

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

This regular meeting of the Sugarcreek Township Board of Zoning Appeals was held on Thursday, July 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-present

Mr. Gibson-present

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

Mrs. Moore asked for the Staff Report for BZA Case 07-2014.

Mrs. Tilford, being duly sworn, provided the Staff Report for BZA Case 07-2014. Applicant, Matthew J. Borszcz is requesting an area/dimensional variance from Section 4.13 Table 4-6 and Section 4.13 D. 3. a. of the Sugarcreek Township Zoning Resolution to allow for the construction of a detached garage with a 1855 SF footprint (larger than the 25% of the floor area of the principal structure permitted) to be located partially in the front yard. The subject property is 1031 Paxon, parcel L32000100130035100, owned by Matthew J. and Korrine Borszcz, and located in the R-1A (Single Family Residential) District.

Mr. Matthew Borszcz, 1031 Paxon, being duly sworn, came forward. He explained that staff has covered what his requests are and that his application provided the requisite answers.

Mrs. Moore asked if the seven feet that the structure would infringe into the front yard was necessary due to the existence of the conservation easement.

Mr. Borszcz indicated that was correct.

Mrs. Moore asked about the additional 240 SF being requested.

Mr. Borszcz explained the design of the structure from a street perspective standpoint. He indicated the design proposed is the most pleasing aesthetically. He noted the existence of 25'-30' evergreens and his desire to design a building around the trees, rather than to remove more than absolutely necessary.

Mr. Gibson questioned the logic of waiving a township requirement to meet the requirements of a conservation easement not required by the township.

Discussion ensued on the conservation easement.

Mrs. Vantrease commented on the large size of the proposed structure noting that it looks like a house between two houses.

Mr. Gibson questioned whether the request was the minimum necessary to make reasonable use of the building involved. He asked why the additional square footage was necessary.

Mr. Borszcz replied that he didn't need a 6446 square foot house, but he has one. He noted that he has two kids and a car collection. The size requested serves his needs best. He noted that given the size and scale of his house, the building being requested would blend well.

Mrs. Jay noted that she liked that the building was designed so that you aren't seeing all garage doors from the street and that it was designed with keeping the most trees possible in mind.

Mrs. Vantrease noted that the building could easily be changed to meet the standard by making the four car garage portion smaller.

Mr. Borszcz indicated that he would still likely be coming to the board for a variance. He noted that he didn't want the building to look aesthetically displeasing. This is his preferred design. If the board doesn't approve it, he will have to work with that. He has retained the same architect that built his house to design this building. The goal is to make it appear as though it was always planned.

Mr. Gibson referred to a case in 2006, conditions weren't the same, but the request was for a larger accessory structure and the BZA denied that request.

Mr. Haibach asked about the calculation of the size of the building. Mrs. Tilford explained that the footprint of the building is what we calculate.

Mrs. Moore asked for comments in favor of the application. There being none, she asked for comments in opposition. There being none, she asked for neutral comments. There being none, she made a motion to close the Public Hearing, which was seconded by Mr. Haibach. Upon call of the roll, the vote resulted in the following:

Mr. Gibson-yes

Mrs. Vantrease-yes

Mrs. Jay-yes

Mrs. Moore-yes

Mr. Haibach-yes

Mrs. Moore noted that she doesn't have an issue with the 7' setback variance in that it is small and necessary as a result of the existing conservation easement. She questioned if the additional size was justifiable.

Mrs. Vantrease stated that she felt that it was not; aesthetics is not an acceptable basis for the issuance of a variance. She respects that the applicant is attempting to make the building aesthetically pleasing but the standards have not been met.

Mr. Gibson noted that the property is a postcard. But this is what he wants, not what he absolutely needs.

Mrs. Jay made a motion to approve the setback variance as requested by the applicant, which was seconded by Mrs. Moore. Upon call of the roll, the vote resulted in the following:

Mr. Gibson-no

Mrs. Vantrease-no

Mrs. Jay-yes

Mrs. Moore-yes

Mr. Haibach-yes

Mrs. Jay made a motion to approve the variance dealing with the size of the structure as requested by the applicant, which was seconded by Mrs. Moore. Upon call of the roll, the vote resulted in the following:

Mr. Gibson-no

Mrs. Vantrease-no

Mrs. Jay-yes

Mrs. Moore-no

Mr. Haibach-no

Mrs. Tilford presented the Staff Report for BZA08-2014. Applicant, John P. Harmeyer DDS, is requesting an area/dimensional variance from Section 8.10 B. 5. of the Sugarcreek Township Zoning Resolution to allow for the construction of a ground mounted monument sign at a setback of 4' from the right-of-way line. The subject property is 4291 Sugarcreek Drive, parcel L32000100030013800, owned by John P. Harmeyer, and located in the B-2 (General Business) District.

Dr. John Harmeyer, 4291 Sugarcreek Drive, Bellbrook, Ohio, being duly sworn came forward. Dr. Harmeyer indicated that he is replacing an older sign. It was planned as a pole sign, but it will be a monument sign. He noted that it will be the same size as the current sign, just a little bit taller.

Mr. Gibson questioned the need for the identification sign at all for the type of business.

Dr. Harmeyer stated that the sign was important from a wayfinding standpoint.

Mrs. Moore asked for comments in favor of the application.

Mr. Orrin Bailey, 4269 Sugarcreek Drive, being duly sworn, came forward. He stated that he lives two properties east of Dr. Harmeyer's office. He has talked to the neighbors and no one sees any issue with the request.

Mrs. Moore asked for comments in opposition. There being none, she asked for neutral comments. There being none, she made a motion to close the public hearing, which was seconded by Mr. Haibach.

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

Mr. Gibson-yes

Mrs. Vantrease-yes

Mrs. Jay-yes

Mrs. Moore-yes

Mr. Haibach-yes

Mrs. Moore noted that the sign on the adjacent parcel is located at the same setback as the sign proposed. If the applicant were to meet the required setback, the sign would be placed right up against the parking lot which is not practical.

Mr. Gibson noted that there are two businesses on this street. It is not hard to find. This is not what we ought to be approving.

Mrs. Moore made a motion to approve the variance as requested by the applicant, which was seconded by Mrs. Vantrease. Upon call of the roll, the vote resulted in the following:

Mr. Gibson-no

Mrs. Vantrease-yes

Mrs. Jay-yes

Mrs. Moore-yes

Mr. Haibach-yes

Mrs. Moore made a motion to approve the May 22, 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

Mrs. Jay-yes

Mrs. Moore-yes

Mr. Haibach-yes

Mrs. Moore thanked Mr. Gibson for his dedicated service on the BZA.

Mrs. Moore made a motion to adjourn, which was seconded by Mrs. Vantrease. Upon call of the roll, the vote resulted in the following:

Mr. Gibson-yes

Mrs. Vantrease-yes

Mrs. Jay-yes

Mrs. Moore-yes

Mr. Haibach-yes