

**LIBERTY TOWNSHIP BOARD OF ZONING APPEALS**  
**March 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, Ms. Brienne Fey; and Mr. Brian Uhl (arrived at 6:33pm). 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. Steve Weeks, **BZA19-004** from Tri-State Signs requested to postpone his case until the April 9, 2019 meeting.

Mr. Schweier made a motion to **APPROVE** the amended Minutes from the November 13, 2018 meeting as provided by the staff. Mr. McKinney seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Mr. Rogers – yes; Ms. Fey – yes. The motion passed and the Minutes were approved.

Mr. McKinney made a motion to **APPROVE** the Minutes from the January 8, 2019 meeting as provided by the staff. Ms. Fey seconded the motion. Upon call of roll: Mr. McKinney – yes; Ms. Fey – yes; Mr. Rogers – yes; Mr. Schweier – abstain. The motion passed and the Minutes were approved.

Mr. Schweier made a motion to **APPROVE** the Notice of Decision from the February 12, 2019 meeting. Mr. Rogers seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. Rogers – yes; Mr. McKinney – yes; Ms. Fey – abstain. The motion passed and the Notice of Decision was approved.

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Mr. Uhl arrived and joined the board.

Mr. Schweier called for the first case.

Ms. Chaney presented the staff report and PowerPoint Presentation for case **BZA19-005**, Carl Franklin was requesting a variance under Section 4.12.5(5)(d) of the Liberty Township Zoning Resolution to construct a three sided courtyard wall that exceeds six (6) feet in height above the elevation of the surface of the ground.

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

Mr. Schweier asked for clarification between an accessory structure and the wall. Mr. Behrmann explained the tower on the corner was considered an accessory structure because it was enclosed and the wall was only a wall. Mr. Schweier asked if the structure had four walls, was completely enclosed it would be considered an accessory structure. Mr. Behrmann replied yes and stated the tower also has a roof.

Mr. Rogers asked for clarification on one of the PowerPoint slides showing the possible location of the principle structure in reference to the property line.

Mr. Schweier asked to hear from the applicant.

Carl Franklin (7023 Ivory Lane Liberty Twp. OH) explained the time line stating how everything came to fruition. He explained that he did reach out to his HOA and had not received any negative feedback. Mr. Franklin stated he thought the courtyard wall would add and not take away from his property values. He explained he was constructing the courtyard/playset for his grandchildren. He also stated that he had a petition signed by all the adjacent property owners except the Yankee Estates subdivision stating they had no concerns.

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

Mr. Schweier asked Mr. Franklin about the letter his HOA provided staff denying his request. Mr. Franklin replied the letter was after their initial email/verbal approval. Mr. Schweier asked Mr. Franklin if he understood even if the board approved his request the HOA still states you cannot build it. Mr. Franklin said he did understand. Mr. Schweier asked him if he was currently working with his HOA to get approval. Mr. Franklin replied it was an ongoing process. Mr. Schweier explain that there needs to be a hardship to the land to keep you from complying with the zoning resolution. Mr. Franklin stated he felt his hardship was the architectural design.

Mr. McKinney asked Mr. Franklin what lead him to the design and why did he want to build it. Mr. Franklin stated he was building it for his grandkids and the grandkids helped with the design.

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.

Mike Niehaus (7062 Yankee Estates Drive, Liberty Twp. OH) stated that he was a builder/developer, felt the variance was substantial and requested it be denied. He explained it would alter the character of the neighborhood and effect the property values.

David Schneider (7141 Yankee Estates, Liberty Twp. OH) stated he was concerned with Ivory Lane being a private drive and Yankee Estates being a public street that people would start touring Yankee Estates to see the castle causing a safety concern for the children playing.

Steve Deak (7053 Ivory Lane, Liberty Twp. OH) stated Mr. Franklin spoke with him in November about building a courtyard but the design was not complete. Mr. Deak explained that Ivory Lane did have an HOA with some restrictive covenants to protect their homes. He stated the HOA

covenants have a height maximum of four (4) feet and it must be constructed in his rear yard. Mr. Schweier referred to the letter the HOA sent stating there was a remedy to change the covenants. Mr. Deak replied it was an option but nothing has been formally submitted to the HOA.

Eileen Sorrows (7132 Yankee Estates Drive, Liberty Twp. OH) stated she was president of the Yankee Estates HOA and she did not feel the courtyard/castle fits into the neighborhood. Ms. Sorrows stated she had no knowledge of the petition.

Pete Weingartner (7142 Yankee Estates Drive, Liberty Twp. OH) stated he objected to the additional height; felt it could draw a criminal element or vandalism.

Mr. Schweier **CLOSED THE PUBLIC HEARING** for BZA19-005 and the Board began their deliberations.

Mr. Schweier thought the castle idea was cool but did not see the hardship to grant the variance for the additional height of the structure.

Mr. McKinney agreed with Mr. Schweier, he also did not see the hardship. He felt the strong opposition had weight and recommended that Mr. Franklin get with the staff on building an accessory structure within the guidelines.

Mr. Uhl stated that he could see the plan was well laid out but did not see the hardship to grant the variance.

Ms. Fey agreed with the other board members.

Mr. Schweier made a motion for BZA19-005 to **DENY** the variance request. Mr. Uhl seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. Uhl – yes; Mr. Rogers – yes; Ms. Fey – yes, Mr. McKinney - yes. The motion passed and the request was denied.

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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,

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Andrew Schweier, Chairman

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Karla Chaney, Secretary