

LIBERTY TOWNSHIP BOARD OF ZONING APPEALS

May 14, 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, Mr. Brian Uhl, 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.

Mr. Schweier called for the first case.

Ms. Chaney presented the staff report and PowerPoint Presentation for case **BZA19-007**, Mr. Shaun McFarland was requesting a Variance under Section 4.12.4(2) of the Liberty Township Zoning Resolution to reduce the side yard building setback from a required 10' minimum setback to 1'3" for an existing shed.

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

Mr. DeHart asked for clarification on the approved zoning certificate and the October BZA denial.

Mr. Uhl asked if anything changed from the October application versus the current application. Mr. Behrmann replied the application is the same; the applicant was clarifying the information.

Mr. Schweier asked to hear from the applicant.

Shaun McFarland, (6603 Alana Place, Liberty Twp., OH) explained he felt there were some misunderstanding back in October and he could clarify the information. He stated that Texas Gas Corporation was on site when the shed was delivered and it was located on the edge of their easement with their permission. He also stated that there were some grading issues and relocating the shed to the correct zoning location would cause the shed to be up on several blocks with a long ramp.

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

Mr. Rogers asked if relocating the shed to the correct zoning location would cause the shed to be moved forward. Mr. McFarland replied yes in order to keep it off the Texas Gas Corp. easement.

Mr. Schweier asked if the exact location of the two pipelines was known. Mr. McFarland replied the yellow gas markers show the location and direction the gas pipeline. He also stated there is 25

feet of easement on both sides of the gas line markers making the gas line easement 100 feet wide across the rear of the property.

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

Dale Moore (6613 Alana Place, Liberty Twp., OH) stated that he preferred the current location of the shed.

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

Mr. Schweier **CLOSED THE PUBLIC HEARING** for BZA19-007 and the Board began their deliberations.

Mr. McKinney felt the gas line easement was a hardship.

Mr. Rogers felt the additional information provided clarified the location of the Texas Gas Corporation's easement and with the drainage issues; there was a true hardship.

Mr. DeHart stated he felt the gas easement limited the use of the property and with drainage issues, there was a hardship.

Mr. Uhl stated he was very familiar with gas easements restrictions and understood the hardship.

Mr. DeHart made a motion for BZA19-007 to **APPROVE** the variance request. Mr. Uhl seconded the motion. Upon call of roll: Mr. DeHart – yes; Mr. Uhl – yes; Mr. McKinney – yes; Mr. Schweier – no; Mr. Rogers – yes. The motion passed and the request was approved.

Mr. Schweier called for the next case.

Ms. Chaney presented the staff report and PowerPoint Presentation for case **BZA19-008**, Mercy Health Cincinnati LLC was requesting Variances under Section 9.4.5(1)(a) of the Liberty Township Zoning Resolution to construct two (2) ground signs; Section 9.4.5(1)(b) for both signs to exceed the 48 Sq.Ft. maximum display area; Section 9.4.5(1)(c) for one (1) ground sign that exceeds the 8' maximum height; and Section 9.4.5(1) (d) for a ground sign without a brick base.

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

Mr. Schweier asked if signs are typically not included with the building approval. Ms. Chaney replied signs require a separate zoning certificate approval.

Mr. McKinney asked if the applicant received the zoning requirements for the signage when they applied for the building. Mr. Behrmann stated that the sign requirements are located in the Liberty Township Zoning Resolution and that he believes the applicant met with Andy Juengling for a pre-application meeting and went over the development requirements.

Mr. Schweier asked to hear from the applicant.

Matt Berlage (394 Wards Corner, Cincinnati, OH) explained he was with ASI Sign Company and stated the applicant wished to withdraw Variance #5 to construct Sign#2 without a brick base. He stated that the property was 3.9 acres and did not feel their request was unreasonable due to the size of the property. Mr. Berlage stated they had done an elevation study, which helped them determine their request for a 40-foot ground sign.

Shane Knisely (3000 Mack Road, Fairfield, OH) CEO of Mercy Fairfield stated the building under construction is Phase 1 (11,500 square feet) and they hope to add 12,000-15,000 square feet with Phase 2 once the Kroger store is established. He stated they believe the location and size of the signs were needed to increase visibility of the new facility from Route 4.

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

Mr. Schweier asked Mr. Knisely with Sign #2 being closest to State Route 4 would you agree that you do not have any actual road frontage. Mr. Knisely agreed and stated that due to the trees and Liberty Self Storage they felt a 40-foot sign was needed to give them the visibility they needed at the entrance to Kyles Station Road. He also stated that the access drive to the Liberty Self Storage does run thru their property.

Mr. Uhl asked Mr. Knisely if the proposed future expansion would also include medical services. Mr. Knisely stated the expansion would include medical services but that it has not been determined what services would be added at this 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. There were none.

Mr. Schweier **CLOSED THE PUBLIC HEARING** for BZA19-008 and the Board began their deliberations.

Mr. DeHart stated that he did not see any hardship.

Mr. Schweier stated he agreed with Mr. DeHart on their not being a hardship.

Mr. Uhl stated he did not see a hardship partially because there were no emergency services provided.

Mr. McKinney felt the request were excessive and did not see a hardship.

Mr. Schweier explained to the applicant they had the right to ask the Board to continue their case, work with staff to amend their request and come back before the Board. Mr. Knisely stated that he would like to withdraw Variances #1, #3, #4, #5 and proceed with Variance #2.

Mr. McKinney made a motion for BZA19-008 to **DENY** the variance request. Mr. Schweier seconded the motion. Upon call of roll: Mr. McKinney – yes; Mr. Schweier – yes; Mr. Uhl – yes, Mr. Rogers – yes; Mr. DeHart – yes. The motion passed and the request was denied.

Mr. McKnney made a motion to **APPROVE** the Minutes from the April 9, 2019 meeting. Mr. Rogers seconded the motion. Upon call of roll: Mr. McKinney – yes; Mr. Rogers – yes; Mr. Uhl – abstain; Mr. DeHart – abstain; The motion passed and the Minutes were approved.

Mr. Schweier made a motion to **APPROVE** the Notice of Decision from the April 9, 2019 meeting. Mr. McKinney seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Mr. Uhl – abstain; Mr. DeHart – 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