

LIBERTY TOWNSHIP BOARD OF ZONING APPEALS
September 10, 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 Ms. 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.

Mr. Schweier called for the first case.

Ms. Chaney presented the staff report and PowerPoint Presentation for case **BZA19-012**, Jennifer Reed was requesting variances under Section 4.12.2 (11) and Table 4.12-A of the Liberty Township Zoning resolution to exceed the maximum number of three (3) accessory structures per lot; and a variance under Section 4.12.5 (3) and Table 4.12-B to keep a 200 Sq.Ft. storage shed on the same property as a 400 Sq.Ft. detached garage, 452 Sq.Ft. above ground pool with a 605 Sq.Ft. deck and a 80 Sq.Ft. storage shed to exceed the maximum 1000 Sq.Ft. of accessory structures that are allowed on a 1.0 acre lot.

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

Mr. Schweier ask if the existing deck constructed in 2015 was issued a zoning certificate. Ms. Chaney replied no.

Mr. Schweier asked to hear from the applicant.

Jennifer Reed (6701 Millikin Road, Liberty Twp. OH) stated she went to the office three times attempting to get a zoning certificate. Ms. Reed explained she spoke with staff explaining she already purchased the shed and he replied he would get back with her. She stated waited three weeks for a response, after no response she had the building delivered. She explained the building is to keep her lawnmower and log splitter.

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

Mr. Schweier asked the applicant why the staff told her she could not obtain a zoning certificate. Ms. Reed replied the staff explained she already exceed the maximum square footage for accessory structures.

Mr. Schweier asked Ms. Reed if she obtained a permit for the deck. Ms. Reed replied no she did not know one was required.

Mr. Uhl asked the applicant if her house had an attached garage. Ms. Reed replied no, the driveway goes around the rear of the house.

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

Paul Amberger (5665 Maud Hughes Road, Liberty Twp. OH) spoke in favor of granting the variances. He stated he felt the new accessory structure enhanced 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 BZA19-012 and the Board began their deliberations.

Mr. Schweier stated there are specific criteria in granting variances, staff told the applicant she exceed the maximum allowance and there was not hardship presented.

Mr. McKinney asked the staff if the deck was considered detached. Ms. Chaney explained if the deck had been attached to the house, it would have been considered part of the principle structure however the deck and pool are detached from the house therefore they count as accessory structures.

Mr. Rogers stated the zoning resolution mandates there be a property hardship, the applicant did not present any evidence of a hardship.

Mr. Uhl stated the lack of response from staff did not grant permission to proceed with the new accessory structure.

Mr. Schweier made a motion for BZA19-012 to **DENY** the variance request. Mr. Uhl seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. Uhl – yes; Mr. McKinney –yes; Mr. Rogers – yes; Ms. Fey – yes. The motion passed and variance was denied.

Mr. Schweier made a motion to **APPROVE** the Minutes from the August 13, 2019 meeting. Mr. McKinney seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Mr. Rogers – yes; Mr. Uhl – abstain; Ms. Fey - abstain. The motion passed and the Minutes were approved.

Mr. Schweier made a motion to **APPROVE** the Notice of Decision for BZA19-011. Mr. McKinney seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Mr. Rogers – yes; Mr. Uhl – abstain; Ms. Fey - 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