUMINATION



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**Klusty Sign Associates**  
3160 E. Kemper Rd.  
Cinti, OH 45241  
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