

LIBERTY TOWNSHIP BOARD OF ZONING APPEALS
January 9, 2018
6:00 PM
MEETING MINUTES

The Board of Zoning Appeals was called to order at 6400 Princeton Road, at approximately 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, Mr. Richard McKinney, Mr. Michael DeHart, Mrs. Brienne Fey and Mr. Andrew Schweier. Also in attendance was Bryan Behrmann, Director of Planning and Zoning.

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

Mr. Schweier called for the first case.

Mr. Behrmann presented the staff report and slideshow for case **BZA#17-017**, Danielle Koroschetz, 6690 Rodeo Drive, to keep an existing 4' tall fence in the designated front yard on a corner lot.

Mr. Behrmann explained that the applicant properly obtained Zoning Certificate Z2017-0897, which authorized a fence that extends 20' from the house toward Rodeo Drive, which is 30' from the front property line. After the fence was installed, it was discovered that Staff improperly issued the permit since the fence encroaches 20' into the front yard setback on the west side of the house. Staff notified the applicant of the error and explained that a Variance request would be the only way that Staff could complete the final inspection on the fence, which is why the applicant is requesting the Variance so she could keep the existing fence.

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

Mr. McKinney asked if the applicant constructed the fence as it was approved on the permit. Mr. Behrmann explained that the fence was indeed constructed as it was approved on the permit.

Mr. Schweier asked if there was a fee for the applicant to file this Variance request. Mr. Behrmann explained that the fee was waived since it was no fault of the applicant and it was a Staff error and Staff prepared that Variance application for the applicant and had her sign the required Property Owner's Affidavit.

Mr. Schweier asked to hear from the applicant.

Danielle Koroschetz (6690 Rodeo Drive, Liberty Township) explained that they filed the paperwork correctly and didn't know until afterwards that there was a problem with it.

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 BZA#17-017 and the Board began their deliberations.

Mr. Schweier said that it was a straightforward case, a mistake was made by Staff at no fault of the applicant, which is the hardship in this case. Mr. Merten agreed.

Mr. DeHart said that he thinks approving the Variance is the right thing to do in this case.

Mr. Schweier asked if there is any way that if the property owner sells the house that the future property owner will know that if the fence is ever replaced, that it will have to meet the current standards that are in place at that time. Mr. Behrmann explained that any fence replacement will require a new permit, at which time Staff will verify that the new fence is in the correct location.

Mr. Schweier made a motion for BZA#17-017 to **APPROVE** the variance request for a 20' setback variance for the existing fence, subject to the two conditions stated by Staff. Mr. McKinney seconded the motion. Upon call of roll: Mr. Merten – yes; Mr. McKinney – yes; Mr. Schweier – yes; Mr. Dehart – yes; Mrs. Fey – yes. The motion passed and the request was approved.

Mr. Schweier called for the next case.

Mr. Behrmann presented the staff report and slideshow for case **BZA#17-018**, Adam Schmucker, 5705 Princeton Road, who is requesting a Variance under Section 4.12.4(1) and Table 4.12-A for the construction of an accessory structure that is situated in the front yard of the property on a corner lot. Mr. Behrmann reviewed the lot characteristics, the location of the existing house, the proposed accessory structure design and location, and the existing buffer along the roadways.

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

Mr. Merten asked if the consolidation plat was already recorded. Mr. Behrmann confirmed that the lots have already been consolidated and recorded.

Mr. Merten asked what the typical setbacks would be for a normal corner lot. Mr. Behrmann explained that a house setback would be 100' from the front property lines.

Mr. Schweier asked to hear from the applicant.

Adam Schmucker (5705 Princeton Road, Liberty Township) noted the significant improvements that they have made to the property since they purchased the property, including the berm and landscaping along the roadways. Mr. Schmucker explained the drainage issues that they have in their defined 'rear yard' that doesn't make it practical to construct the barn in that location.

Mr. Schweier asked if the board had any questions for the applicant.

Mr. DeHart noted that it appears that the barn would not be very accessible to the house, and asked if there would be a driveway from the house to the barn or if it would be accessed from Lesourdsville-West Chester Road. Mr. Schmucker explained that they are not planning to install a driveway at this time and the barn would be used for storage of miscellaneous items, such as mowers, chairs for their fire pit, fishing poles, and expanding into other hobbies in the future, such as woodworking.

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 BZA#17-018 and the Board began their deliberations.

Mrs. Fey noted that she doesn't believe that a barn in the proposed location would be an eyesore and noted another barn in the general vicinity on Princeton Road that is relatively close to the road and does not believe that to be an eyesore either.

Mr. DeHart noted that he used to bush hog the subject property many years ago for a prior owner and recalled many drainage swales, ditches and issues with the property making a lot of it difficult to use. Mr. DeHart doesn't see an issue with the proposed variance since the proposed location is the flattest portion of the property for such a structure.

Mr. Schweier referenced the topographical map that staff included in the PowerPoint Presentation, which illustrated that the proposed location is the flattest portion of the property.

Mr. Merten explained that the documents that were submitted by the applicant demonstrate the hardship on the property and he doesn't have a problem with it.

Mr. McKinney noted the topography and the drainage concerns on the property and the hardship that is present and is ok with the request.

Mr. Schweier noted that he generally does not like accessory structures in front of the house, but in this situation with the drainage and topography issues, the proposed request makes sense.

Mr. McKinney made a motion for BZA#17-018 to **APPROVE** the variance request for the construction of an accessory structure that is situated in the front yard of the property on a corner lot, subject to the conditions stated by Staff. Mr. DeHart seconded the motion. Upon call of roll: Mr. Merten – yes; Mr. McKinney – yes; Mr. Schweier – yes; Mr. Dehart – yes; Mrs. Fey – yes. The motion passed and the request was approved.

Mr. Schweier called for the last case on the agenda.

Mr. Behrmann presented the staff report and slideshow for case **BZA#17-015**, Scott Glomb, 6066 Snow Hill Dr, for a Variance to keep an existing 30' diameter above-ground swimming pool (706 Sq.Ft.) that exceeds the maximum 576 Sq.Ft. on a lot less than one acre.

Mr. Behrmann explained that the applicant properly obtained Zoning Certificate Z2017-0579, which authorized the installation of a 30' diameter above-ground swimming pool on the subject property. Upon inspection of the swimming pool, the township inspector noticed the size of the pool exceeded the maximum size allowed. Upon investigation, it was discovered that Staff issued the permit in error and the applicant installed the pool as it was permitted. Staff notified the applicant of the error and explained that a Variance request would be the only way that Staff could complete the final inspection on the pool, which is why the applicant is requesting the Variance so he could keep the existing pool.

Mr. Schweier asked to hear from the applicant.

Scott Glomb (6066 Snow Hill Dr, Liberty Township) explained that they were excited to put the pool in, and as a renter of the house he needed approval of the property owner, which he received. He then obtained the necessary permits from the township and county and confirmed that he didn't do any digging prior to having his permits in hand.

Mr. DeHart asked if the application fee was waived in this case due to the Staff error. Mr. Behrmann noted that the fee was indeed waived and Staff completed the application on behalf of the applicant to assist in this unfortunate situation.

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 BZA#17-015 and the Board began their deliberations.

Mr. Schweier noted that the township processes over a thousand of applications a year, and in all of his time on the BZA he does not recall many of these mistakes by Staff. As far as he is concerned, the applicant did everything correctly and the Staff error caused an unnecessary to the applicant.

Mr. McKinney made a motion for BZA#17-015 to **APPROVE** the variance request to keep an existing 30' diameter above-ground swimming pool (706 Sq.Ft.) that exceeds the maximum 576 Sq.Ft. on a lot less than one acre, subject to the conditions stated by Staff. Mr. Schweier seconded the motion. Upon call of roll: Mr. Merten – yes; Mr. McKinney – yes; Mr. Schweier – yes; Mr. Dehart – yes; Mrs. Fey – yes. The motion passed and the request was approved.

Mr. Schweier called for the next item on the agenda for the approval of the Meeting Minutes from the November 14, 2017 Board of Zoning Appeals Meeting.

The board reviewed the minutes and had no changes to the minutes.

Mrs. Fey made a motion to approve the meeting minutes from November 14, 2017, as presented. Mr. Schweier seconded the motion. Upon call of the roll: Mr. Merten – abstain; Mr. McKinney – yes; Mr. Schweier – yes; Mr. DeHart – abstain; and, Mrs. Fey - yes. The motion passed and the minutes were approved.

Mr. Schweier stated that the Board needed to vote for a Chairman and Vice Chairman of the BZA. Mr. McKinney made a motion elect Mr. Schweier as the Chairman of the Board of Zoning Appeals for 2018. Mr. Merten seconded the motion. Upon call of the roll: Mr. Merten – yes, Mr. McKinney – yes, Mr. Schweier – yes, Mr. DeHart – yes, and Mrs. Fey - yes. The motion passed.

Mr. Schweier made a motion to elect Mr. McDonald as the Vice Chairman of the Board of Zoning Appeals for 2018. Mr. McKinney seconded the motion. Upon call of the roll: Mr. Merten – yes, Mr. McKinney – yes, Mr. Schweier – yes, Mr. DeHart – 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 13, 2018.

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

Respectfully submitted,

Andrew Schweier, Chairman

Bryan Behrmann, Secretary