

LIBERTY TOWNSHIP BOARD OF ZONING APPEALS

April 10, 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: Mrs. Brienne Fey, Mr. Mike McDonald, Mr. Andrew Schweier, Mr. Richard McKinney and Mr. Mike DeHart. 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 noted that the first case was BZA#18-003, but we are still waiting on the applicant to arrive. Therefore, Mr. Schweier called the second case on the agenda.

Mr. Behrmann presented the staff report and PowerPoint Presentation for case **BZA#18-005**, Bob Gage, on behalf of Dollar General, 4399 Hamilton-Middletown Road, for a variance under Section 7.6.1(2) to allow a retail use with 30 parking spaces for a 9,100 Sq.Ft. retail store (1 space per 303 Sq.Ft. of floor area) when 46 parking spaces (1 space per 200 Sq.Ft. of floor area) would be required for a retail building of that size; and, a Variance under Section 8.4.2 to reduce the required Buffer D width from 50' to 25'; and, reduce the Buffer D landscape mound height from 6' tall to 3' tall.

Mr. Schweier asked for clarification on the required buffer to the south since the property is zoned B-2 and there is currently a residence located on the adjacent property. Mr. Behrmann clarified that because there is an existing residence, a 50' buffer is required; however, if the adjacent property had a commercial use, a 10' buffer would be required.

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

Mr. Schweier asked to hear from the applicant.

Bob Gage (9010 Overlook Blvd, Brentwood, TN) introduced himself as the applicant and explained that they calculated the parking based on the sales floor only, and not the storage room where the public would not be allowed. Mr. Gage noted that there are over 14,000 of these stores nationwide, and his company built over 600 of these stores and they typically only require 30 parking spaces. The use consistently generates approximately 10 vehicles per hour all day long with a peak between 4pm and 6pm with an increase to 23 vehicles per hour. There are typically three employees present.

Mr. Gage also explained, in regard to the buffer variance, there is only a small portion of the building that encroaches into the required buffer, which amounts to approximately 1,000 square

feet of building area. Mr. Gage noted the drainage reasons from the subject property and the adjoining properties, as to why they are requesting the variance.

Mr. McKinney asked about the height of the fence on top of the berm. Mr. Gage explained it would be an 8' fence on top of a 3' berm, so the overall height is 3' less than typically required.

Mrs. Fey asked if a smaller building was considered to allow for more room to meet the typical requirements. Mr. Gage explained that Dollar General has two standard building sizes that are typically built and the proposed building on the subject site is the smaller prototype.

Mr. Schweier asked how many of their stores have 30 parking spaces. Mr. Gage explained that almost all of them have 30 spaces. In the cases where more were installed, they sit vacant most of the time.

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.

Billy Guthrie (5760 Horseshoe Bend Rd, Liberty Township, OH) who lives directly south of the proposed development. Mr. Guthrie stated that he doesn't agree with the shortening of the berm and that he doesn't want to look at the back of the building. He also stated that he doesn't think the parking variance should be granted either.

Mr. McDonald asked Mr. Guthrie if he can see the back of the existing hotel as it exists today. Mr. Guthrie said that he can see it, but he doesn't want to see the back of the new building. Mr. McDonald clarified the proposed buffer.

Mr. Schweier asked if there is an existing buffer today. Mr. Guthrie said there was no buffer today, just a small tree line.

Mr. Guthrie asked about the loading dock location. Mr. Gage confirmed that the unloading area will be on the west side of the building.

Mr. McDonald asked Mr. Gage to explain further the proposed buffer along the south property line. Mr. Gage reviewed the south buffer.

Michael Guthrie (5760 Horseshoe Bend Rd, Liberty Township, OH) lives at the same property as Billy Guthrie. Mr. Guthrie noted that his driveway is through an easement and asked if the proposed development will affect his driveway. Mr. Behrmann noted that according to the submitted plans, the applicant is not proposing any changes on adjacent properties. Mr. Gage explained that they do not have any intentions of affecting the driveway access.

Anthony Turco (4383 Hamilton-Middletown Road, Liberty Township, OH) who owns the property to the west on the opposite side of the road on the corner. Mr. Turco asked about the truck dock and how a truck will be able to back up into the dock without pulling onto his property. Mr. Gage explained that deliveries will be from a semi-truck once a week, and explained the

anticipated delivery route and parking area. Mr. Gage clarified that it will not be a truck dock, but instead will pull aside the building to unload through a side access door.

Mr. Schweier **CLOSED THE PUBLIC HEARING** for BZA#18-005 and the Board began their deliberations.

Mr. DeHart noted that he doesn't have any issues with the parking variance or the buffer width variance, but questioned the buffer itself. He also suggested researching the property deed for an easement for the driveway to the south. Mr. Gage noted that their survey shows the entire driveway on the Guthrie property.

Mr. Schweier suggested that larger trees at the time of planting might offset the reduction in mound height. Mrs. Fey asked if they could require larger trees for the buffer to make up the difference. Mr. Schweier said that they could require larger trees.

Mr. McDonald noted the hardships with the drainage requirements and the two detention basins on an existing parcel with limited space. He also noted his concern about the south buffer and the type of evergreen tree and if they could omit the use of arborvitae since they are so narrow. Mr. Gage noted they are open to specific tree requirements.

Mr. McDonald made a motion for BZA#18-005 to **APPROVE** the variance requests, subject to staff's recommended conditions, to allow a retail use with 30 parking spaces; and, to reduce the required Buffer D width from 50' to 25'; and, reduce the Buffer D landscape mound height from 6' tall to 3' tall, with the added conditions that arborvitae should not be used in the buffer area and 8' trees shall be installed at the time of planting instead of 6' trees. Mr. DeHart seconded the motion. Upon call of roll: Mrs. Fey – yes; Mr. McDonald – yes; Mr. Schweier – yes; Mr. McKinney – yes; Mr. DeHart – 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#18-003**, Safety 4th Fireworks, Inc. who is requesting Variances under Sections 4.9.11(2) and 4.9.11(3) of the Liberty Township Zoning Resolution for setbacks less than the 200 feet requirement to all lot lines, and setbacks less than 1000 feet from an abutting lot in a residential zoning district. The subject property is located at 5281 Hamilton-Middletown Road.

Mr. Schweier asked to hear from the applicant.

Craig Conley (220 Market Avenue South, Canton, OH 44702) identified himself as the attorney for the applicant. Mr. Conley complimented Mr. Behrmann on thorough staff report and assisting him in finding the meeting center. Mr. Conley distributed a pre-hearing memorandum to the board addressing the Staff Report. Mr. Conley introduced the applicant, Eric Abdalla who would be testifying.

Mr. Conley recalled a 2011 appeal in which the same application was approved by the township and by the county building department, which later expired due to litigation. Mr. Conley suggested the board not consider the safety aspects of the case since that is the role of the state fire marshall. Mr. Conley noted a hardship with the gas pipeline that runs through the property. Mr. Conley took exception to the statement in the Staff Report that “most other uses” would be allowed on the site, and specified certain other uses that wouldn’t fit on the property, such as animal/vet clinic, bed and breakfast, lodges, etc.

Mr. Conley referenced plans from 2005, which he asked Mr. Abdalla to authenticate and that he was the same ownership entity as in 2005. Mr. Conley recounted the events of 2005. Mr. Conley submitted a copy of the referenced plans to Mr. Schweier.

Mr. Schweier asked if the referenced plans were submitted to the Board of Zoning Appeals this evening. Mr. Conley didn’t believe the plans were submitted, but didn’t think it precluded him from submitting them. Mr. Conley wanted to demonstrate that the safety issue was already determined in 2005. Mr. Schweier asked how long the permits were valid after 2005 before they expired. Mr. Conley stated that it was the District Court of Appeals opinion that the plans expired, but he wasn’t sure of the exact date.

Eric Abdalla (2702 Township Road 220, Bloomingdale, OH) confirmed that he was the President of Safety 4th Fireworks Inc. Mr. Conley asked Mr. Abdalla the variance criteria questions and other questions. Mr. Abdalla noted that the zoning permit that was issued to him in 2005 did not have an expiration date.

Mr. Schweier asked Mr. Abdalla if he believed that the state fire marshall would approve the same plan today. Mr. Abdalla noted that nothing has changed in the fire code since then.

Mr. Schweier asked if the board had any questions for the applicant. There were no further questions.

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.

Lee Parrish (300 High Street, Suite 800, Hamilton, OH) who identified himself as the attorney for Doctor and Mrs. Gaker who own the adjoining property. Mr. Parrish noted the gas line as a significant concern and such a use in close proximity. He further noted the proposed variances are very substantial, and explained that his clients will likely develop their property as residential, which would be contrary to public interest. Mr. Parrish believes that a fireworks store would be detrimental to his client’s property.

Louis Gaker (4951 Lesourdsville West Chester Road, Liberty Township, OH) identified himself as the property owner to the east and south. He confirmed that his property is close to being developed. Mr. Gaker noted a vent for the gas line in two locations on their property.

Mr. Schweier **CLOSED THE PUBLIC HEARING** for BZA#18-003 and the Board began their deliberations.

Mr. DeHart asked if the permit in 2005 required a Variance from the Board of Zoning Appeals. Mr. Behrmann noted that he wasn't sure of the past case history on this property. Mr. DeHart was on the board in 2005 and recalls there was a variance request and it was denied, but suggested that Staff check the Variance records.

Mr. McDonald noted his opposed to the request and believed that a hardship shouldn't be put on the adjacent properties by locating the proposed use within 1,000 feet of their property for a questionable use.

Mr. Schweier stated that he believes a lot has changed since 2005 in the planned development in the area, a hardship is not evident in this case, and the variances are substantial. If the facility was constructed in 2005 as permitted, they could have continued to operate it at this location, but it wasn't constructed.

Mrs. Fey noted that they shouldn't speak to the safety concerns since that is the fire marshall's role, but she stated her agreement with Mr. Schweier's statements.

Mr. McKinney noted that the applicant made a compelling argument, but there has been a change of law since then and that the Board of Zoning Appeals should use the current law. He also stated the substantial variances that are being requested and agrees with the other board members.

Mr. DeHart again referenced the significant variances that were being requested and believed the proposed use was not a good fit for the property.

Mr. Schweier made a motion for BZA#18-003 to **DENY** the variance requests as submitted. Mr. McKinney seconded the motion. Upon call of roll: Mr. DeHart – yes; Mr. McKinney – yes; Mr. Schweier – yes; Mr. McDonald – yes; and, Mrs. Fey – yes. The motion passed and the request was denied.

Mr. Schweier called for the next case.

Mr. Behrmann presented the staff report and PowerPoint Presentation for case **BZA#18-004**, Hutsenpiller Contractors, Inc. who is requesting Conditional Use approval for a "Storage Facility" on an O-2 zoned property, an Extension of a Legal Non-conforming Structure to reuse Fire Station 111 and convert it to office space, and 10 Variances from various sections of Liberty Township Zoning Resolution for the perimeter buffer, fence type, front yard height, customer entrance, roof pitch, building ornamentation, façade massing, continuous curbs, landscaping requirements, and a digital LED sign. The subject property is located at 5763 Princeton-Glendale Road and Mr. Behrmann reviewed the various components of the proposed development and the requested variances.

Mr. McDonald asked if the fence in the proposed 10' buffer would be located on top of the retaining wall, or if it would be adjacent to the wall. Mr. Behrmann deferred to the applicant, who would explain during their presentation.

Mr. McKinney asked about Variance 2 regarding the type of fence and if the applicant is requesting barbed wire fence, and how much. Mr. Behrmann illustrated on the site plan where there would be vinyl coated chain link fence, which would have barbed wire fence. Mr. McKinney asked how much of these areas face residential properties. Mr. Behrmann explained the existing and planned surrounding residential development.

Mr. Schweier asked to hear from the applicant.

Bob Hutsenpiller (7404 Liberty One Drive, Liberty Township, OH 45011) identified himself as the applicant. Mr. Hutsenpiller said he has been in the self-storage business for 14 years and noted his facilities, including nearby Lakota Self Storage. He explained that he recently purchased the property from the Liberty Township Board of Trustees and rezoned it to O-2 for the sole purpose of developing the proposed development. He also noted that he would be using the existing septic system. Mr. Hutsenpiller detailed all of his proposed requests and the reasons for the requests.

Shane DeLong (6230 Centre Park Drive, Suite C, West Chester, OH 45069) from RVP engineering provided detail regarding the proposed retaining walls on the north and south sides of the site. Mr. Hutsenpiller further explained where the fence and shrubs would be located in relation to the retaining walls.

Mr. Schweier asked if the board had any questions for the applicant. There were no further questions.

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

Mark Sennet (8685 Cincinnati-Dayton Road, West Chester, OH 45069) asked where the chain link fence would be located. Mr. Hutsenpiller explained where the decorative aluminum fence would be and where the chain link fence would be located. Mr. Sennet asked how much space is between the right-of-way and the parking lot and what the specific buildings are along the frontage. Mr. Hutsenpiller explained and referenced a drawing that he brought to illustrate the appearance from the road. Mr. Sennet asked about the parking lot and if continuous curb would be used. Mr. Sennet noted that he owns approximately 20 acres on the opposite side of the road and would like all developments to have an aesthetically appealing appearance. Mr. Sennet would like to see street trees along the frontage of the road.

Tom McGill (6764 Cincinnati-Dayton Road, West Chester, OH 45069) noted that Mr. Hutsenpiller did an excellent job at the Lakota Self-Storage Facility, fully supports the proposed development and believes it would be a nice improvement to the corridor.

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

Mr. Schweier **CLOSED THE PUBLIC HEARING** for BZA#18-004 and the Board began their deliberations.

Mr. Schweier noted that due to the number of requests, he believes they should split the requests up to discuss and decide on them separately.

Mr. Schweier asked staff about the available sewer in the area since the applicant said there was not sewer available, and Mr. Sennet said that there was sewer available in the area. Mr. Behrmann speculated about the possible sewer connections from the west at the Vista Verde residential development, and from the north on the east side of the road from the residential subdivision; however, Mr. Behrmann noted that he was not sure about the available sewer connections in the area. Mr. Sennet noted that the cell tower in on his property and sewer is available next to the cell tower.

Mr. McDonald suggested starting with the Conditional Use since if that wasn't approved, the variances don't make a difference. He noted that the township knew the proposed use when the property was sold to the applicant and then rezoned to O-2.

Mr. Schweier noted that he struggles with the Conditional Use since he doesn't believe this is the best use for the property and even though it was known that the use would be allowed, but it may not have known that 10 Variances would be required.

Mr. McDonald made a motion for BZA#18-004 to **APPROVE** the Conditional Use request as presented. Mr. DeHart seconded it. Mr. Behrmann noted that several recommended conditions were drafted for the board's consideration. Mr. McDonald suggested going through each of the drafted conditions.

Mr. Behrmann read drafted Condition 1, regarding the permitted uses in Building 1. Mr. McDonald asked if the applicant had a problem with the proposed condition. Mr. Hutsenpiller noted there is a restaurant that is interested in the tenant space that would be pick up only at this time. Mr. Hutsenpiller noted that the employees could park behind the office within the fenced area. Mr. McDonald noted that he doesn't see a good plan for a parking lot to accommodate enough parking. Mr. Behrmann noted that 19 spaces would be required to meet the normal parking code with a restaurant and office space and 9 parking spaces are being provided. The board determined that restaurant uses shouldn't be allowed, and if a restaurant wanted to locate there, they could come back to the BZA for approval, at which time they could demonstrate the parking. The board decided to leave Condition 5 in as drafted.

Mr. Behrmann read drafted Condition 3, regarding the access drive width and fire hydrant location. The board decided to leave Condition 3 in as drafted.

Mr. Behrmann read drafted Condition 4, regarding the signage. The board decided to eliminate Condition 4 from the Conditional Use approval since Variance 10 proposes specific signage.

Mr. Behrmann read drafted Condition 5, regarding the phasing of the development and where asphalt and gravel would be located. Mr. McDonald noted that they see this often regarding

parking on gravel and questions if this should be included since it comes down to enforcement. Mr. McKinney asked if there would be a time limit on it to pave the gravel areas. The board decided to leave Condition 5 in as drafted.

Mr. Behrmann read drafted Condition 6, regarding the photometric plan and site lighting. The board decided to leave Condition 5 in as drafted.

Mr. Behrmann read drafted Condition 7, regarding the retaining walls. The board decided to leave Condition 7 in as drafted.

Mr. Behrmann read drafted Condition 8, regarding the storage of items inside the building, except for the striped spaces. The board decided to leave Condition 8 in as drafted.

Mr. Behrmann read drafted Conditions 9 and 10, regarding the Fire Department and Butler County Engineer's Office approval. The board decided to leave Conditions 9 and 10 in as drafted.

Mr. Behrmann read drafted Condition 11, regarding ODOT approval. The board decided to leave Condition 11 in as drafted.

Mr. Behrmann read drafted Condition 12, regarding the 30 day waiting period. The board decided to leave Condition 12 in as drafted.

Mr. McDonald made a motion for BZA#18-004 to **APPROVE** the Conditional Use request as presented with all of Staff's recommended conditions, except for the elimination of Condition 4 regarding signage. Mrs. Fey seconded it. Mr. DeHart – yes; Mr. McKinney – yes; Mr. Schweier – no; Mr. McDonald – yes; and, Mrs. Fey – yes. The motion passed and the request for a Conditional Use was approved.

Mr. Behrmann reviewed the Extension of a Legal Non-conforming Structure to reuse the former firehouse as office space.

Mr. McKinney noted that this request looks pretty straightforward to him.

Mr. McDonald made a motion for BZA#18-004 to **APPROVE** the Extension of a Non-conforming Structure request as presented with all of Staff's recommended conditions. Mr. DeHart seconded it. Mrs. Fey – yes; Mr. McDonald – yes; Mr. Schweier – yes; Mr. McKinney – yes; and, Mr. DeHart – yes. The motion passed and the request for an Extension of a Non-conforming Structure request was approved.

Mr. Behrmann reviewed Variance 1, which is for the buffer requirements and staff recommendations.

Mrs. Fey noted what the applicant said regarding the existing trees that were already removed within the west buffer area at the southwest corner, and asked what should be required as a replacement.

Mr. Hutsenpiller suggested a privacy fence as a replacement. Mr. Behrmann reviewed the typical requirement of an 8' tall privacy fence and landscaping.

Mr. Schweier suggested holding it to the typical standard. Mr. Behrmann noted that it may not be possible with the grading in that area, and suggested requiring the typical fence and landscaping, but not the mound requirement since the fence and landscaping will be located at the top of a significant slope in that area.

Mr. McDonald suggested filling the gap with trees in the 35' gap to match the rest of the west buffer with preserving the existing trees.

Mr. Behrmann reviewed the proposed north buffer and staff's recommendations. Mr. Hutsenpiller reviewed the site grading and the retaining wall along the north property line. The board noted the hardship in the area due to the topography and the drainage way and is comfortable with the buffer as presented by the applicant.

Mr. Behrmann reviewed the proposed south buffer and staff's recommendations. Mr. Hutsenpiller reviewed the existing wooded area on the adjacent property toward the rear of the property. Mr. McDonald noted his concern with the longevity of the proposed arborvitae. Mr. McDonald suggested requiring 6' tall trees along the entire property line, instead of the proposed 4' tall trees, and allowing staff the authority to defer the installation of the buffer until the south property is developed at which time the buffer should be installed by the applicant.

Mr. McKinney made a motion for BZA#18-004 to **APPROVE** Variance 1 as presented with all of Staff's recommended conditions, except that the west buffer shall require additional trees at the southwest corner of the west buffer where the existing trees were removed, subject to staff's discretion; the north buffer shall be approved as presented on the plans; and, the south buffer shall require 6' trees along the entire buffer with 5' spacing adjacent to the aluminum fence and 10' spacing adjacent to the chain link fence. Mrs. Fey seconded it. Mr. DeHart – yes; Mr. McKinney – yes; Mr. Schweier – yes; Mr. McDonald – yes; and, Mrs. Fey – yes. The motion passed and Variance 1 was approved.

Mr. Behrmann reviewed Variance 2, which is for the proposed barbed wire fence on top of the chain link fence that is permitted.

Mr. McKinney noted that he doesn't like the barbed wire fence. Mr. DeHart stated that he doesn't see a problem with the barbed wire fence for security reasons.

Mr. Schweier made a motion for BZA#18-004 to **DENY** Variance 2 for the proposed barbed wire on top of the chain link fence. Mr. McKinney seconded it. Mrs. Fey – yes; Mr. McDonald – no; Mr. Schweier – yes; Mr. McKinney – yes; and, Mr. DeHart – no. The motion passed and Variance 2 was denied.

Mr. Behrmann reviewed Variance 3, which is for the fence height in the front yard and staff recommendations.

Mr. Schweier made a motion for BZA#18-004 to **DENY** Variance 3 for the proposed front yard fence height. Mr. DeHart seconded it. Mr. DeHart – no; Mr. McKinney – no; Mr. Schweier – yes; Mr. McDonald – no; and, Mrs. Fey – no. The motion failed and the board will entertain another motion.

Mr. DeHart made a motion for BZA#18-004 to **APPROVE** Variance 3 for the proposed front yard fence height, subject to staff conditions. Mr. McKinney seconded it. Mr. DeHart – yes; Mr. McKinney – yes; Mr. Schweier – no; Mr. McDonald – yes; and, Mrs. Fey – yes. The motion passed and Variance 3 is approved.

Mr. Behrmann reviewed Variance 4, which is for the required customer entrance and the applicant's proposal. Mr. Behrmann noted that there are four variances that deal with the architectural treatment of the building and the board could group all of them together, or vote on them separately. Mr. Behrmann noted that it is staff's recommendation that in lieu of the architectural requirements for the storage buildings, a decorative brick wall be provided along the frontage to provide screening for the storage buildings.

Mr. McDonald stated that he thought the solid brick wall was too imposing and thought that compromise could be to require brick columns with the decorative aluminum fence in between.

Mr. DeHart stated that for Variances 4, 5, 6 and 7 he is ok with the requests as submitted. The board discussed the nature of a self-storage building that is typically not very architecturally pleasing.

Mr. DeHart made a motion for BZA#18-004 to **APPROVE** Variances 4, 5, 6 and 7 as presented by the applicant for the customer entrances, roof pitch, building ornamentation and façade massing. Mr. McKinney seconded it. Mr. DeHart – yes; Mr. McKinney – yes; Mr. Schweier – no; Mr. McDonald – no; and, Mrs. Fey – no. The motion failed and the board may entertain another motion.

Mr. McDonald made a motion for BZA#18-004 to **APPROVE** Variance 5 as presented by the applicant for the proposed roof pitch. Mr. DeHart seconded it. Mrs. Fey – yes; Mr. McDonald – yes; Mr. Schweier – no; Mr. McKinney – yes; and, Mr. DeHart – yes. The motion passed and Variance 5 is approved.

Mr. Fey questioned the proposal with regard to Variances 6 and 7 and how deep the pilasters are and what the code requires. Mr. Behrmann reviewed the proposal and the regulations. Mr. Hutsenpiller confirmed that the pilasters would be applied directly to the building and they would be less than the required one foot deep.

The board discussed the options of adding additional pilasters to the building, the staff proposed brick wall, or adding brick columns to the fence as a compromise. The board decided to come back to Variances 4, 6 and 7.

Mr. Behrmann reviewed Variance 8, which is for no continuous curbs throughout the development and staff recommendation to require continuous curbs in the front highly visible portion of the site and not require curbs in the rear portion of the site.

Mr. DeHart made a motion for BZA#18-004 to **APPROVE** Variance 8, subject to staff conditions. Mr. McKinney seconded it. Mrs. Fey – yes; Mr. McDonald – yes; Mr. Schweier – yes; Mr. McKinney – yes; and, Mr. DeHart – no. The motion passed and Variance 8 is approved.

Mr. Behrmann reviewed Variance 9, which is for landscape islands at the end of each parking row with a tree, and reviewed staff's recommendations to require the landscape islands and trees in the front highly visible portion of the site and not require them in the rear portion of the site.

Mr. DeHart made a motion for BZA#18-004 to **APPROVE** Variance 9, subject to staff conditions. Mr. McKinney seconded it. Mr. Hutsenpiller questioned the single space in front of the office building that has a striped area adjacent to the space for ADA. Mr. Behrmann reviewed the area in question. Mr. McDonald referenced the sign directly in front of the space, which has landscaping at the base of the sign. Mr. DeHart modified his motion to exclude the landscape island requirement for the space in front of the office building. Mr. McKinney accepted the modification to his second. Mr. DeHart – yes; Mr. McKinney – yes; Mr. Schweier – yes; Mr. McDonald – yes; and, Mrs. Fey – yes. The motion passed and Variance 9 is approved.

Mr. Behrmann reviewed Variance 10, which is for a digital LED sign that is 10' tall and staff's recommendation to keep it consistent with the rest of the township and not allow it.

Mr. Schweier made a motion for BZA#18-004 to **DENY** Variance 10. Mrs. Fey seconded it. Mr. DeHart – yes; Mr. McKinney – yes; Mr. Schweier – yes; Mr. McDonald – yes; and, Mrs. Fey – yes. The motion passed and Variance 10 is denied.

Mr. McDonald asked the applicant, with regard to proposed Variances 4, 6 and 7, if he has any suggestions to modify the plan to address the boards concerns. Mr. Hutsenpiller drew an illustration showing a combination of brick columns and an aluminum fence with the landscaping on the street side of the fence.

Mrs. Fey made a motion for BZA#18-004 to **APPROVE** Variances 4, 6 and 7, and to require 8' tall brick columns with a 6' tall decorative aluminum fence in between the columns subject to Staff approval. Mr. McDonald seconded the motion. Upon call of roll: Mr. DeHart – yes; Mr. McKinney – yes; Mr. Schweier – no; Mr. McDonald – yes; and, Mrs. Fey – yes. The motion passed and the requests were approved.

Mr. Schweier called for the review and approval of the Meeting Minutes from the February 13, 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 February 13, 2018, as presented. Mr. McKinney seconded the motion. Upon call of the roll: Mr. McKinney – yes; Mr. Schweier – yes; Mrs. Fey – yes; Mr. DeHart – abstain; and, Mr. McDonald – abstain. The motion passed and the minutes were approved.

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