West Chester
West Chester Township, Butler County
Community Development Department

October 14, 2016

SHP IV Barrington West Chester, LLC has submitted an application to the West Chester Township Community Development Department requesting a variance from the ground sign regulations for an off-site sign per Article 23.092. The subject case has been assigned BZA number **16-26** according to the West Chester Community Development Department's filing system and is scheduled to be heard on **November 9, 2016**. Please submit any comments relevant to the case that may be included in the staff report by **October 24, 2016**. 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 # 16-26 DATE RECEIVED: OCT 11 2016

FEE RECEIPT # 37024 RECEIVED BY: SF

RECEIVED
West Chester Township
Community Development Department

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

NAME OF APPLICANT SHP IV Barrington West Chester, LLC

ADDRESS Attn: Mark Haberlen, C/O Prudential Real Estate Investors, 3348 Peachtree Rd, Suite 1100

CITY/STATE/ZIP Atlanta, GA 30326

PHONE NO. (404) 704-3794 FAX NO.

EMAIL ADDRESS: mark.haberlen@pgim.com / roland@heritagedp.net
Mark Haberlen Roland G. Wintzinger

LOCATION OF PROPERTY (if applicable): SECTION 12 TOWN 3 RANGE 2

PROPERTY ADDRESS 7222 Heritage Spring Dr., West Chester, OH 45069

FOR EACH PARCEL WITHIN THE SUBJECT PROPERTY PLEASE PROVIDE:

PROPERTY OWNER NAME	PROPERTY OWNER ADDRESS	SUBJECT PARCEL(S) NUMBER
SHP IV Barrington West Chester, LLC	SHP IV Barrington West Chester, LLC c/o PREI 3348 Peachtree Rd., Ste. 1100 Atlanta, GA 30326	M5610-015-000-023

REQUEST VARIANCE FROM ARTICLE 23 SUBSECTION .092

INTEREST IN THE PROPERTY: OWNER X AGENT _____ LESSEE _____ OPTIONEE _____

APPLICANT Roland G. Wintzinger 2865 Hampton Cove Way SE (256) 509-3554
Signature Address Phone Number
Roland G. Wintzinger Hampton Cove, AL 35763
Heritage Development Partners
Owner's Representative

DESCRIPTION OF REQUEST AND REASONS FOR
A ZONING VARIANCE
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# 16-26 DATE RECEIVED:

RECEIVED
OCT 11 2016
West Chester Township
Community Development Department

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.

The Barrington of West Chester is requesting to replace the aged existing sign on our property. Upon doing so, we would like to add a display to the new sign for our complimentary business partner, Clarity Pointe Memory Care. Clarity Pointe is located adjacent to The Barrington property (to the north) and provides Specialized Memory Care services for Alzheimer's and Dementia residents. The Barrington provides Senior Independent and Assisted Living care, as together both businesses complement each other in order to provide continuing care for our local senior population. Both businesses utilize the same entrance / driveway, thus creating a senior living campus. *The Display Area of the new sign shall meet the dimensions allowed as outlined in section 23.092a. No increase above the permitted display area will be required.

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

No. In order to provide a high level of care for our West Chester Senior Residents they must be informed regarding the high quality services available to them on our campus. For the businesses to operate properly in providing services, the senior residents and corresponding families must be able to locate them.

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

No. Same answer as #2.

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

The variance requested is not substantial because it will provide an upgrade over what currently exists. We will be constructing a brand new sign of much higher quality, which will be much more aesthetically pleasing, providing a great deal of improvement over the existing sign. Additionally, the Display Area of the new sign will meet the existing West Chester Township signage regulations. No variance of display area will be required.

DESCRIPTION OF REQUEST AND REASONS FOR A ZONING VARIANCE (CONTINUED)

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

No. It will actually be a much needed improvement over the exiting faded, faux stone sign as discussed above.

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

No. It will improve the surrounding property for reasons as mentioned above.

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

No. It will help by allowing governmental services to locate both businesses.

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.

Yes.

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

No. Again, the variance will allow for our West Chester seniors and their families to locate the facilities which comprise our senior living campus.

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# 16-24

DATE RECEIVED:

RECEIVED
OCT 11 2016
West Chester Township
Community Development Department

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

Property Owner	Tax Mailing Address	Section	Town	Range	Parcel Number
HCG CP West Chester, LLC	Attn: Harvest Capital Group 75 5th St. NW, Suite 311	7	3	3	D2010-009-000-019
	Atlanta, GA 30308				
Enterprise 22, LLC	8194 Liberty Way West Chester, OH 45069	12	3	2	M5610-015-000-003
NHP Ohio, LLC	NHP, LLC C/O Altus Group US Inc. #7084	12	3	2	M5610-015-000-002
	5450 E High St., Suite, 200 Phoenix, AZ 85054				
Metroparks of Butler County	Butler County Park District 2051 Timberman Rd.	12	3	2	M5610-015-000-015
	Hamilton, OH 45013-9621				

PROPERTY OWNER'S AFFIDAVIT

STATE OF OHIO
COUNTY OF BUTLER

I (we) SHP IV Barrington West Chester, LLC
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

Mark Haberlen
Printed Name
C/O Prudential Real Estate Investors
3348 Peachtree Road, Suite 1100
Mailing Address

Atlanta, GA 30326
City and State

(404) 704-3794
Phone

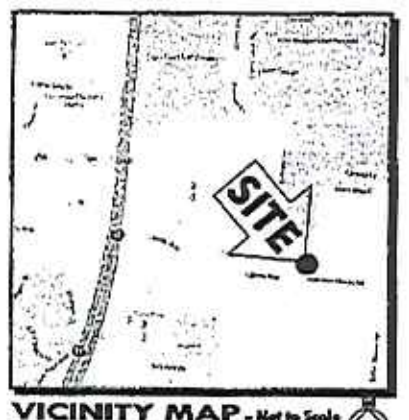
Subscribed and sworn to before me this 6th day of October 20 16

MIRAYA LE GORETZKI NOTARY PUBLIC DEKALB CO., GEORGIA MY COMMISSION EXPIRES APRIL 15 2017

Notary Public Miraya Goretzki

Person to be contacted for details, other than signatory:

Name	Address	Phone
Roland G. Wintzinger - Heritage Development Partners	2865 Hampton Cove Way SE Hampton Cove, AL 35763	(256) 509-3554



VICINITY MAP - Not to Scale

LEGEND

- Fnd. Nail
- Fnd. Iron Pin
- Fnd. Cross
- Fnd. Spike
- Ex. Post
- Ex. Handicapped Parking
- Ex. Sign
- Ex. Mailbox
- Ex. Ground Light
- Ex. Light Pole
- Ex. Utility Pole
- Ex. Utility Clean-out
- Ex. Water Meter
- Ex. Utility Manhole
- Ex. Electric Meter
- Ex. Electric Transformer
- Ex. Gas Valve
- Ex. Gas Meter
- Ex. Water Valve
- Ex. Post Indicator Valve
- Ex. Stoke Connection
- Ex. Hydrant
- Ex. Sanitary Manhole
- Ex. Storm Manhole
- Ex. Storm Catch Basin (Square Grate)
- Ex. Storm Inlet

SURVEYOR'S NOTES

This survey was based on a title commitment provided to the surveyor by Fidelity National Title Insurance Company, Commitment No. 12-007443, with an effective date of October 23, 2012, at 6:59 AM.

TITLE COMMITMENT SCHEDULE B SECTION II DOCUMENTS:

Item 8 - Easements on or touching the surveyed property as set forth on a survey recorded in Survey Book 50, Page 164, of the Butler County records are shown hereon this survey. Portions of said easements that are located in the new right of way of Liberty Way (formerly Hamilton-Mason Road) are not shown.

Item 9 - Easement for the transportation of gas, including underground facilities, if any, granted to The Cincinnati Gas & Electric Company, by instrument dated March 26, 2004, filed April 2, 2004 and recorded in O.R. Book 7337, Page 1666, of the Butler County Records is shown hereon this survey in its approximate location based on the graphical location of the easement centerline as shown on Exhibit A of O.R. Book 7337, Page 1666. The portion of said easement that is located in the new right of way of Liberty Way (formerly Hamilton-Mason Road) is not shown.

Item 10 - Easement for sanitary sewer (pipelines) main, together with all appurtenances, granted to the Board of County Commissioners in an instrument dated August 25, 2004, filed September 7, 2004 and recorded in O.R. Book 7433, Page 134, of the Butler County Records is shown hereon this survey. The portion of said easement that is located in the new right of way of Liberty Way (formerly Hamilton-Mason Road) is not shown.

Item 11 - Easement for water (pipelines) main, together with all appurtenances, granted to Board of County Commissioners in an instrument dated August 25, 2004, filed September 7, 2004 and recorded in O.R. Book 7433, Page 138, of the Butler County Records is shown hereon this survey. The portion of said easement that is located in the new right of way of Liberty Way (formerly Hamilton-Mason Road) is not shown.

Item 12 - Easements by Heritagespring Health Care Center Realty, LTD, dated February 20, 2007, filed March 22, 2007, and recorded in O.R. Book 7871, Page 117, of the Butler County Records are detailed below:
(Sec 2.1) - Driveway Easements - Proposed Access and Utility Easement "A" and Proposed Access and Utility Easement "B" are shown hereon this survey, except for the parts of said easements that are located in the new right of way of Liberty Way (formerly Hamilton-Mason Road) which are not shown.
(Sec 2.2) - Utility Easements - These easements are within the same boundaries as the above "Driveway Easements" and are shown hereon this survey as Proposed Access and Utility Easement "A" and Proposed Access and Utility Easement "B", except for the parts of said easements that are located in the new right of way of Liberty Way (formerly Hamilton-Mason Road) which are not shown.
(Sec 2.3) - Storm Sewer Easement - The portion of "Easement Area C" that is within the scope of the survey is shown hereon this survey.
(Sec 2.4) - First Drainage Easement - "Easement Area D" and "Easement Area E" are not on and do not touch the surveyed property and are not shown hereon this survey.
(Sec 2.5) - Second Drainage Easement - The portion of "Easement Area F" that is within the scope of this survey is shown hereon this survey.
(Sec 2.6) - Sign Easement - The Easement references the former right of way of Hamilton-Mason Road, and the portion of the easement that is within the scope of this survey is shown hereon this survey based on that former location of Hamilton-Mason Road.

Item 13 - Matters as shown on a survey by Thomas P. Baumann (OH PS#7450) of Baumann Land Survey, Inc., dated August 27, 2012, Project #22195, including a.) Existing mailbox units for adjoining Barrington Cottage Realty, Ltd.; and b.) existing concrete wall are as shown hereon this survey.

TITLE COMMITMENT "EXHIBIT A"

SITUATED IN SECTION 12, TOWN 3, RANGE 2, WEST CHESTER TOWNSHIP, BUTLER COUNTY, OHIO AND BEING PART OF A 10.1389 ACRE PARCEL DESCRIBED IN O.R. 6066, PAGE 1029 OF THE BUTLER COUNTY, OHIO RECORDER'S OFFICE AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHEAST CORNER OF SAID SECTION 12 THENCE ALONG THE NORTH LINE OF SAID SECTION N 84° 39' 15" W 1572.99 FEET TO THE NORTHEAST CORNER OF SAID 10.1389 ACRE TRACT AND THE TRUE POINT OF BEGINNING OF THE PROPOSED 3.7133 ACRE TRACT;

THENCE WITH THE WEST LINE OF SAID 10.1389 ACRE TRACT S 05°30'45" W 590.58 FEET TO A POINT IN THE CENTERLINE OF HAMILTON MASON ROAD;

THENCE CONTINUING ALONG SAID CENTERLINE N 84°39'15" W 234.77 FEET TO A SET NAIL;

THENCE LEAVING SAID CENTERLINE N 05°20'45" E 20.00 FEET TO A SET NAIL SET IN THE EXISTING RIGHT OF WAY OF SAID HAMILTON MASON ROAD;

THENCE N 69°37'52" W 27.08 FEET TO A SET NAIL;
THENCE N 31°44'53" W 16.92 FEET TO A SET NAIL;
THENCE N 05°20'45" E 14.34 FEET TO A SET NAIL;
THENCE N 31°53'43" E 59.54 FEET TO A SET IRON PIN;
THENCE N 05°25'20" E 141.04 FEET TO A SET NAIL;
THENCE N 39°39'15" W 69.77 FEET TO A SET NAIL;
THENCE N 05°25'45" E 293.05 FEET TO A SET IRON PIN IN THE NORTH LINE OF SECTION 12;

THENCE ALONG THE NORTH LINE OF SAID SECTION 12, S 84°28'00" E 294.95 FEET TO THE POINT OF BEGINNING. CONTAINING 161,751 SQUARE FEET (3.7133 ACRES), MORE OR LESS.

BASED ON A SURVEY RECORDED IN THE BUTLER COUNTY ENGINEER'S RECORD OF LAND SURVEYS VOLUME 50, PAGE 164.

LESS AND EXCEPT: THAT PROPERTY CONVEYED TO THE BUTLER COUNTY TRANSPORTATION IMPROVEMENT DISTRICT BY A DEED FILED APRIL 10, 2008 AND RECORDED IN O.R. BOOK 8005, PAGE 1577, OF THE BUTLER COUNTY RECORDS.

TOGETHER WITH the driveway easement for ingress and egress as set forth in a Declaration of Covenants, Easements and Liens by Heritagespring Health Care Center Realty, Ltd., an Ohio limited liability company, dated February 20, 2007, filed March 22, 2007 and recorded in O.R. Book 7871, Page 117, of the Butler County Records.

RECORDED LEGAL DESCRIPTION

VESTING DEED O.R. BOOK 7871, PAGE 143

Situated in Section 12, Town 3, Range 2, West Chester Township, Butler County, Ohio and being part of a 10.1389 acre parcel described in O.R. 6066, Page 1029 of the Butler County, Ohio Recorder's Office and more particularly described as follows:

[illegible]

2011 ALTA/ACSM LAND TITLE SURVEY TABLE A ITEMS:

Item 1: Corner Monuments are as noted and shown hereon this survey.

Item 2: The address of the surveyed property (as listed on the Butler County Auditor's website) is: 7222 Heritage Spring Drive, West Chester, Ohio 45069

Item 3: Flood Zone Data: The surveyed property is located in Flood Insurance Rate for Butler County, Ohio and Unincorporated Areas Map Number 39017C0355E "Panel Not Printed - No Special Flood Hazards" based on the Butler County, Ohio and Unincorporated Areas Map Index Map Number 39017CIND0A effective December 17, 2010. Areas in Panels Not Printed are assumed to be Zone X.

Item 4: The surveyed property contains 149,151 Sq. Ft., 3.4240 Acres.

Item 6(b): A DRAFT zoning report prepared by The Planning and Zoning Resource Corporation (dated 12.05.2012, PZR Site Number 64209-1) was provided by the insurer to the surveyor. Current Zoning Classification - "M1"
Building Setback Requirements - Front - 25'; Side - 5'; Rear - 40'
Height Restrictions - 50'
Building Density - Lot Coverage (Impervious) - 86%

Item 7(a): The exterior dimensions of all buildings at ground level are as shown hereon this survey.

Item 7(b)(1): The square footage of the exterior footprint of all buildings at ground level on the surveyed property is 37,322 sq. ft. as shown hereon this survey.

Item 7(c): The measured height of all buildings on the surveyed property is approximately 55 feet above the concrete walk at the front entrance as shown hereon this survey.

Item 8: Substantial features observed in the process of conducting this survey are as shown hereon this survey.

Item 9: There are 54 total parking spaces containing 51 regular parking spaces and 3 handicapped parking spaces on the surveyed property.

Item 10(a): There were no division or party walls designated by the client.

Item 11(b): The location of utilities existing on or serving the surveyed property as determined by readily apparent visible observed evidence and from construction plans (Baumann Engineering 02.01.2006) and being within the scope of this survey are shown hereon this survey. No underground utility marking service was used for this survey and all underground utility lines are shown hereon this survey are from the above mentioned construction plans.

Item 13: The names of adjoining owners of platted lands according to the current public records are as shown hereon this survey.

Item 14: There was no intersection street specified by the client. However, the surveyed property is located at the northeast corner of the intersection of Heritage Spring Drive (Private) and Liberty Way (Public, Formerly Hamilton-Mason Rd).

Item 16: There was no readily apparent visible observed evidence of current earth moving work, building construction or building additions at the time of this survey.

Item 17: No information regarding proposed changes in street right of way lines were discovered by the surveyor. There was no readily apparent visible observed evidence of recent street or sidewalk construction or repairs at the time of this survey.

Item 18: There was no readily apparent visible observed evidence of site use as a solid waste dump, sump or sanitary landfill at the time of this survey.

Item 19: No wetland areas were delineated by appropriate authorities.

Item 20(a): Observed improvements within the offsite easements or servitudes benefiting the surveyed property and disclosed in record documents provided that are within the limits of this survey are as shown hereon this survey.

Item 21: Professional Liability Insurance per Professional Service Agreement dated October 30, 2012, is on file with SHP IV Barrington West Chester, LLC c/o Alston & Bird, LLP

SURVEYOR'S CERTIFICATION

To SHP IV Barrington West Chester, LLC, a Delaware limited liability company, SHP IV, LLC, a Delaware limited liability company and Fidelity National Title Insurance Company:

This is to certify that this map or plat and the survey on which it was based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by the ALTA and NSPS, and includes items 1, 2, 3, 4, 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10(a), 11(b), 13, 14, 16, 17, 18, 19, 20(a), and 21 of Table A thereof.

The field work was completed on 11.01.2012

Date of Plat or Map: 12.13.2012

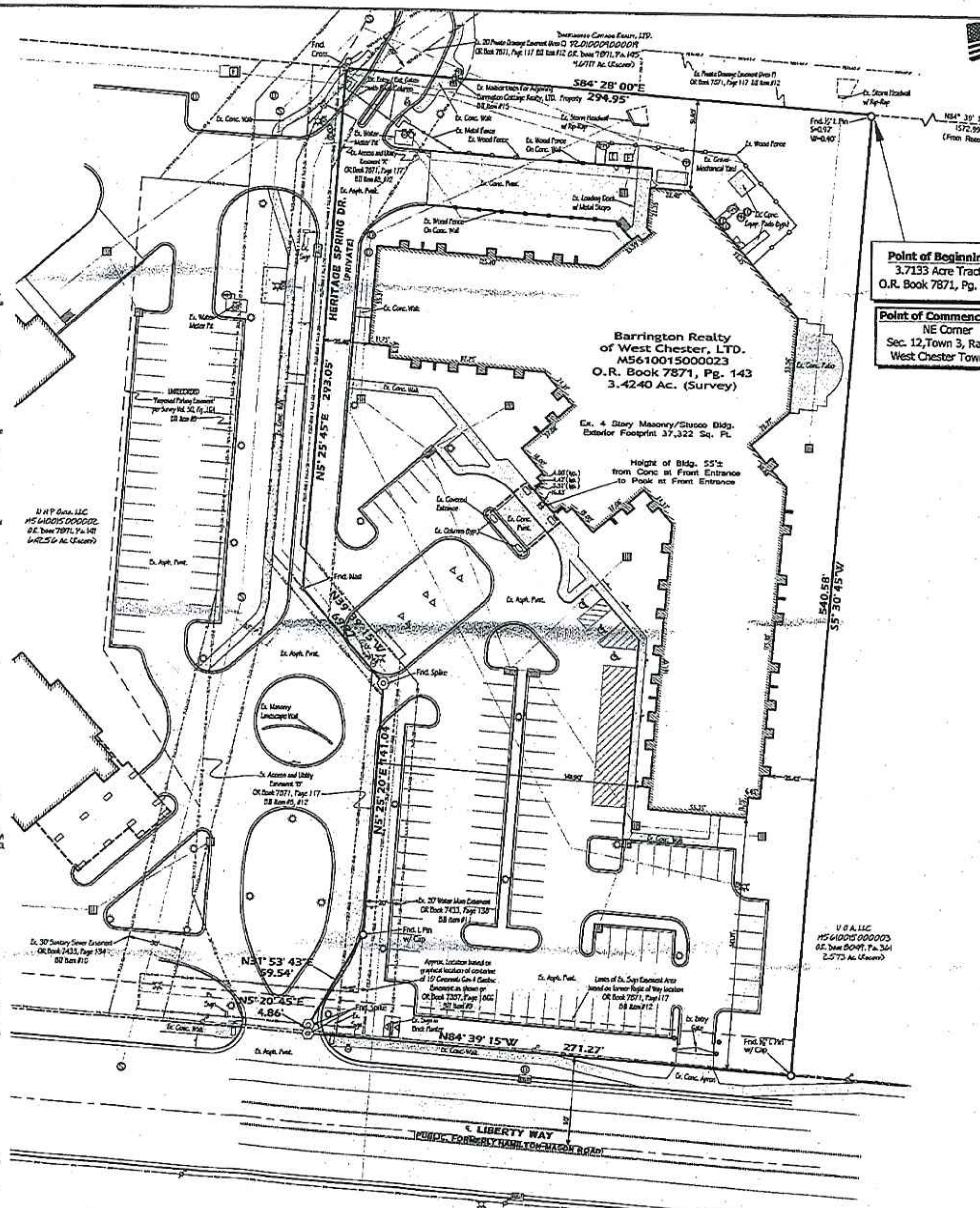
[signature] 12-14-2012
Thomas P. Baumann, PS — Date
Ohio Surveyor PS-7450

SURVEYOR'S DESCRIPTION

NOT THE RECORDED LEGAL DESCRIPTION

Situated in Section 12, Town 3, Range 2, West Chester Township, Butler County, Ohio, and being part of a 3.7133 acre tract conveyed to Barrington Realty of West Chester, LTD. in O.R. Book 7871, Page 143 of the Butler County, Ohio Recorder's office, and being more particularly described as follows:

[illegible]



BAUMANN LAND SURVEY, INC.
2300 MONTANA AVE. SUITE 103
CINCINNATI, OHIO 45211
513.860.3999
WWW.BAUMANNLSI.COM

WARNING
The location of all utilities and underground structures shown are approximate and are not necessarily all of the existing utilities and structures. It is the contractor's responsibility to determine the exact location and existence of all utilities and underground structures.

STATE OF OHIO — THOMAS P. BAUMANN 7450 — REGISTERED PROFESSIONAL SURVEYOR

~ALTA/ACSM LAND TITLE SURVEY~

7222 HERITAGE SPRING DR.
WEST CHESTER, OHIO 45069
PIDN M5610015000023
PT. OF A 3.7133 AC. TRACT O.R. BOOK 7871, PG. 143
SECTION 12, TOWN 3, RANGE 2
WEST CHESTER TOWNSHIP
BUTLER COUNTY, OHIO
PREPARED FOR SHP IV BARRINGTON WEST CHESTER, LLC

NORTH — Based on O.R. Book 7871, Page 143

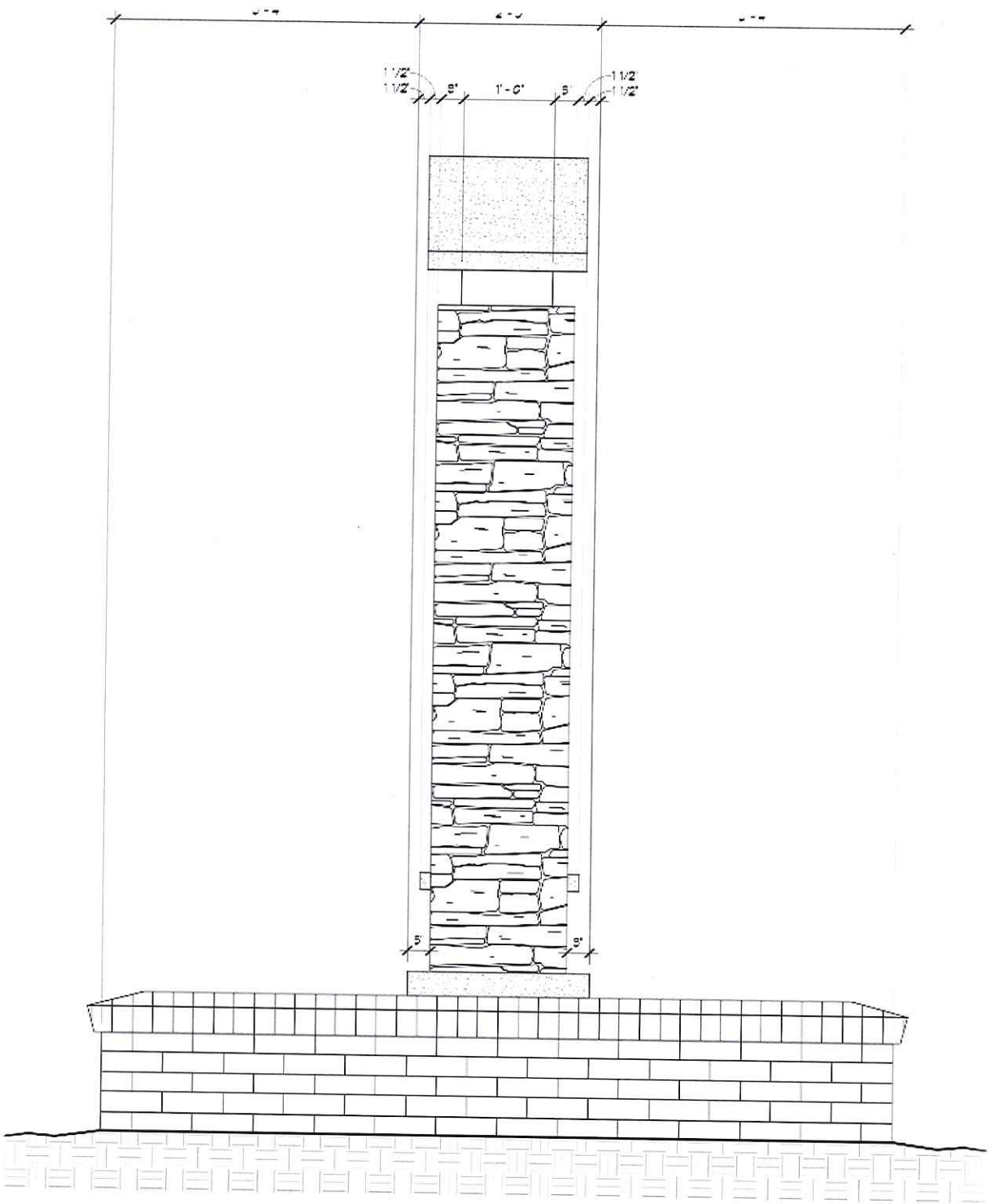
GRAPHIC SCALE 30 0 15 30 (IN FEET) 1 INCH = 30 FT.

ALTA/ACSM LAND TITLE SURVEY	
SCALE:	1"=30'
SHEET:	1 of 1
PROJECT:	22195
DATE:	12.13.2012
DRAWING:	13288



1 FRONT VIEW - MAIN STREET SIGN

SCALE: 1" = 1'-0"



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OCT 17 2016
BY:

2 SIDE VIEW - MAIN STREET SIGN

SCALE 1" = 1'-0"