

LIBERTY TOWNSHIP ZONING COMMISSION
May 20, 2019
6:00 PM
MEETING MINUTES

The Zoning Commission was called to order at 5962 Hamilton Mason Road at 6:00 P.M. by Chairman Forrest Holger. The Pledge of Allegiance was recited by those in attendance.

Upon call of the roll, members in attendance were Forrest Holger, James Dobrozsi, Michael Ward and Wayne Bradshaw. Staff members Bryan Behrmann (Director of Planning & Zoning) and Mark Elma (Senior Planner) were also in attendance.

Mr. Holger Announced case ZC18-028 –Aspen Trails PUD was withdrawn by Applicant and would not be heard by the Zoning Commission.

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

Mr. Holger called for case **ZC19-012: Minor Modification 5158 Spring Mountain Ln.**

Mr. Elma presented the staff report, a PowerPoint presentation and case materials.

Mr. Holger asked for clarification about the engineers email stating they do not have any objection to the shed being on the private drainage easement. Mr. Elma Clarified who's responsibility it was.

Mr. Behrmann stated it was a requirement of the engineers office to maintain the 5' private drainage easement.

Mr. Holger asked to hear from the applicant.

Applicant Edward Schaefer husband and attorney of the applicant Carly L. Schaefer presented a PowerPoint and spoke about the history of the placement of the shed. The applicant received permission from their HOA but did not think to apply for a zoning certificate. Mr. Schaefer explained that with their unusual yard configuration and slope they felt the placement of the shed was optimal for the site conditions. Mr. Schaefer continued that his hardship was this is the only location they could place the shed to maximize yard space. Mr. Schaefer explained he also had an appraisal done that estimated moving the shed would diminish his property value. Mr. Schaefer also explained they received an estimate to move the shed and it would cost \$2,500 to move the shed and foundation. Mr. Schaefer presented the affidavit with his neighbor's signatures stating they do not object to the shed placement, and his email correspondence with the Butler County Engineers office regarding the private drainage easement.

Mr. Holger asked if water could drain through the foundation of the shed. Mr. Schaefer foundation was designed to let water run under the shed.

Mr. Holger asked if the fence was approved when it was constructed. Mr. Schaefer responded yes.

Mr. Schaefer stated that with all the rain we have had no flooding has occurred.

Mr. Dobrozsi asked if the HOA approved the shed before or after the fact. Mr. Schaefer pointed out the Summerline HOA approval letter that was obtained before the shed was built. Mr. Doroszi does not agree with the appraiser's valuation.

Mr. Holger asked if there was anyone to speak as a proponent of this case. No one spoke.

Mr. Holger asked if there was anyone to speak as an opponent of this case. No one spoke

Mr. Holger asked if there was anyone to speak as a neutral party of this of this case. No one spoke.

Mr. Bradshaw made a motion to **CLOSE THE PUBLIC HEARING**. Mr. Dobrozsi seconded. Upon the call of the roll, the motion passed. **PUBLIC HEARING CLOSED.**

Mr. Holger began the discussion stated his concern about blocking a natural drainage easement, and, the shed blocking the easement.

Mr. Dobrozsi stated he was concerned the HOA does not reference the zoning code or zoning restrictions when reviewing applications for approvals.

Mr. Bradshaw stated he feel the applicant did everything right, and wants to find a way to get HOA's to tell residence about zoning requirements/ certificates.

Mr. Stater discussed the idea of setting a precedence with this case.

Mr. Holger stated they have already set precedence in the past. In addition, Mr. Holger feels the shed was well built, attractive and does address drainage issues, and has improved what was there before.

Mr. Holger asked for a motion on this case.

Mr. Bradshaw made a motion to **Approve** Case ZC19-012 as presented by staff. Mr. Dobrozsi seconded. Upon call of the roll: Mr. Holger – yes; Mr. Dobrozsi – yes; Mr. Ward – yes; Mr. Bradshaw – yes; The motion passed.

Mr. Holger called for case **ZC19-013: Zone Change – Clawson Subdivision 5852 – 5890 Princeton Glendale Road.**

Mr. Stater Joined the board.

Mr. Elma presented the staff report, PowerPoint presentation and case materials.

Mr. Holger asked for clarification about what was being parts of the property were included in the zoning map amendment request.

Mr. Elma clarified stating a graphic error was made when preparing the presentation and the map presented in the PowerPoint did not fully represent the 8.278 acers subject to the zoning map amendment request.

Mr. Holger Asked to hear from the applicant.

Todd Hall 7791 Joan Drive West Chester Ohio. Mr. Hall thanked staff, and the board for their work. Mr. Hall discussed the details of the property he owns and the split zone that currently exists. Citing that split zoning properties are non-conforming and not desired by the township. Mr. Hall discussed the transitional land use designation in the Comprehensive plan and felt B-2 is a better use for this area than the R-2 designation.

Etta Reed of Bayer Becker 6900 Taylorsville road spoke and reiterated what Mr. Hall said about the split-zoned parcels. Ms. Reed explained their desire to create a single zoned district to make the property more desirable from a marketable standpoint. The current split-zoning designation greatly limits the options for development of the site.

Mr. Stater asked for clarification about the barn building that currently exists on the property.

Mr. Hall stated the barn was on the property when he bought it. It is being used for storage and they plan to continue to use it until the property is developed or sold.

Mr. Dobrozsi asked if there were any abnormality on the site.

Ms. Reed stated no, there were not, and that they recognized they would need to obtain sanitary sewers and have already done their due diligence to figure out how to get those services to the site.

Mr. Holger asked if there were any further questions of the applicant.

Mr. Holger asked if there was anyone to speak as a proponent of this case. No one spoke.

- Mary Papaioannou 5067 Elm Leaf Trail asked for clarification on the location of the property, and which portions of the property are part of this zone map amendment request.
- Mr. Behrmann and the board provided clarification.

Mr. Holger asked if there was anyone to speak as an opponent of this case.

- Monica Morris 5830 Princeton Glendale Road. Ms. Morris spoke in opposition of the Zone Change Request. Citing issues with Mr. Hall that goes back 12 years. Ms. Morris objected to him trying to build multi-family on his property 12 years ago.
- Mr. Dobrozsi stated he remembered the project and that any B-2 type development would require a 50-foot buffer to the adjoining residential uses.

Mr. Holger asked if there was anyone to speak as a neutral party of this of this case.

- Roger Marsh 8464 Hayden Court owner of the property to the south. Asked three questions
 - If there was a specific development at this time?
 - What is allowed in the B-2 districts?
 - What is the process if he wanted to do the same thing on his property?
- Mr. Holger answered all questions.
- Mr. Dobrozsi asked about access to his property. And how the zoning ended up this way
- Mr. Marsh stated his property has similar access to the site as the Todd Hall property and did not know how the zoning ended up that way, “it was like that when I bought it.”
- Mr. Hall spoke regarding not having a development plan in place.
- Mr. Dobrozsi commented about the overlay district and extra requirements for overlay developments.

Mr. Holger asked if there was a motion to close the public hearing.

Mr. Bradshaw made a motion to **CLOSE THE PUBLIC HEARING**. Mr. Dobrozsi seconded. Upon the call of the roll, the motion passed. **PUBLIC HEARING CLOSED**.

Mr. Stater began the discussion by asking if there were conditions with the Butler County Zoning Commissions recommendation for approval.

Staff stated no

Mr. Dobrozsi asked staff if the B-2 zoning is consistent with the overlay district.

Mr. Behrmann stated yes it is consistent with the overlay district and explained the overlay district will limit the B-2 uses that are allowed on the property.

Mr. Holger stated he felt the B-2 use is consistent with the vision plan; and felt the uses allowed by the overlay district are appropriate for the corridor.

Mr. Bradshaw made a motion to recommend **Approval** of Case ZC19-013 as presented by staff, Mr. Dobrozsi seconded. Upon call of the roll: Mr. Holger – yes; Mr. Dobrozsi – yes; Mr. Ward – Yes; Mr. Mr. Stater –Yes; Mr. Bradshaw – Yes; the motion passed.

Mr. Holger called for the next item on the agenda of the approval of the meeting minutes from the March 18, 2019

Mr. Bradshaw made a motion to APPROVE the meeting minutes from March 18, 2019. Mr. Dobrozsi Seconded. Upon Call of the Roll: Mr. Holger – yes; Mr. Dobrozsi – Yes; Mr. Ward – Yes; Mr. Stater – Yes, Mr. Bradshaw – Yes. The motion passed.

Mr. Holger called for the next item on the agenda of the approval of the Notice of Decisions for Case ZC19-010.

Mr. Dobrozsi made a motion to **APPROVE** the Notice of Decision (ZC19-010) from the March 18, 2019 Zoning Commission meeting. Mr. Bradshaw seconded. Upon call of the roll: Mr. Bradshaw – Yes; Mr. Holger – Yes; Mr. Dobrozsi – yes; the motion passed. Mr. Ward and Mr. Stater abstained because they were not present.

Mr. Holger called for the next item on the agenda of the approval of the Notice of Decisions for Case ZC19-011.

Mr. Dobrozsi made a motion to **APPROVE** the Notice of Decision (ZC19-012) from the March 18, 2019 Zoning Commission Meeting Mr. Bradshaw seconded. Upon call of the roll: Mr. Bradshaw – Yes; Mr. Holger – Yes; Mr. Dobrozsi – yes; the motion passed. Mr. Ward and Mr. Stater abstained because they were not present.

Holger asked if there was any other new business. No new Business.

Mr. Dobrozsi made a motion to **ADJOURN ZONING COMMISSION MEETING**. The motion passed unanimously and **ZONING COMMISSION MEETING ADJOURNED**.

Respectfully submitted,

Forrest Holger, Chairman

Mark Elma, Secretary