

LIBERTY TOWNSHIP BOARD OF ZONING APPEALS  
MINUTES OF 4/1/2008

April 1, 2008

The Liberty Township Board of Zoning Appeals held a Public Hearing April 1st, 2008 to hear Application 03 –BZA-2008, submitted by Lloyd J Ohlinger, Thomas D Valero and Lupcho Nikovski, appealing the decision of Zoning Administrator/Inspector Tom Spring in the case of Richard Roshon, and time limits for the proposed development.

The meeting was called to order at 7:30 PM by Chairman Bill McNeer, with the following members present: Chairman Bill McNeer, Jack Schafer, Walter Bader, Craig Miller, Karl Kumler, Secretary Ruth Crutcher, and Zoning Administrator/Inspector Tom Spring. A court recorder, Lance Boardman, was also present.

Chairman Bill McNeer explained to the board members and audience how the hearing will be conducted and the options of the board after the hearing. Explained the process of swearing in those who wish to speak.

Chairman Bill McNeer swore in:  
Vickie Gingas, Scott Wray, Becky Loar, Jim Mathews, Lloyd Ohlinger, Ann Bradford, and Zoning Administrator/Inspector Tom Spring.

Chairman Bill McNeer verified that this hearing was advertised properly and applicant and other concerned persons were notified by Secretary Ruth Crutcher.

Tom Spring stated he met with Lloyd Ohlinger on January 29, 2008, and with concerned citizens on February 7th concerning the Roshon development. A Public Hearing was held on February 12, 2008. Any appeal must be filed within 20 days.

Chairman Bill McNeer explained he was concerned about the appeal being filed within 20 days of appellant knowing of Tom Spring's decision.

Attorney Loveland spoke, explaining that his office withdrew the request for an extension of time for starting the development.

Karl Kumler talked about the dates of January 29, February 7, and February 12 being questionable.

Chairman Bill McNeer stated that since the dates are questionable, the hearing should be conducted.

Christopher Hogan, attorney, explained his opinion of the starting date for the 20 days should be when the Public Hearing was held.

Lloyd Ohlinger explained when he gave the application to Liberty Township Fiscal Officer Dan Alt was March 1, 2008. Talked about who has the right to make decisions about growth and density. Feels the citizens rights have been compromised. Talked about how the PUD plan was handled and feels it had been a series of errors. Stated the citizens were given the wrong plan to carry for petition signatures for a referendum. Stated the Liberty Township Land Use Plan was against high density developments. Said the Liberty Union School Superintendent attended meetings and opposed developments. Talked about 2 year time limit and feels it is past. When this appeal was made RPC charged \$100.00. Feels charges are wrong, including Liberty Township fee of \$500.00 for the appeal. Stated Judge Martin of Fairfield County, sided with opposing citizens twice. Hopes the Board of Zoning Appeals will side with appellants. Closed by saying there

was nothing right about it.

Scott Wray cited definitions from Liberty Township Zoning Resolution. Talked about time limits as listed in the Zoning Resolution being 2 years after approval. Read from Liberty Township Zoning Resolution, Section 9.1019, 9.1024 and several other sections. Read from page 43, and suggested the Board of Zoning Appeals members read all sections he has mentioned and study the original PUD plan.

Vickie Gingas stated she came February 12th prepared to testify and was told there would be no hearing. Feels they (the citizens) should have been allowed to testify. She hopes the Board of Zoning Appeals would not grant an extension. Talked about Liberty Township Trustees decisions. Read from May 17, 04 minutes of Trustee meeting, hoping to explain some of the confusion. Feels Mr Roshon should be applying for an extension of time, and hopes the Board of Zoning Appeals would deny it if he did.

Ann Bradford said she is not well versed on paperwork and meetings. Does not want the development. Feels Mr Roshon has been told "no" many times. Asked the Board of Zoning Appeals to listen.

Becky Loar stated she is here to support Mr Roshon. The Roshon's have lived all their lives on this farm, and supported the schools. Stated the Roshon's just wanted to sell the farm, so they could live in a modern house and retire in comfort. Does not understand why, when the Roshon's wanted to sell the farm, such a fuss was and is being made.

Jim Mathews has concerns about construction. Has a study been done as to whether the local wells would be affected by digging on the Roshon property? His well is 31 feet deep. How much would digging affect his well?

Chairman Bill McNeer said it is out of the Board of Zoning Appeals control to discuss the well situation.

Chris Hogan said his clients are objecting to the PUD because of the high density of the development. Talked about the 2 year limit for starting the buildings. Feels the Zoning Board of Appeals should not change the rules. Feels the interpretation is modifying the Zoning Resolution and amending it. Said this is a legislative amendment and should not be heard by the Board of Zoning Appeals, but should be heard by the Liberty Township Trustees. Stated he is representing the appellants and ORRD. Presented exhibits 1, 2, 3, 4, and 5 (enclosed).

Bill Loveland, attorney, representing Liberty Township and Tom Spring stated Tom Spring was asked to make a decision with limited knowledge. Cited information from original development plan. In the 5th District Court of Appeals, the plan was approved January 23, 2006. Feels the entire issue is interpretation and explained the law in respect to the Roshon issue. Explained courts are required to rule in favor of the landowner. Stated all this is stated in 9.1024 of the Liberty Township Zoning Resolution. Read 9.1024 and explained the last sentence, which says the land shall revert to its original zoning, and states by law, zoning cannot be reversed just because digging has not begun.

Tom Spring talked about other sections of the Zoning Resolution that have been referred to tonight. Feels the 2 year limit is after approval of the final plat. Stated digging cannot begin until the final plat is approved.

Bill Loveland, attorney, submitted exhibit 6 (enclosed).

Matt Clay spoke on behalf of the Roshon's. He appreciates the concern of the community. His focus is on the interpretation of the Zoning Resolution,

