

LIBERTY TOWNSHIP BOARD OF ZONING APPEALS

February 14, 2023

6:00 p.m.

MEETING MINUTES

The Board of Zoning Appeals was called to order 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, Ms. Brienne Fey, Mr. Robert Rogers and Mr. Chuck Springmyer. Also, in attendance was Karla Chaney, Zoning Specialist.

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

Mr. Schweier called for the first case.

Ms. Chaney presented the staff report and PowerPoint Presentation for case **BZA23-001**, Glenn and Gina Edwards were requesting a variance from Section 4.12.4(2) of the Liberty Township Zoning Resolution for a reduced rear yard accessory structure setback from the required 10' minimum setback to 6' from the south property line.

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

Mr. Schweier asked Ms. Chaney if the pole barn was able to meet all other zoning requirements. Ms. Chaney replied yes, except for the driveway.

Mr. Schweier asked to hear from the applicant.

Glenn Edwards (7412 Linn Road, Liberty Twp. OH) explained the 20' driveway is an easement and all the utilities run under the driveway. Mr. Edwards stated the hard surface parking pad outside the pole barn was not a problem but he had concerns with the location due to the utilities. Mr. Edwards also stated he had spoke with Mr. and Mrs. Debord, adjacent property owners, and they did not have any issues with him constructing his pole barn six feet from the property line.

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

Mr. McKinney asked Mr. Edwards what type of materials would be use and if it they would match the house. Mr. Edwards replied the building would be constructed of metal sheeting that matched the stain on the house.

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

Mr. Schweier asked if anyone would like to speak in opposition of the variance. There were none.

Mr. Schweier **CLOSED THE PUBLIC HEARING** for BZA23-001 and the Board began their deliberations.

Mr. Schweier stated his only concern was the location of the utilities.

Mr. Rogers stated he believed the topography and the way the house was situated on the lot were hardships.

Mr. Schweier made a motion for BZA23-001 to **APPROVE** the variance request with staff recommendations. Mr. McKinney seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Ms. Fey – yes; Mr. Rogers – yes; Mr. Springmyer - yes. The motion passed and the request was approved.

Mr. Schweier called for the next case.

Ms. Chaney presented the staff report and PowerPoint Presentation for case **BZA23-002**, New Ohio Signs was requesting a variance under Section 9.4.5(2)(c) of the Liberty Township Zoning Resolution for a pole supported sign without a brick base and Section 9.4.5(2)(d) to exceed the 12' maximum height allowed for structures 50,000-99,000 square feet.

Mr. Schweier asked if there were any questions for staff. There were none.

Mr. Schweier asked to hear from the applicant.

Tony Daley (2480 South Kemp Road, Lima, OH) for New Ohio Signs, stated in order to redistribute the sign area, the cabinet would need to be removed from the poles. He explained the cabinet would need to be reconstructed for the required UL listing.

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

Mr. McKinney asked Mr. Daley how many of the original tenants were still in the shopping center. Mr. Daley replied he did not know.

Ms. Fey asked Ms. Chaney if the illumination would be required to meet current standards. Ms. Chaney replied yes, the sign would be required to meet our current zoning standards.

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

Mr. Schweier asked if anyone would like to speak in opposition of the variance. There were none.

Mr. Schweier **CLOSED THE PUBLIC HEARING** for BZA23-002 and the Board began their deliberations.

Mr. Schweier stated he was torn between allowing the sign to remain and bringing the sign up to code but did not see a hardship.

Mr. McKinney stated if they need to bring the sign down they can bring the sign into compliance.

Mr. Rogers stated he was torn between, is removing the cabinet new construction or sign maintenance. Mr. Rogers stated he was leaning towards maintenance and the need to meet a UL requirement.

Ms. Fey agreed with Mr. Rogers, she felt the removal the cabinet would be maintenance.

Mr. Springmyer agreed with Mr. Schweier.

Ms. Fey made a motion for BZA23-002 to **APPROVE** the variance request with staff recommendations. Mr. Rogers seconded the motion. Upon call of roll: Ms. Fey – yes; Mr. Rogers – yes; Mr. McKinney – no; Mr. Springmyer – no; Mr. Schweier - no. The motion failed due to lack of votes.

Mr. Schweier made a motion for BZA23-002 to **DENY** the variance request. Mr. Springmyer seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. Springmyer – yes; Mr. McKinney – yes; Ms. Fey – no; Mr. Rogers - no. The motion passed and the request was denied.

Mr. Schweier called for the next case.

Ms. Chaney presented the staff report and PowerPoint Presentation for case **BZA23-003**, The Drees Company and Hickory Woods Development were requesting a variance from Section 4.10.3(1) and Table 4.10-A of the Liberty Township Zoning Resolution for a reduced front yard setback from the required 50' minimum to 40' for all 112 single family lots to be platted in the Caravel subdivision.

Mr. Schweier asked if there were any questions for staff. There were none.

Mr. Schweier asked to hear from the applicant.

Matt Manis (211 Grandview, Ft. Michell, KY) for The Drees Company, explained the main reason for the variance is to bring the homes closer to the interior streets and further away from Yankee and Kyles Station Roads creating a larger buffer for the surrounding properties. He believed the creek and smaller back yards were hardships.

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

Mr. Schweier asked Mr. Manis if he believed all 112 lots have hardships. Mr. Manis explained the majority of the lots will be improved with the decreased setback and the houses would not mesh if some were at a 40' setback and others at 50' setback. He stated they can meet the 50' setback everywhere they just would like to accomplish more by reducing the setbacks and upgrading the exterior materials.

Mr. Rogers asked Mr. Manis when they looked at the site and decided on the 40' vs 50' setback, was there a study done to see if they kept the 50' setback and made the lots wider would help

achieve the additional buffer. Mr. Manis replied they were trying to minimize the changes and he did not know if it would accomplish the increased external buffer. Mr. Manis explained they are not custom builders they have preset building footprints so increasing the width of the lot would not change anything.

Mr. McKinney asked Mr. Manis with this reduced setback, are you increasing the number of lots. Mr. Manis replied no, the number of the lots did not change.

Ms. Fey asked Mr. Manis if the reduced setback variance was approved are they in agreement with the staff recommendation of an increase rear yard setback. Mr. Manis said yes.

Josh Blatt (11025 Reed Hartman Hwy, Cincinnati, OH) for John Henry Homes, stated he wanted to reiterate that most of the lots back up to the creek area which limits the useable area of the lot and the hardship on Kyles Station Road is a walking path which pushes the house up against the buffer mounds.

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

Mr. Schweier asked if anyone would like to speak in opposition of the variance.

Todd Turnbull (7092 Francis Drive, Liberty Twp. OH) spoke in opposition requesting the Board deny the request primarily because it would set a precedent. He requested the Board require the applicants to follow the R-1 guidelines in the zoning resolution like all other R-1 subdivisions in the township.

Mr. Schweier **CLOSED THE PUBLIC HEARING** for BZA23-003 and the Board began their deliberations.

Mr. Schweier stated he did not see a hardship on the majority of the lots. He did see a potential hardship on a few lots but the request was for the entire 112 lots.

Mr. Springmyer stated he was in opposition. He explained from a development standard point you do your due diligence and look at the property and design something that works and returns the value. He believes this hardship could be designed away.

Mr. McKinney understood why the applicant requested all 112 lots but did not see a hardship for all the lots.

Mr. Rogers stated he struggled with the request because the applicant could alter the lots to avoid the hardships and meet the code.

Ms. Fey agreed with Mr. Rogers and Mr. Springmyer.

Mr. Springmyer a motion for BZA23-003 to **DENY** the variance request. Mr. McKinney seconded the motion. Upon call of roll: Mr. Springmyer – yes; Mr. McKinney – yes; Ms. Fey – yes; Mr. Rogers – yes; Mr. Schweier - yes. The motion passed and the request was denied.

Mr. Schweier made a motion to **APPROVE** the minutes for the November 8 , 2021 meeting. Mr. Springmyer seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. Springmyer – yes; Mr. McKinney – yes; Ms. Fey – abstain; Mr. Rogers – abstain. The motion passed and the minutes were approved.

Mr. Schweier made a motion to **APPROVE** the Notice of Decision for BZA23-005. Mr. McKinney seconded the motion. Upon the call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Ms. Fey – abstain; Mr. Rogers – abstain; Mr. Springmyer – yes. The motion passed and the Notice of Decision was approved.


Mr. Schweier made a motion to **APPROVE** the Notice of Decision for BZA23-006. Mr. McKinney seconded the motion. Upon the call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Ms. Fey – abstain; Mr. Rogers – abstain; Mr. Springmyer – yes. 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 2023. Mr. McKinney made a motion to elect Mr. Schweier as the Chairman of the Board of Zoning Appeals for 2023. Mr. Rogers seconded the motion. Upon call of the roll: Mr. McKinney – yes; Mr. Rogers – yes; Ms. Fey – yes; Mr. Springmyer – yes; Mr. Schweier – abstain. The motion passed.

Mr. McKinney made a motion to elect Mr. Rogers as the Vice Chairman to the Board of Zoning Appeals for 2023. Mr. Springmyer seconded the motion. Upon call of the roll: Mr. McKinney – yes; Mr. Springmyer – yes; Ms. Fey – yes; Mr. Rogers – abstain; Mr. Schweier – yes. The motion passed.

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

Respectfully submitted,


Andrew Schweier, Chairman


Karla Chaney, Secretary