

LIBERTY TOWNSHIP BOARD OF ZONING APPEALS
March 10, 2020
6:00 p.m.
MEETING MINUTES

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. Richard McKinney, Mr. Robert Rogers, Mr. Brian Uhl, and Mr. Robert Bertsch. 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.

Mr. Schweier called for the first case.

Ms. Chaney presented the staff report and PowerPoint Presentation for case **BZA20-005**, John and Crystal Puthoff are requesting an Extension of a Nonconforming Use under Section 4.14.5(2) of the Liberty Township Zoning Resolution for a garage addition and a Variance from Section 7.6.3(4)(a) for approval to construct the driveway extension out of permeable concrete pavers.

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

Mr. Bertsch asked for clarification on how the driveway would connect. Ms. Chaney replied across the front of the house.

Mr. Schweier asked to hear from the applicant.

John Puthoff (4420 Princeton Road, Liberty Twp. OH) gave a brief history of the property and explained their need for enclosed parking. He also explained why the driveway extension would need to run along the front of the house and how the permeable pavers were a more eco-friendly solution.

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

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

Mr. Ken Hardin (4377 Princeton Road, Liberty Twp. OH) stated the Putoffs' have done many improvements to the property and felt the garage addition would only improve the property.

Mr. Darrel Pace (4394 Princeton Road, Liberty Twp. OH) stated he was the neighbor adjacent to the proposed garage and believed the garage was an improvement to the property and would not affect his property.

Debbie Sowder (6478 Elvin Lane, Liberty Twp. OH) stated she felt the garage was an improvement to the property.

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

Mr. Schweier **CLOSED THE PUBLIC HEARING** for BZA20-005 and the Board began their deliberations.

Mr. Schweier stated the addition meets the resolution and felt the permeable pavers were the best option for the driveway extension.

Mr. McKinney felt it was a unique situation and since BCEO would not approve the second driveway access, he believed the pavers also were the best solution.

Mr. Schweier made a motion for BZA20-005 to **APPROVE** the variance request with staff recommendation. Mr. McKinney seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Mr. Rogers – yes, Mr. Uhl – yes; Mr. Bertsch - yes. The motion passed and the request was approved.

Ms. Chaney presented the staff report and PowerPoint Presentation for case **BZA20-006**, Tim Price was requesting a variance under Section 4.10.3(1) and Table 4.10-A of the Liberty Township Zoning Resolution for a reduced front yard building setback for a covered porch from a required 50' minimum setback to 38' from the property line.

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

Mr. Rogers asked if the abutting house could have been built at 30'. Mr. Behrmann replied yes; the zoning resolution has a 30' setback, the subdivision plat has a 40' setback and the house was built at 40'. Mr. Rogers asked if the house could build forward 10'. Mr. Behrmann replied yes.

Mr. Schweier clarified the abutting house is in a different zoning district.

Mr. Rogers asked why the houses were in different zoning districts. Mr. Behrmann stated the houses were built before Liberty Township Zoning therefore, we do not know the reason.

Mr. McKinney asked for clarification; the adjacent property is zoned is R-RE therefore the setback is 30' but the house was built at 40' per the subdivision plat. Ms. Chaney replied that was correct.

Mr. Schweier asked to hear from the applicant.

Tim Price (6816 Devon Drive, Liberty Twp. OH) stated the existing porch was built around 1990, is in need of repair and the slope of the porch is causing a water to leak down the front wall in the basement. Mr. Price explained the 12' request was from the brick out over the existing sidewalk, which also is in need of repair but stated he was flexible on the 12'. Mr. Price stated he felt the porch addition would improve the appearance of the house.

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

Mr. Schweier explained to the applicant the Board can only approve what is presented therefore there was no room for negotiation.

Mr. Bertsch asked if the subdivision had a Homeowners Association. Mr. Price replied no and stated he believed the zoning was different on the other lots due to the smaller size.

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.

Mr. Ron Aylward (6563 Trailview Court, Liberty Twp. OH) stated he was rides his bike and travels thru the neighborhood frequently. He believed the porch extension would not be with the character of the neighborhood and should not be approved.

Mr. Schweier stated he did not see the hardship criteria for a 12' porch variance.

Mr. Uhl agreed with Mr. Schweier and felt the esthetics would be uncharacteristic to the neighborhood.

Mr. Bertsch did not see the hardship explaining the existing condition was considered a hardship.

Mr. Schweier asked Ms. Chaney the size of the existing porch. Ms. Chaney replied 4'x7'.

Mr. Rogers stated the existing porch is nonconforming. Ms. Chaney replied yes. Mr. Behrmann explained the current resolution allows for a 2'6" encroachment.

Mr. Schweier stated it was the clear the porch needed repaired. Mr. Behrmann explained the existing porch could be repaired however if the applicant chose to alter the porch in any way he would need to request a variance.

Mr. Schweier explained to the applicant from the comments received from the Board the variance will likely be denied and he did have few options. He could repair the existing porch with the current roofline, the Board could deny the request and he could reapply to come back before the Board, or he could request to table the decision and come back in April with a different proposal.

Tim Price preferred to table his request to April to give him time to reevaluate his request.

Mr. Schweier made a motion for BZA20-006 to **TABLE** the variance request until the April 10, 2020 meeting. Mr. McKinney seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Mr. Rogers – yes, Mr. Uhl – yes; Mr. Bertsch - yes. The motion passed and the request was approved.

Mr. Schweier made a motion to **APPROVE** the Notice of Decision for BZA20-003. Mr. McKinney seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Mr. Rogers – yes; Mr. Uhl – yes; Mr. Bertsch – abstain; The motion passed and the Notice of Decision was approved.

Mr. Schweier made a motion to **APPROVE** the Notice of Decision for BZA20-004. Mr. McKinney seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Mr. Rogers – yes; Mr. Uhl – yes; Mr. Bertsch – abstain; The motion passed and the Notice of Decision was approved.

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,

Andrew Schweier, Chairman

Karla Chaney, Secretary