

LIBERTY TOWNSHIP BOARD OF ZONING APPEALS
February 13, 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. Bob Bertsch, Mrs. Brienne Fey (arrived at 6:15) 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 review and approval of the Meeting Minutes from the January 9, 2018 Board of Zoning Appeals Meeting.

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

Mr. Schweier made a motion to approve the meeting minutes from January 9, 2018, as presented. Mr. McKinney seconded the motion. Upon call of the roll: Mr. Merten – yes; Mr. McKinney – yes; Mr. Schweier – yes; and, Mr. Bertsch – abstain. The motion passed and the minutes were approved.

Mr. Schweier called for the first case.

Mr. Behrmann presented the staff report and PowerPoint Presentation for case **BZA#18-001**, Steven Cornett, 5875 Mauds Hughes Road, for an accessory structure that exceeds the maximum 1,600 square feet on a 6.73 acre lot.

Mr. Behrmann explained that the existing pole barn is 1,728 Sq.Ft. in size, which already exceeds the maximum size allowed by 128 Sq.Ft. The applicant is requesting to construct a 48' x 48' (2,304 Sq.Ft.) addition to the existing pole barn, and a 10' x 20' (200 Sq.Ft.) LeanTo. If approved and constructed, the pole barn would be 4,232 Sq.Ft. in size, which would exceed the maximum allowed by 2,632 Sq.Ft. Therefore, the requested variance is a 164.5% increase from the maximum square footage allowed.

(Mrs. Fey arrived at 6:15pm) For the benefit of the applicant and Mrs. Fey, Mr. Behrmann started the staff presentation over from the beginning so all board member had all the information so there would be five voting board members.

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

Mr. McKinney asked for a clarification on the actual size of the pole building if the variance was approved. Mr. Behrmann confirmed that the pole barn would be 4,232 square feet in size, which would exceed the maximum allowed by 2,632 Sq.Ft. and would be a 164.5% increase from the maximum square footage allowed.

Mr. Schweier asked to hear from the applicant.

Steven Cornett (5875 Mauds Hughes Road, Liberty Township) explained that the proposed addition is strictly for the storage of his personal items. He noted that he has several storage units and he would like to consolidate his storage to his property. Mr. Cornett also noted that other properties in the area also have multiple outbuildings that have been done recently and hopes to move forward with this addition.

Mr. Bertsch asked what kind of specific items he is looking to store in the building. Mr. Cornett explained that he has a boat and a trailer that he would like to store, and noted that his house doesn't have an attached garage, so he would like to store their everyday vehicles in the existing portion. They also have kids items, bikes, dirt bikes that they would like to store as well.

Mr. Bertsch noted that one of the pictures showed a large commercial vehicle (box truck) parked in the driveway in front of the existing pole barn, and asked what that was. Mr. Cornett explained that he owns a custom cabinetry business, which is housed in a 10,000 square foot building in Sharonville. He further explained that he brings that truck home since it has his tools in it.

Mr. McKinney asked if he was aware of the zoning restrictions and limitations on the size of accessory structures when he purchased the property. Mr. Cornett stated that he wasn't aware of the restrictions when he purchased the property and only found out about them a couple months ago.

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#18-001 and the Board began their deliberations.

Mr. Schweier said that this board gets requests for this type of variance fairly often, noted that the proposed variance is very large and that he does not see a hardship in this situation.

Mrs. Fey noted that the amount of the variance is significant. She noted that this board has been receptive in the past for minimal variances that have little impact, but this requested variance is much larger than what is allowed.

Mr. Merten said that the applicant has done a good job of presenting his case, but the request is just too large compared to what is typically allowed.

Mr. Schweier explained that the requirements of a variance and what the board is tasked to do for each case. He suggested a possible solution to construct the addition closer to the house and attach it to the house with a 15' breezeway, which would make it part of the house.

Mr. Schweier made a motion for BZA#18-001 to **DENY** the variance request for an accessory structure that exceeds the maximum 1,600 square feet on a 6.73 acre lot. Mr. Merten seconded the motion. Upon call of roll: Mr. Merten – yes; Mr. McKinney – yes; Mr. Schweier – yes; Mr. Bertsch – 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 PowerPoint Presentation for case **BZA#18-002**, Amanda Aldridge, on behalf of Burger King, is requesting a Variance under Section 8.4.2 and Tables 8.4-A and 8.4-B of the Liberty Township Zoning Resolution for a reduced Lot Perimeter Buffer for a new Burger King restaurant at 4311 Hamilton-Middletown Road.

Mr. Behrmann showed an aerial photo to illustrate the location of the adjacent residential properties, including the ones to the west that are zoned B-2 and planned for future commercial uses.

Mr. Schweier asked for clarification on the houses to the west. Mr. Behrmann explained that while those houses are existing, the zoning is commercial and it is planned for commercial, and per the buffer standards, a Buffer D is required due to the existing residential use. Mr. Schweier asked if once those properties to the west develop commercially, will a Buffer A then be required? Mr. Behrmann confirmed that as being true.

Mr. Bertsch asked why there is no buffer on the other commercial properties to the west adjacent to the same referenced residential properties. Mr. Behrmann explained that the buffer requirements were not in place when those businesses were developed.

Mr. Schweier asked about sidewalks. Mr. Behrmann confirmed that the applicant is proposing sidewalks along both frontages and is not asking for a variance for sidewalks.

Mr. Schweier asked to hear from the applicant.

Amanda Aldridge (917 Harbor View Dr., Memphis, TN 38103) explained that she was with Carrols Restaurant Group who is the franchisee for this proposed Burger King. She noted that she brought her engineer with her to answer any technical questions, but the idea of this proposed plan was to preserve as much as the natural vegetation as possible since there is so much there.

Mr. Schweier asked the applicant if she was ok with the additional trees that the township is proposing to meet the minimum buffer requirements. Mrs. Aldridge confirmed that she is ok with it.

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

Mr. Steve Fox (1060 Dublin Rd., Columbus, OH 43215) noted that they tried to make the south buffer extend the length of the property line, but there is an existing stream there. To extend the buffer, they would have to install pipes to allow the water to pass through the buffer, but in talking with the Butler County Engineers Office they didn't want to restrict the stream in fear of causing the stream to back up into the adjacent neighborhood causing flooding. So, they are rerouting the stream some to maximize the buffer.

Mr. Merten asked how that existing stream is classified. Mr. Fox explained that it is a jurisdictional stream that it is about 6' wide, but they are still working with the Army Corp toward their permit to determine the type of stream it will be classified.

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#18-002 and the Board began their deliberations.

Mr. Schweier stated that he believes the applicant has done a good job working within the requirements as needed. The variance that they are requesting is for a buffer adjacent to a residential property that is zoned for commercial and planned for commercial, and while the applicant can't meet all the requirements of the code, they have done all that they could to enhance the buffer to the west by preserving the existing vegetation and creating separation. The only additional language he suggested adding is that the applicant should not only preserve the existing vegetation, but should also maintain the vegetation as the buffer.

Mr. McKinney commended the applicant for coming forward with this request with a sense of community in mind and wanting to fit into the area.

Mr. Merten noted that the applicant did a nice job working with the code and the uniqueness of the site as well as demonstrating the hardships on the site.

Mrs. Fey stated that the hardships were demonstrated and the applicant did a good job meeting the code and compromising on the variance with the buffer.

Mr. Schweier asked staff if this board should be concerned about adding a condition about the stream. Mr. Behrmann explained that the stream regulation is not within the township jurisdiction of authority, and instead the Butler County Engineers Office would regulate the stream during permit review.

Mr. Merten made a motion for BZA#18-002 to **APPROVE** the variance request for a reduced Lot Perimeter Buffer, subject to the conditions stated by Staff with one modification to Condition 1 to read "preserve and maintain." Mr. McKinney seconded the motion. Upon call of roll: Mrs. Fey – yes; Mr. Bertsch – yes; Mr. Schweier – yes; Mr. McKinney – yes; and, Mr. Merten – yes. The motion passed and the request was approved.

Mr. Behrmann explained to the board that staff is in the process of updating the Zoning Resolution, and if any board members have any suggested changes based on their experience on the board with reviewing variances, or otherwise, to let staff know.

Mr. Schweier made a motion to adjourn. Mr. McKinney 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

CERTIFICATION

I, Andy Juengling, Secretary of the Liberty Township Board of Zoning Appeals, do hereby certify that the foregoing is a true and accurate record of the action taken by the Liberty Township Board of Zoning Appeals on the above-referenced application.

Effective Date: February 13, 2018

Bryan Behrmann, Secretary

4. The applicant designed the site with increased setbacks for the building and the parking lot from the west property line to minimize the impact on the adjacent properties to the west.

Upon call of the roll, the vote to **APPROVE** the Variance resulted as follows:

Motion:	Mr. Merten	Yes
Second:	Mr. McKinney	Yes
	Mr. Schweier	Yes
	Mr. Bertsch	Yes
	Mrs. Fey	Yes

The motion carried and the variance request was approved.

Andrew Schweier, Chairman

CERTIFICATION

I, Andy Juengling, Secretary of the Liberty Township Board of Zoning Appeals, do hereby certify that the foregoing is a true and accurate record of the action taken by the Liberty Township Board of Zoning Appeals on the above-referenced application.

Effective Date: February 13, 2018

Bryan Behrmann, Secretary