

**LIBERTY TOWNSHIP BOARD OF ZONING APPEALS**  
**January 14, 2020**  
**6:00 p.m.**  
**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. Robert Rogers, Mr. Brian Uhl, Ms. Brienne Fey and Mr. Michael DeHart. 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. Schweier called for the first case.

Ms. Chaney presented the staff report and PowerPoint Presentation for case **BZA20-001**, Timothy and Cassandra White are requesting a variance under Section 4.10.3(1) and Table 4.10-A for a reduced rear yard building setback from the required 40' minimum setback to 35' from the property line for a screen porch.

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

Mr. Schweier ask for clarification, the subject property has 45' front yard setback, others have a 30' or 40' front yard setback. Mr. Behrmann explained in R-RE zoning district the lots are required to have 90' of frontage therefore the houses' were pushed back to meet this requirement.

Mr. Schweier asked to hear from the applicant.

Tim White (5362 Cottage View, Liberty Twp. OH) stated they purchased their property in 2016 and were unaware of the setbacks. He explained they had relocated from Wisconsin where they enjoyed a screen-in-porch and wished to build a screen-in-porch on their new home.

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

Mr. DeHart asked if the existing deck was being removed. Mr. White explained only the floor and railings would be removed for the extension.

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 BZA20-001 and the Board began their deliberations.

Mr. Schweier stated the case was fairly simple and he did not see an issue.

Ms. Fey stated the additional 5' setback requirement was the hardship.

Mr. Schweier made a motion for BZA20-001 to **APPROVE** the variance request with conditions. Mr. Uhl seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. Uhl – yes; Mr. Rogers – yes, Ms. Fey – yes; Mr. DeHart - yes. The motion passed and the request was approved.

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Ms. Chaney presented the staff report and PowerPoint Presentation for case **BZA20-002**; Valvoline LLC is requesting a variance under Section 8.4.2 and Table 8.4-A & B of the Liberty Township Zoning Resolution to reduce the Lot Perimeter Buffer along the west property line from the required 10' to 6.84'.

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

Mr. Schweier asked to hear from the applicant.

Jason Hunt, Valvoline LLC (100 Valvoline Way, Lexington, KY) explained the request was for safety reason and not necessarily for land or financial hardship. He stated that due to the width of the lot it was difficult to meet all Valvoline's employee safety standards without the variance for the perimeter buffer. Mr. Hunt used Chick fila Restaurant as an example on how their employees' interact with the customers.

Mr. Schweier asked if deliveries were scheduled during normal business hours. Mr. Hunt replied yes, the employees help with deliveries and extraction of oil.

Mr. Rogers asked if the 20' drive was to allow cars to pass when the truck was parked. Mr. Hunt replied yes. Mr. Rogers stated the 16' drive on the east side of the building seem large for one-way traffic. Mr. Hunt explained it was a standard corporation width based on employee safety.

Mr. DeHart asked why the applicant changed from sharing an access drive with the neighboring lot. Mr. Hunt stated the developer sold the adjacent lot and the future business did not wish to share.

Mr. Rogers asked if the 16' wide driveway was designed for a normal pickup truck. Mr. Hunt replied yes and a firetruck.

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

Mr. Kenneth Lombard (4744 Hamilton Middletown Road, Liberty Twp. OH) stated he did not have any issues with Valvoline specific but had concerns if approved all future business would be requesting variances rather than meeting the resolution.

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

Mr. Schweier **CLOSED THE PUBLIC HEARING** for BZA20-002 and the Board began their deliberations.

Mr. Schweier stated he felt there were other alternatives the applicant could explore without needing a variance.

Mr. Rogers asked if the designer looked at turn radiuses for expected traffic. Mr. Hunt replied Valvoline uses an auto turn program to design the site. Mr. Hunt referred site design questions to Kelly Schwieterman with CESO. She explained she spoke with Assistant Chief Dave Greve to obtain the fire truck specifications.

Mr. Rogers asked Ms. Schwieterman if the controlling parameter for the site design was operations or the fire truck. Ms. Schwieterman replied a little bit of both.

Ms. Fey asked Ms. Schwieterman if the fire department required the truck to be able to navigate around the building or was it a preference. Ms. Schwieterman stated the fire department would prefer to be able to navigate around the building.

Mr. DeHart asked Ms. Chaney if the 5' sidewalk around the building was a township requirement. Ms. Chaney replied no.

Mr. Schweier ask if the fire department had made any comment to the staff. Mr. Behrmann replied no.

Mr. Rogers stated the fire department gave her the specs for a fire truck and she ran the program there is no clear need for the variance.

Mr. Schweier stated he believed options exist and did not see a need for the variance.

Mr. DeHart stated the applicant had several options to meet the requirements and still meet employee safety standards.

Ms. Fey agreed with Mr. DeHart.

Mr. McKinney agreed there were options.

Mr. DeHart made a motion for BZA20-002 to **DENY** the variance request. Mr. Schweier seconded the motion. Upon call of roll: Mr. DeHart – yes; Mr. Schweier – yes; Mr. Rogers – yes, Mr. Uhl – yes; Ms. Fey - yes. The motion passed and the request was denied.

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Mr. Schweier made a motion to **APPROVE** the Notice of Decision for BZA19-013. Mr. Rogers seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. Rogers – yes; Mr. Uhl – yes;

Ms. Fey – yes; Mr. DeHart – abstain; The motion passed and the Notice of Decision was approved.

Mr. Schweier made a motion to **APPROVE** the Notice of Decision for BZA19-014. Mr. Rogers seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. Rogers – yes; Ms. Fey – yes; Mr. Uhl – yes; Mr. DeHart – abstain; The motion passed and the Notice of Decision was approved.

Mr. Schweier made a motion to **APPROVE** the Notice of Decision for BZA19-016. Ms. Fey seconded the motion. Upon call of roll: Mr. Schweier – yes; Ms. Fey – yes; Ms. Rogers – yes; Mr. Uhl – yes; Mr. DeHart – abstain; 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 2020. Mr. DeHart made a motion to elect Mr. Schweier as the Chairman of the Board of Zoning Appeals for 2020. Mr. Uhl seconded the motion. Upon call of the roll: Mr. DeHart – yes; Mr. Uhl – yes; Mr. Rogers – yes; Ms. Fey – yes; Mr. Schweier – abstain. The motion passed.

Mr. Schweier made a motion to elect Mr. McKinney as the Vice Chairman to the Board of Zoning Appeals for 2020. Mr. DeHart seconded the motion. Upon call of the roll: Mr. Schweier – yes; Mr. DeHart – yes; Mr. Rogers – yes; Mr. Dehart – yes; Mr. Uhl – yes. The motion passed.

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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