

**LIBERTY TOWNSHIP BOARD OF ZONING APPEALS**

**July 10, 2018**

**6:00 PM**

**MEETING MINUTES**

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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. Michael DeHart, Mr. Richard McKinney, Mr. Andrew Schweier, Mr. Robert Rogers and Mrs. Brienne Fey. 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.

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Mr. Schweier called for the first case.

Karla Chaney presented the staff report and PowerPoint Presentation for case **BZA#18-014**, Deerfield Pike, LLC, 4707 Princeton Road, requesting variances for two existing accessory structures to be located on a newly created parcel that does not have a principle structure and for a zero-foot setback of an existing accessory structure to a proposed new parcel line.

Ms. Chaney explained that the applicant, requested to subdivide the existing 6-acre parcel into two smaller parcels. One parcel would be 1.123 acres in size, which would contain the existing house, an existing garage and an existing shed; and, the second parcel would be 4.871 acres in size, which would contain an existing barn and an existing shed.

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

Mr. McKinney asked how restrictive was the Zoning Resolution in 2006 when the property was purchased. Mr. Behrmann explained that it allowed less square footage. Mr. DeHart added that in 2006 the square footage allowance for accessory structures was based on the square footage of the principle structure where today the allowance is based on the size of lot.

Mr. Schweier asked to hear from the applicant.

Steve Wolterman, attorney (530 Wessel Drive Suite 2A Fairfield OH) explained that the future property owner would like to build a single family home. He stated that the hardship was timing, he felt it would be difficult to demolish the two accessory structure before the construction began.

Jason Goldberg, future property owner, (6393 Fox Lake Court, Hamilton, OH) explained he would like to build a new single family home approximately 3000 – 4000 square feet. He added that the delay in construction was financial. He would like to pay the lot off before construction begins.

Mr. Rogers asked if the 6-acre lot could have been split differently to avoid the need for variances. Mr. Wolterman explained that there was no way to split the property without leaving the new larger parcel with two existing accessory structures. Mr. Wolterman further explained that the property line could have been drawn to avoid the barn being on the property line however it would have created a carve out for the barn but the future property owner does not want the barn.

James Ford, Deerfield Pike, LLC (PO Box 851 West Chester, OH) explained that the lot lines actually reflect the existing fence line. Mr. Schweier asked if the parcel with the existing house had accessory structures. Mr. Ford explained that there were two accessory structures, a detached garage and a chicken coop. Mr. Schweier asked if by granting the variance we would be creating an issue on this lot. Mr. Behrmann explained that the existing accessory structures are under the squared footage allowed by the current resolution. Mr. DeHart asked is sewer was available. Mr. Ford said no it is not available on Princeton Road. Mr. DeHart was concerned that the existing home might need additional land for a replacement septic field. Mr. Ford provided a soil report. Mr. McKinney asked why the two accessory structures could not be torn down at this time. Mr. Ford explained that it is all about timing.

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#18-014 and the Board began their deliberations.

Mr. Schweier was concerned by granting the zero-foot setback for the accessory structure, a new structure could go back in its place. Mr. Wolterman suggested there be a condition placed on the variance approval that once accessory buildings are removed they cannot be replaced unless they are compliant with the current resolution.

Mr. DeHart believed that the staff recommend time line was reasonable.

Mr. Schweier summarized staff's recommendation of one year to get the lot split approved, and then two years from the date of the lot split to remove the structures, which is a total of three years to remove the structures. Mr. Schweier expressed his concern with the extra year.

Mr. McKinney wanted to know who was responsible for the demolition of the two accessory structures. Mr. Goldberg said that he was responsible. Mr. McKinney also agreed that three years was too long of a timeframe to remove the structures.

Mr. DeHart noted that the structures are existing and allowing them to remain for another two years would have no impact on adjacent properties.

Mr. DeHart made a motion for BZA#18-014 to **APPROVE** the variance request provided the applicant removes the two accessory structure on the larger parcel within two years of granting

the variance and all other conditions as noted by the staff. Mr. McKinney seconded the motion. Upon call of roll: Mr. DeHart – yes; Mr. McKinney – yes; Mr. Rogers – yes; Mrs. Fey – yes; Mr. Schweier – yes. The motion passed and the request was approved.

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Mr. Schweier made a motion to **APPROVE** the Minutes and Notices of Decision from the April 10, 2018 meeting as provided by the staff. Mr. McKinney seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Mr. DeHart – yes; Mrs. Fey – yes; Mr. Rogers – abstain.

Mr. Schweier made a motion to **APPROVE** the Minutes from the May 8, 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; Mrs. Fey – yes; Mr. DeHart – abstain.

Mr. Schweier made a motion to **APPROVE** the Minutes and Notices of Decision from the June 12, 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; Mrs. Fey – yes; Mr. DeHart – abstain.

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,

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Andrew Schweier, Chairman

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Karla Chaney, Secretary

