

**SUGARCREEK TOWNSHIP
BOARD OF ZONING APPEALS
THURSDAY, FEBRUARY 27, 2014**

This regular meeting of the Sugarcreek Township Board of Zoning Appeals was held on Thursday, February 27, 2014 at the Sugarcreek Township Administration Office, 2090 Ferry Road, Sugarcreek Township, Ohio at 7:00 p.m.

Mrs. Moore called the meeting to order.

Everyone present stood for the Pledge of Allegiance.

Upon call of the roll, the vote resulted in the following:

Mrs. Moore-present
Mr. Haibach-absent
Mrs. Vantrease-present
Mrs. Jay-present
Mr. Gibson-present
Mr. Cramer-absent

Mrs. Moore indicated that the first item on the agenda was the Election of Officers.

Mrs. Jay made a motion to reappoint Mrs. Moore as Chairperson for 2014, which was seconded by Mrs. Vantrease. Upon call of the roll, the vote resulted in the following:

Mr. Gibson-yes
Mrs. Jay-yes
Mrs. Vantrease-yes
Mrs. Moore-yes

Mrs. Moore made a motion to reappoint Mr. Haibach as Vice-Chairperson for 2014, which was seconded by Mrs. Vantrease. Upon call of the roll, the vote resulted in the following:

Mr. Gibson-yes
Mrs. Jay-yes
Mrs. Vantrease-yes
Mrs. Moore-yes

Mr. Haibach arrived (noted for the record).

Mrs. Moore swore in all those present wishing to provide testimony.

Mrs. Moore asked for the Staff Report for BZA Case 01-2014. Mrs. Tilford, being duly sworn, gave the Staff Report.

Mrs. Tilford provided the Staff Report for BZA Case 01-2014. Applicants, Jeremy and Brandy Stover, are requesting area/dimensional variances from Table 4-6 and Section 4.13 E. 11. of the Sugarcreek Township Zoning Resolution, to allow for a wood boiler furnace to be permitted in the Estate Residential District/recorded subdivision, to allow for the wood boiler furnace (that is not EPA Phase 2 qualified) to be located less than 100' from the property line, and to allow for the wood boiler furnace and a firewood storage structure (less than 200 SF in area) to be located in the side yard. The subject parcel is 2467 Penewit Road, parcel L32000200180002300, owned Jeremy and Brandy Stover located in the E (Estate Residential) District. Pursuant to Table 4-6 and Section 4.13 E. 11. of the Sugarcreek Township Zoning Resolution, wood boiler furnaces are not permitted in the Estate Residential District/recorded subdivisions, wood boiler furnaces that are not EPA Phase 2 qualified must be located at least 100' from the property line and wood boiler furnaces and firewood storage structures must be located in the rear yard.

Mrs. Moore asked for clarification on side yard versus rear yard.

Mrs. Tilford indicated that side yard is defined as the area between the main building and the side lot lines.

Mr. Jeremy Stover, 2467 Penewit Road, being duly sworn came forward. He indicated that they had no idea that there were zoning requirements for wood boilers. He noted they have 17 acres and he assumed that they were in an agricultural district. They purchased the home and it had been heated with fuel oil. Because of the cost of fuel, they wanted another heating option. They have a lot of wood on the property so a wood boiler made sense. The location of the wood boiler was driven by the hill on the property and the existing trees, as well as the need for proximity to the structure being heated.

Mrs. Moore noted that the house isn't 100' from the property line.

Mr. Stover indicated that was correct.

Mr. Gibson discussed the location of the house and it's relatively seclusion, noting how the house was purposefully built in the woods.

Mrs. Vantrese noted that this area of Estate District zoning is an island surrounded by Agricultural District zoning.

Mrs. Moore asked if the size of the wood shed was an issue.

Mrs. Tilford indicated that size was not an issue, only location in the side yard.

Mrs. Moore noted for the record that no one else was in attendance to provide testimony.

Mrs. Moore made a motion to approve the wood boiler in the Estate District noting that this small area was uniquely zoned (a small area of Estate District surrounded by Agricultural District) and that the boiler would have no impact on any neighbors or public services. Mrs. Jay seconded the motion. Upon call of the roll, the vote resulted in the following:

Mr. Gibson-yes

Mrs. Jay-yes

Mrs. Vantrease-yes

Mrs. Moore-yes

Mr. Haibach-yes

Mrs. Moore made a motion to approve the wood boiler at a setback of less than 100' (as it currently exists on the lot) noting similar reasoning and also that the applicants own the parcel to the north, the parcel to the east is a huge farm with no impact anticipated, and the topography of the lot is severely limiting as far as locating the wood boiler is concerned. Mr. Haibach seconded the motion. Upon call of the roll, the vote resulted in the following:

Mr. Gibson-yes

Mrs. Jay-yes

Mrs. Vantrease-yes

Mrs. Moore-yes

Mr. Haibach-yes

Mrs. Moore made a motion to approve the request for the wood boiler to be located in the side yard (as it currently exists on the lot) noting again that the applicants own the adjacent parcel, the parcel to the north is a huge farm with no impact anticipated, and the topography of the lot is severely limiting as far as locating a wood boiler is concerned. Mrs. Jay seconded the motion.

Upon call of the roll, the vote resulted in the following:

Mr. Gibson-yes

Mrs. Jay-yes

Mr. Haibach-yes

Mrs. Vantrease-yes

Mrs. Moore-yes

Mrs. Moore made a motion to approve the request for the wood storage structure to be located in the side yard (as it currently exists on the lot) noting again that the applicants own the adjacent parcel and the parcel to the north is a huge farm with no impact anticipated. Mrs. Moore also noted the need for the wood storage structure to be in close proximity to the wood boiler for practical purposes. Mrs. Vantrease seconded the motion.

Mr. Gibson-yes

Mrs. Jay-yes

Mr. Haibach-yes

Mrs. Vantrease-yes

Mrs. Moore-yes

Mrs. Moore made a motion to approve the December 19, 2013 Minutes, which was seconded by Mrs. Vantrease. Upon call of the roll, the vote resulted in the following:

Mr. Gibson-yes

Mrs. Jay-yes

Mr. Haibach-yes

Mrs. Vantrease-yes

Mrs. Moore-yes

Mrs. Moore made a motion to adjourn, which was seconded by Mr. Haibach.

Upon call of the roll, the vote resulted in the following:

Mr. Gibson-yes

Mrs. Jay-yes

Mr. Haibach-yes

Mrs. Vantrease-yes

Mrs. Moore-yes