

**SUGARCREEK TOWNSHIP
BOARD OF ZONING APPEALS
THURSDAY, APRIL 24, 2014**

This regular meeting of the Sugarcreek Township Board of Zoning Appeals was held on Thursday, April 24, 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-present
Mrs. Vantrease-present
Mrs. Jay-absent
Mr. Gibson-present
Mr. Cramer-present

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

Mrs. Moore asked for the Staff Report for BZA Case 02-2014.

Mrs. Tilford, being duly sworn, provided the Staff Report for BZA Case 02-2014. Applicant, Ann Gibson, is requesting an area/dimensional variance from Section 4.13, Table 4-6 of the Sugarcreek Township Zoning Resolution, to allow for an inground pool to be constructed in the front and side yards. The subject property is 2471 Lower Bellbrook Road, parcel L32000200260000600, owned by Stanley R. and Ann C. Gibson, containing 24.825 acres, and located in the A-1 (Agricultural) District. Pursuant to Section 4.13, Table 4-6 of the Sugarcreek Township Zoning Resolution, inground pools are only permitted in the rear yard. The applicant is also requesting variance approval to allow for a 5' aluminum fence to be installed around the pool, a portion of which will be located in the front yard in excess of the 42" height limitation for front yard fences, pursuant to Section 7.04 B. 1. of the Sugarcreek Township Zoning Resolution.

Mrs. Ann Gibson, 2471 Lower Bellbrook Road, being duly sworn, came forward. She indicated that they just want to put in a pool. For Valentine's Day, her husband contracted with Knickerbocker Pools to construct the pool. They've already put down the deposit and they didn't realize they would have to jump through all these hoops.

Mr. Haibach noted that the pool would be right behind the house.

Mrs. Gibson indicated that was correct.

Mr. Haibach noted that there are two issues, the first is the pool and the second is the fence.

Mrs. Gibson indicated that if they decided to put in a fence it would be a decorative aluminum type fence, a regular pool fence.

Mrs. Moore clarified that it would be a 5' fence.

Mrs. Gibson confirmed 5' was correct.

Mrs. Moore stated that she had no questions.

Mrs. Moore asked for comments in favor of the application, comments opposed to it and then neutral comments. No one from the audience came forward to speak.

Mr. Gibson made a motion a motion to close the public hearing, which was seconded by Mrs. Vantrease. Upon call of the roll, the vote resulted in the following:

Mr. Gibson-yes

Mrs. Vantrease-yes

Mr. Cramer-yes

Mrs. Moore-yes

Mr. Haibach-yes

Mrs. Moore noted that the location proposed is the only logical place for the pool outside of a farm field which is not practical. She further noted that the character of the neighborhood would not be impacted by the issuance of the requested variance.

Mr. Gibson referred to a previous case, BZA04-2014, noting that the BZA did approve a pool in the side yard in that case, also zoned A-1, and that lot was only a third of the size of this one.

Mrs. Moore made a motion to approve the placement of the pool in the front and side yards as requested by the applicant, which was seconded by Mr. Gibson. Upon call of the roll, the vote resulted in the following:

Mrs. Moore-yes

Mr. Gibson-yes

Mr. Cramer-yes

Mrs. Vantrease-yes

Mr. Haibach-yes

Mrs. Moore made a motion to approve the 5' fence in the front yard noting similar reasoning and noting that only a small portion of the fence will extend into the front yard. Mr. Gibson seconded the motion noting that it is 300' back from the road. Upon call of the roll, the vote resulted in the following:

Mrs. Moore-yes
Mr. Gibson-yes
Mr. Cramer-yes
Mrs. Vantrease-yes
Mr. Haibach-yes

Mr. Gibson made a motion to approve the February 27, 2014 Minutes, which was seconded by Mrs. Vantrease. Upon call of the roll, the vote resulted in the following:

Mr. Gibson-yes
Mrs. Vantrease-yes
Mr. Haibach-yes
Mrs. Moore-yes
Mr. Cramer-abstain

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

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

Mrs. Moore-yes
Mr. Cramer-yes
Mr. Gibson-yes
Mr. Haibach-yes
Mrs. Vantrease-yes