

**LIBERTY TOWNSHIP BOARD OF ZONING APPEALS**  
**January 11, 2022**  
**6:00 p.m.**  
**MEETING MINUTES**

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The Board of Zoning Appeals was called to order 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. Tom Capuano and Mr. Tom Hasselbeck. Also, in attendance was Karla Chaney, Zoning Specialist.

Mr. Schweier reviewed the hearing procedures and swore in the Staff.

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Mr. Schweier called for the first case.

Ms. Chaney presented the staff report and PowerPoint Presentation for case **BZA22-001**, Gary Keller was requesting to amend a condition from a previous Notice of Decision (BZA16-004) to subdivide a 7.2750-acre lot into two parcels and a variance from Section 4.12.5(3)(a) and Table 4.12-B for existing accessory structures that would exceed the maximum 1,500 SF allowed on the proposed lot.

Mr. Schweier asked if there were any questions for staff. There were none.

Mr. Schweier asked to hear from the applicant.

Jose Castrejon, McGill Smith Punshon, Inc. (3700 Park 42 Drive, Cincinnati OH) represented Gary Keller. Mr. Castrejon explained they had been exploring ways to develop the land to meet the intent of the neighborhood and felt the lot split would allow for an estate home with a view of the golf course. He stated he was not involved in the previous variance approval.

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

Mr. Schweier asked Mr. Castrejon how many trees were grown and harvested from the property. Mr. Castrejon was unable to answer the question.

Mr. Schweier asked Mr. Castrejon why the two accessory structures needed to stay. Mr. Castrejon stated the interested party wants the accessory structures.

Mr. McKinney stated he did not hear a hardship. Mr. Castrejon stated the hardship is that Mr. Keller has been unable to sell the property because everyone wants to subdivide the property.

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.

Ruth Cluxton, (8289 Poppy Lane, Liberty Township, OH) stated the water from Mr. Kellers's property has caused her drainage problems and believes further development of his property could cause excessive amounts of water directed at her property.

Burnadean Stephens, (8281 Princeton Road, Liberty Township, OH) stated her property is adjacent to the proposed vacant lot and she was against approval of the variance.

Brad Rudolph, (8185 Princeton Road, Liberty Township, OH) stated his property was adjacent to the proposed vacant lot and he was against approval of the variance.

Shelly Joyner, (8223 Yarrow Court, Liberty Township, OH) stated she was concerned with accessing the vacant lot from within the Four Bridges subdivision and stated the small piece of land owned by Mr. Keller in the Four Bridges subdivision is a drainage way could cause her additional drainage problems.

Linda Joslin, (8212 Coral Bell Court, Liberty Township, OH) stated she also had issues with Mr. Keller accessing the vacant property from inside the Four Bridges subdivision and was concerned with the additional drainage.

Mr. Schweier **CLOSED THE PUBLIC HEARING** for BZA22-001 and the Board began their deliberations.

Mr. Schweier stated the facts were simple, it appears Mr. Keller did not use the approved accessory building for the approved use and the variance request does not meet the spirit or intent of the Zoning Resolution.

Mr. McKinney concurred with Mr. Schweier adding no effort was made by the applicant.

Mr. Hasselbeck believed the applicant created his hardship, if the house was priced right there would not be a hardship.

Mr. Capuano believed even if the applicant removed one on the accessory buildings, the neighbors would still have concerns with the development of the proposed vacant lot. Mr. Capuano stated Mr. Keller had a plan when he purchased the small portion of land in the Four Bridges subdivision and the fact that he built the large accessory structures without concern for his future plan does not create a hardship.

Mr. Schweier made a motion for BZA22-001 to **DENY** the variance request. Mr. Capuano seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. Capuano – yes; Mr. McKinney– yes; Mr. Rogers – yes; Mr. Hasselbeck - yes. The motion passed and the request was denied.

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Mr. Schweier made a motion to **APPROVE** the minutes for the October 12, 2021 meeting. Mr. Capuano seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. Capuano – yes; Mr. McKinney – abstain; Mr. Rogers – yes; Mr. Hasselbeck - yes. The motion passed and the minutes were approved.

Mr. Schweier made a motion to **APPROVE** the minutes for the November 9, 2021 meeting. Mr. McKinney seconded the motion. Upon call of roll: Mr. Schweier – yes; Mr. McKinney – yes; Mr. Rogers – yes; Mr. Capuano – abstain; Mr. Hasselbeck - abstain. The motion passed and the minutes were approved.

Mr. McKinney made a motion to **APPROVE** the minutes for the December 14, 2021 meeting. Mr. Capuano seconded the motion. Upon call of roll: Mr. McKinney – yes; Mr. Capuano – yes; Mr. Schweier– abstain; Mr. Rogers – yes; Mr. Hasselbeck - yes. The motion passed and the minutes were approved.

Mr. Schweier made a motion to **APPROVE** the Notice of Decision for BZA21-012. Mr. Capuano seconded the motion. Upon the call of roll: Mr. Schweier – yes; Mr. Capuano – yes; Mr. McKinney – abstain; Mr. Rogers – yes; Mr. Hasselbeck – yes. The motion passed and the Notice of Decision was approved.

Mr. Schweier made a motion to **APPROVE** the Notice of Decision for BZA21-013. Mr. Rogers seconded the motion. Upon the call of roll: Mr. Schweier – yes; Mr. Rogers – yes; Mr. McKinney – abstain; Mr. Capuano – yes; Mr. Hasselbeck – yes. The motion passed and the Notice of Decision was approved.

Mr. Schweier made a motion to **APPROVE** the Notice of Decision for BZA21-014. Mr. Rogers seconded the motion. Upon the call of roll: Mr. Schweier – yes; Mr. Rogers – yes; Mr. McKinney – abstain; Mr. Capuano – yes; Mr. Hasselbeck – yes. The motion passed and the Notice of Decision was approved.

Mr. Schweier made a motion to **APPROVE** the Notice of Decision for BZA21-015. Mr. Rogers seconded the motion. Upon the call of roll: Mr. Schweier – yes; Mr. Rogers – yes; Mr. McKinney – abstain; Mr. Capuano – yes; Mr. Hasselbeck – yes. The motion passed and the Notice of Decision was approved.

Mr. Schweier made a motion to **APPROVE** the Notice of Decision for BZA21-016. Mr. Rogers seconded the motion. Upon the call of roll: Mr. Schweier – yes; Mr. Rogers – yes; Mr. McKinney – yes; Mr. Capuano – abstain; Mr. Hasselbeck – abstain. The motion passed and the Notice of Decision was approved.

Mr. McKinney made a motion to **APPROVE** the Notice of Decision for BZA21-017. Mr. Capuano seconded the motion. Upon the call of roll: Mr. McKinney – yes; Mr. Capuano – yes; Mr. Schweier – abstain; Mr. Rogers – yes; Mr. Hasselbeck – yes. The motion passed and the Notice of Decision was approved.

Mr. Schweier stated that the Board needed to vote for Chairman and Vice Chairman of the Board of Zoning Appeals for 2022. Mr. McKinney made a motion to elect Mr. Schweier as the Chairman of the Board of Zoning Appeals for 2022. Mr. Hasselbeck seconded the motion. Upon call of the roll: Mr. McKinney – yes; Mr. Hasselbeck – yes; Mr. Rogers – yes; Mr. Capuano – yes; Mr. Schweier – abstain. The motion passed.

Mr. Schweier made a motion to elect Mr. McKinney as the Vice Chairman to the Board of Zoning Appeals for 2022. Mr. Rogers seconded the motion. Upon call of the roll: Mr. Schweier – yes; Mr. Rogers – yes; Mr. Capuano – yes; Mr. Hasselbeck – yes; Mr. McKinney – abstain. The motion passed.

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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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Richard McKinney, Acting Chairman

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Karla Chaney, Secretary