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LIBERTY TOWNSHIP BOARD OF ZONING APPEALS

6400 Princeton Road, Liberty Twp, OH 45011

April 11, 2017

6:00 PM

AGENDA

1. Call to order and pledge of allegiance

- 2. Roll Call:** Andrew Schweier, Chairman
Michael McDonald, Vice-Chairman
Richard McKinney
Brienne Fey
Patrick Merten
Michael DeHart, Alternate
Robert Bertsch, Alternate

3. Chair review procedure of hearing

4. New Business

- **BZA #17-002:** Applicant – Brian Rauch (Yankee Prince, LLC, dba Liberty Inn) is requesting a Variance under Section 4.14.5(2) of the Liberty Township Zoning Resolution to allow for the Extension of a Nonconforming Use for the construction of a 20' x 30' (600 sq. ft.) roof over the existing patio. The subject property is located at 7163 Princeton Road, Parcel #D2040-061.000-011.
- **BZA #17-003:** Applicant – Mike Doty, on behalf of The Christ Hospital, is requesting a modification of a condition for a previously approved Variance under Section 5.6.1(2)(d) for the height of the I-75 pylon sign, which exceeded the 8' maximum height. The subject property is located at 6939 Cox Road, Parcel ID# D2010-009.000-036.

5. Approval of BZA Meeting Minutes & Resolutions:

- September 13, 2016
- January 10, 2017

6. Adjourn Meeting

LIBERTY TOWNSHIP BOARD OF ZONING APPEALS
January 10, 2017
6:00 PM
MEETING MINUTES

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

Upon call of the roll, members in attendance were: Mr. Patrick Merten, Mrs. Brienne Fey, Mr. Michael McDonald, Vice Chairman and Mr. Andrew Schweier. Also in attendance were Bryan Behrmann, Director of Planning and Zoning, and Eric Donohue, Code Enforcement Officer.

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

Mr. Schweier indicated that with there being four (4) members present for this hearing that the end vote for case **BZA#17-001** could possibly end in a tie, which by rule would then have the variance request denied. He then informed the applicant of his right to postpone the hearing of the case until the following month. The applicant indicated that he would like to proceed with the hearing.

Mr. Schweier indicated for the record that the only person present for case **BZA#17-001** is the applicant.

Mr. Behrmann presented the staff report and slideshow presentation for case **BZA#17-001**, Paul DeRoussel, 6520 Cincinnati Dayton Rd.

Mr. Schweier asked Mr. Behrmann if the proposed sign had been looked at for placement on the opposite of the building (south) to improve sight lines and gain compliance. Mr. Behrmann reviewed the site plans and stated that the situation would remain the same due to the house setback of twelve (12) feet as well as there would be an issue with the side setback and a variance would be required.

Mr. Schweier asked if there were any other questions.

Mrs. Fey asked staff if a five (5) foot setback would allow the sign to be on top of the slope. Mr. Behrmann stated that with there being snow at the present time it is difficult to tell but where the applicant has installed stakes, it was measured at five (5) feet back from the inside of the sidewalk, which is mostly flat. Mr. Behrmann stated that it is the staff's perspective that the sign should be placed on the top of the slope to avoid getting into the slope.

Mr. Merten asked staff whether or not they are aware of any utility easements on the backside of the right-of way within the proposed four (4) foot setback? Mr. Behrmann stated that he was not aware of any easements in that area. The applicant, Mr. DeRoussel stated that there is a waterline that is close to where the sign would be located. He also stated that the waterline is for the connection to the property.

Mr. Schweier asked to hear from the applicant.

Mr. DeRoussel (6668 Keeneland Way, Mason, OH 45040) further stated that the waterline is near the downward part of the slope. He then stated that he may have to move the waterline depending on the location of the sign installation. Mr. Merten states that his concern is what is parallel to right-of-way, not what is coming into the building in terms of the encroachment, if the sign is placed at the proposed location.

Mr. Merten asked staff about the height of the sign and if it would be an issue with it being placed on the top of the slope. Mr. Behrmann stated that it should not be a concern because the sign has an allowance of eight (8) feet.

Mr. DeRoussel asked for clarification regarding the concern of the utility question. Mr. Schweier explained that the utility company has the right to come in and tear down the sign in order to gain access to the utility and is not responsible for replacing anything. Mr. DeRoussel acknowledged that the responsibility of such an occurrence would fall on him and that he would verify if there were any easements.

Mr. DeRoussel clarified some statements that were presented as part of the staff report. Mr. DeRoussel added that if a street widening project for Cincinnati Dayton Rd would occur, he would be willing to move the sign, incurring the cost.

Mr. McDonald asked if there had been any thought given to traffic concerns for people pulling into and out of the property in terms of sight lines. He also asked if there were any thoughts towards the Township's efforts to promote bike paths and sidewalk uses for bike traffic and how this sign would block the view of bike traffic. Mr. DeRoussel referenced a photo that he had submitted with his application and that one would be able to see 468 feet looking down Cincinnati Dayton Rd. Mr. McDonald then asked if the county has any requirements for the sign and then asks if it is a township or a county road. Mr. Behrmann responded that he believes that the road is a township road and that because the sign would be considered on-premise but would not affect the right-of-way.

Mrs. Fey stated that it is important to define the distance from the sidewalk to the top of the hill. Mr. DeRoussel indicated that he installed the stakes in order to hold up a piece of plywood near the size of a sign. He further stated that the stake nearest to the street was placed at approximately five feet. He noted that he is okay with the sign sitting at the top of the slope.

Mr. Schweier asked if five feet is at the edge of the slope. Mr. DeRoussel stated that he believes so. Mr. Behrmann mentioned that a measurement was taken that day and that the five feet was a sufficient distance for the location of the sign.

Mr. Schweier asked if there are any further questions for the applicant. There were none.

Mr. Schweier **CLOSED THE PUBLIC HEARING** for **BZA#17-001** and the Board began their deliberations.

Mr. Schweier doesn't see a big issue, his only concern was if the sign would be better suited located on the other side of the house and now doesn't believe it will be an issue.

Mr. Merten said that due to the buildings in this area being so close to the road, there is an inherent hardship. He also stated that he is okay with granting the variance at the top of the slope versus placing a distance on it. Mr. Behrmann discussed the setback distance, and stated that if a five foot variance is granted with the sign being placed at the top of the slope would be good.

Mrs. Fey stated that she likes the style of the Cozy's sign, which is similar to what is being requested, and is in favor of granting the variance.

Mr. Schweier made a motion for BZA#17-001 to **APPROVE** the variance at five foot and for the sign to be located at the top of the slope of the current landscape with the conditions set forth by the Township. Mrs. Fey seconded the motion. Upon call of the roll: Mr. Merten – yes; Mr. McDonald – yes; Mr. Schweier – yes; and Mrs. Fey – yes. The motion passed and the variance was approved. Mr. Behrmann noted that the next step in the process is for the case to appear before the Zoning Commission at their next meeting.

Mr. Schweier noted that the approval of minutes from the September 13, 2016 Board of Zoning Appeals meeting were not ready to approve.

Mr. Schweier stated that the Board needed to vote for a Chairman and Vice Chairman of the BZA. Mrs. Fey made a motion elect Mr. Schweier as the Chairman of the Board of Zoning Appeals for 2017. Mr. Merten seconded the motion. Upon call of the roll: Mr. Merten – yes, Mr. McDonald – yes, Mr. Schweier – yes, and Mrs. Fey - yes. The motion passed.

Mrs. Fey made a motion to elect Mr. McDonald as the Vice Chairman of the Board of Zoning Appeals for 2017. Mr. Merten seconded the motion. Upon call of the roll: Mr. Merten – yes, Mr. McDonald – yes, Mr. Schweier – yes, and Mrs. Fey – yes. The motion passed.

Mr. Schweier asked if there is any other business. Mr. Behrmann stated that the next meeting is scheduled for February 14, 2017.

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

Respectfully submitted,

Andrew Schweier, Chairman

Eric Donohue, Secretary