

LIBERTY TOWNSHIP BOARD OF ZONING APPEALS
April 9, 2019
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, Ms. Brienne Fey; and Mr. Robert Bertsch (arrived at 6:10 p.m.). 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 made a motion to **APPROVE** the Minutes from the December 11, 2018 meeting as provided by the staff. Mr. McKinney seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Mr. Rogers – yes; Ms. Fey – yes. The motion passed and the Minutes were approved.

Mr. Schweier made a motion to **APPROVE** the Minutes from the February 12, 2019 meeting as provided by the staff. Mr. McKinney seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Ms. Fey – abstain; Mr. Rogers – yes. The motion passed and the Minutes were approved.

Mr. Schweier made a motion to **APPROVE** the Minutes from the March 12, 2019 meeting. Mr. McKinney seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Mr. Rogers – yes; Ms. Fey – yes; The motion passed and the Minutes were approved.

Mr. Schweier made a motion to **APPROVE** the Notice of Decision from the March 12, 2019 meeting. Mr. McKinney seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Mr. Rogers – yes; Ms. Fey – yes; The motion passed and the Notice of Decision was approved.

Mr. Schweier called for the first case.

Ms. Chaney presented the staff report and PowerPoint Presentation for case **BZA19-006**, Fraley & Fraley, LLC are requesting a variance under Section 7.6.1(2) and Table 7.6-A of the Liberty Township Zoning Resolution to reduce the number of parking spaces required for a medical office use.

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

Ms. Fey asked if the property had a variance for parking in the past. Ms. Chaney replied no.

Mr. McKinney asked if the lot could be re-stripped to diagonal parking to add spaces. Mr. Behrmann replied diagonal parking is typically used for one way traffic, the property is a dead in.

Mr. Schweier asked to hear from the applicant.

Brent Fraley, Fraley & Fraley (7723 Tyler Place, West Chester, OH) explained that they have looked at all options for adding the additional parking spaces. He stated they had reached out to Kroger's for the cross access parking but had not received a response. Mr. Fraley explained the owner purchased the property for their own use and were unaware of the parking requirements.

Mr. Schweier asked Mr. Fraley how much of the 4500 Sq.Ft. of the building is going to be used for the medical practice. Mr. Fraley explained that they are only renovating 2000 Sq.Ft. of the first floor for the medical practice.

Dr. Soha Mousa (7323 Preserve Place, West Chester, OH) stated that she is the property owner and the physician that would occupy the building. She explained that she is an adult Rheumatologist; she would see 3 to 4 patients an hour and would have 2-3 employees. Dr. Mousa stated that she does not plan to lease out the additional space.

Mr. Schweier asked Dr. Mousa how much of the space on the first floor is for actual patient care. Dr. Mousa replied 2000 Sq.Ft. the remaining first floor is administrative office space and a break room.

Mr. Rogers explained the challenge for the Board, if they approve a Medical Office Use, the approval would stay with the property and if the practice would be relocated, the new Medical Office use could be a higher intensity office and require additional parking.

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

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 asked the staff if the building levels could be split into two (2) different uses. Mr. Behrmann stated it was a possibility.

Mr. Schweier **CLOSED THE PUBLIC HEARING** for BZA19-006 and the Board began their deliberations.

Mr. Rogers stated the hardship is the building was constructed as a Professional Office Use, with the minimum parking requirements.

Mr. Schweier stated the building could still be used as a Professional Office Use and parking meets the requirements.

Ms. Fey felt the practice itself has a hardship because the type of patients would have difficulty with off- site parking.

Mr. Rogers felt the physical construction and the site itself are the hardships.

Mr. Schweier did not agree with Mr. Rogers but felt Medical Office Use is appropriate for the area and the volume of her practice would have sufficient parking.

Mr. McKinney asked how long the building had been vacant. Dr. Mousa stated the building has been vacant since November 2018.

Mr. Bertsch felt the property owner's lack of knowledge on the parking requirements was a hardship. Mr. Schweier disagreed.

Mr. Schweier made a motion for BZA19-006 to **APPROVE** the variance request with conditions. Mr. Rogers seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. Rogers – yes; Ms. Fey – yes, Mr. McKinney – yes; Mr. Bertsch - yes. The motion passed and the request 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