

**LIBERTY TOWNSHIP BOARD OF ZONING APPEALS**  
**February 12, 2019**  
**6:00 PM**  
**MEETING MINUTES**

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The Board of Zoning Appeals was called to order at 6400 Princeton Road, at approximately 6:00 P.M. by Mr. Schweier. The Pledge of Allegiance was recited.

Upon call of the roll, members in attendance were Mr. Andrew Schweier, Mr. Richard McKinney, Mr. Robert Rogers, Mr. Brian Uhl and Mr. Michael DeHart. Also in attendance was Bryan Behrmann, Director of Planning and Zoning and Karla Chaney, Zoning Specialist.

Mr. Schweier reviewed the hearing procedures and performed a group swearing in.

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Mr. Schweier called for the first case.

Ms. Chaney presented the staff report and PowerPoint Presentation for case **BZA19-003**, Weaver Commercial Contractor Inc. requested approval of an expansion to a Conditional Use for a 34,987 square foot addition to the Center Pointe Church.

Mr. Schweier asked if there were any questions for staff.

Mr. Rogers wanted to know if the retaining wall were to encroach into the buffer would it cause another zoning issue. Mr. Behrmann replied no the retaining wall would be used to preserve the buffer.

Mr. Schweier asked to hear from the applicant.

John Fiala (2148-B Eagle Pass, Wooster, OH) stated the access drive on the north side of the building will be a paved surface without gates and will be used by the church to exit the property. Mr. Fiala explained that the roof is 30 feet tall with a four (4) foot parapet wall to hide the HVAC units and the newly submitted drawings reflect the staff's request for additional brick on the south side of the addition.

Shawn Spradling (6424 Ashdale Court, Liberty Township, OH) stated that he is the pastor at the Center Pointe Church. Mr. Spradling gave the history of the church and explained the proposed addition is the final phase.

John Del Varne (6900 Tylersville Road, Mason, OH) stated they are currently working on the detail grading/ stormwater management plans and would submit them as soon as they are complete. Mr. Del Varne explained stormwater management was a big issue requiring applicants to comply with the Butler County flood control guidelines and the EPA's post construction water quality standards.

He explained that a photometric plan would be submitted with the final drawings and will be designed to the township standards. He stated the sidewalks would be installed along Lesourdsville West Chester and Hamilton Mason Roads per the zoning resolution.

Mr. Schweier asked if they had submitted stormwater plans to the Butler County Engineers Office. Mr. Del Varne stated they have only submitted a concept plan, but would submit complete stormwater plans once the design was complete.

Mr. Schweier asked if the twenty-foot access drive on the north side of building being used to exit the property would be labeled a fire lane to keep people from parking. Mr. Del Varne stated there would be no parking signs or pavement markings on the access drive. Bryan Behrmann stated that zoning standards would not allow parking on a twenty-foot access drive.

Mr. Rogers asked about the parking space count. Mr. Behrmann explained with the alteration of the existing parking area and the added parking spaces there would be 602 parking spaces upon completion. Mr. Del Varne stated 311 spaces were required.

Mr. Fiala stated with the changes in society families do not all travel to church at the same time in the same vehicle. He explained that parents sometimes need to be there earlier or later and the children tend to arrive separately from the parents. He also stated that church service times tend to be close and some people tend to socialize longer, these were all reasons why they felt they needed the additional parking.

Mr. Schweier asked if the two parcels needed to be consolidated. Mr. Behrmann state the two parcels did need to be consolidated and it was a recommended condition of the approval on the staff report.

Mr. Schweier asked if anyone would like to speak in favor of the Conditional Use request. There were none.

Mr. Schweier asked if anyone would like to speak in opposition of the Conditional Use request.

John Ellison (7156 Brightwaters Ct., Liberty Township, OH) stated he lived north of the existing building. Mr. Ellison wanted to know where the new HVAC equipment would be located; he wanted to know when they remove the existing trees to install the access drive were they planning to replace the trees; and what is the size of the new trees.

Mr. Behrmann stated they would need to retain the existing trees and continue the buffer. He explained the buffer requirements are a 50-foot wide buffer with a 6-foot mound and one (1) 6-foot evergreen planted every 10 feet.

Mr. Ellison understood the need for a fire lane however; he wanted to know if there was going to be a fence on top of the wall. Mr. Behrmann stated that if the wall exceeds four feet a fence would be required. Mr. Ellison also wanted to know how the decorative fence would appear. Mr. Behrmann explained it would be black aluminum to keep people from falling. Mr. Ellison also

wanted clarification on the building material and color. Mr. Behrmann explained the addition would be constructed out of similar brick and color as the existing building.

Anthony Turco (7134 Lesourdsville West Chester Rd., Liberty Twp. OH) stated he also lived on the north side of the existing building. He had concerns with the additional stormwater on his property, the trash washing out into the woods, the dumpster noise and the people loitering on the driveway in the evenings.

Gary Culberth (7164 Brightwaters Ct. Liberty Twp. OH) stated he lives on the north side of the existing building. He explained that during the previous expansion there were issues between the neighbors and the church that ended up in litigation. Mr. Culberth stated there was a prior private agreement between the church and the neighbors to maintain the buffer and install two rows of trees. He stated in the past there were issues with hours of construction and the sheriff was called.

Dave Wiedwald (7126 Brightwaters Ct. Liberty Twp. OH) stated he lives on the far end of Brightwaters Court. Mr. Wiedwald explained that trees were planted but were never maintained therefore they never grew large enough to buffer his home from the church. He had concerns with the large square footage of the expansion and the effect on the property values.

Mr. Schweier suggested that the neighbors give the township a copy of the agreement to put in the case file. Mr. Behrmann explained that the township has no authority over a private agreement.

Joe Schmitt (7136 Brightwaters Ct. Liberty Twp. OH) stated that he also lives on the north side of the church and has for over 20 years. He explained that the mound was not built per the original agreement and was not to be altered. Mr. Schmitt stated that noise, parking lights and stormwater management were all concerns. He also mentioned that the church stated they would not have a daycare service.

Mr. Schwier explained that request before the Board was to grant them a Conditional Use zoning approval to build the addition; it was not permission to start construction.

Mr. Schweier also explained that they were not altering the mound but that a wall was being constructed to preserve the mound and trees. Mr. Behrmann explained that there is a proposed retaining wall along the north property line to preserve the mound and some trees would need to be removed to construct the wall. Mr. Schweier stated the applicant was not requesting a variance for the mound therefore; they must comply with the township mounding requirements.

Mr. Rogers stated he understood there was a separate private agreement between the property owners and the church for a buffer with two rows of trees and the agreement was not enforceable by the township. Mr. Behrmann explained that a private agreement is only enforceable by a judge and the township resolution requires one evergreen tree per every 10 feet on center. He also explained if the current tree line does not meet the requirement, they would need to add additional trees to meet the requirement.

Robin Turner (6050 Blueberry Dr. Liberty Twp. OH) stated her property backs up to the new parking lot area and she has concerns with stormwater. She explained that she has been

experiencing water problems in her yard since the installation of the mound. Ms. Turner wanted to make sure everyone was aware of the problem and hopes that it could be corrected.

Mr. Del Varne explained that a large detention area was being designed for the project to help slow down the flow of the water.

Anthony Turco (7134 Lesourdsville West Chester Rd. Liberty Twp. OH) explained he had reinforced the creek area with rock to control the erosion from the stormwater. Mr. Turco recommended a fence be required on the retaining wall for safety.

Mr. Fiala explained there were no changes to the existing HVAC units; the new units would be located on the south side of the addition with a four (4) foot parapet wall. He stated the church would replace any tree that needs to be removed for the retaining wall and the mound would be continuous. Mr. Fiala stated he was aware of the neighbor's concerns as to the hours of construction and would make sure no one is working past 6pm. Mr. Fiala offered to make his cell phone number available to the neighbors so if they had concerns he could address them.

Mr. Del Varne stated he was made aware of the neighbor's concerns and issues they were experiencing. He believes the regrading and actual buffer mound may be redirecting the water causing some of the drainage issues, he stated he would take a closer look at the drainage. He explained they look at overall runoff control, how it gets to the detention basin, how it is controlled and how it is released. Mr. Del Varne stated there are two (2) existing detention basins and the county stormwater regulations along with the state regulations are far more stringent than they were years ago.

Mr. Rogers asked if the north detention basin would be altered. Mr. Del Varne stated the north basin would be reviewed but did not see any changes. Mr. Rogers asked if the new detention basin would be piped into the county storm sewer. Mr. Del Varne stated ideally.

Mr. DeHart stated that until a stormwater study is done we do not know if the storm sewers can handle the capacity. Mr. Del Varne stated that is correct. Mr. DeHart asked if Mr. Del Varne had a plan B. Mr. Del Varne explained that water would continue to drain where it is currently draining and the design is more of how to control the flow of water and how long it needs to be held.

Mr. Schweier asked Mr. Del Varne if he had an opinion on if the mound has created the water issues. Mr. Del Varne stated it could be many things.

Mr. Rogers asked with the agreement of a continuous buffer the applicant will be creating an L-shape with no breaks causing the water to be contained on the church side of the mound. Mr. Del Varne agreed and explained the parking lot drains to the north where there will be a detention basin on the north side of the parking lot with an outlet structure and an outlet pipe connecting to the storm sewer.

Mr. Fiala stated the church would install a gate with a knock box on the north entrance to keep people from loitering at night on the church property. Mr. Behrmann stated it would need to be approved by the Fire Department.

Mr. Schweier asked if there were any other questions for the applicant.

Mr. DeHart asked why there was a need for such a large expansion.

Ryan White (4149 Mill Crest Dr. Fairfield Twp. OH) stated the goal is to raise capacity for the services. He explained that the church has added services to help with capacity issues but at the current rate of growth, they cannot continue to do so. He said the addition will allow them to reach capacity and they would like to have events to improve the ministry. He also stated the church would like to collaborate with the community to help with their needs.

Mr. DeHart asked if they had a daycare on site. Mr. White stated they do not have a day care but there are groups that do use the church at times that may play outside.

Mr. Schweier **CLOSED THE PUBLIC HEARING** for BZA19-003 and the Board began their deliberations.

Mr. Schweier said he believes most of the concerns are the water issues and are the responsibility of the Butler County Engineers office.

Mr. Dehart asked the staff if there were any variances granted for the buffer and is it to code. Mr. Behrmann referred Mr. DeHart to the staff report there were no variances for the buffer in the past.

Mr. Rogers asked the staff if it was appropriate to include the commitments the applicant made to the community into the conditions. Mr. Behrmann stated he recommended adding the continuous buffer and landscaping commitments as conditions if they choose to approve the request.

Mr. Schweier asked the staff to clarify the height issue with the fence requirement on the retaining wall. Mr. Behrmann stated it was not in the zoning resolution but was included as a safety issue.

Mr. DeHart has concerns with the size of the building and the water issues.

Mr. Rogers stated the Butler County Engineers office is responsible for the water drainage.

Mr. McKinney agreed the main issue is the water and the dialog between the church and the community was positive.

Mr. Schweier made a motion for BZA19-003 to **APPROVE** the expansion of the Conditional Use with conditions. Mr. McKinney seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Mr. Rogers – yes; Mr. Uhl – yes, Mr. DeHart - no. The motion passed and the request was approved.

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Mr. McKinney made a motion to **APPROVE** the Notice of Decision from the January 8, 2019 meeting. Mr. Uhl seconded the motion. Upon call of roll: Mr. McKinney – yes; Mr. Uhl – yes;

Mr. Rogers – yes; Mr. DeHart – abstain; Mr. Schweier - abstain. The motion passed and the Notice of Decision was approved.

Mr. Schweier stated that the Board needed to vote for Chairman and Vice Chairman of the Board of Zoning Appeals for 2019. Mr. DeHart made a motion to elect Mr. Schweier as the Chairman of the Board of Zoning Appeals for 2019. Mr. Uhl seconded the motion. Upon call of the roll: Mr. DeHart – yes; Mr. Uhl – yes; Mr. McKinney – yes; Mr. Rogers – yes; Mr. Schweier – abstain. The motion passed.

Mr. Schweier made a motion to elect Mr. McKinney as the Vice Chairman to the Board of Zoning Appeals for 2019. Mr. Uhl seconded the motion. Upon call of the roll: Mr. Schweier – yes; Mr. Uhl – yes; Mr. Rogers – yes; Mr. Dehart – yes; Mr. McKinney – abstain. The motion passed.

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Mr. Schweier made a motion to adjourn. Mr. DeHart seconded. Upon call of the roll, the motion passed unanimously and the **BOARD OF ZONING APPEALS MEETING ADJOURNED.**

Respectfully submitted,

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Andrew Schweier, Chairman

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Karla Chaney, Secretary