

**SUGARCREEK TOWNSHIP
BOARD OF ZONING APPEALS
THURSDAY, APRIL 23, 2020**

This regular meeting of the Sugarcreek Township Board of Zoning Appeals was held on Thursday, April 23, 2020 via Zoom 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:

Mr. Haibach - present
Mrs. Staten - present
Mrs. Vantrease - present
Mr. Froehlich - present
Mrs. Moore - present

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

Mrs. Tilford, being duly sworn, provided the Staff Report for BZA03-2020: Applicant, Dr. John Murphy IV, is requesting Conditional Use Approval under Section 4.08 C. Table 4-3 to allow for the operation of an Onsite Physician Led Healing and Wellness Center at 3659 Waynesville Road. The subject property can be further identified by parcel numbers L32000100080002900 and L3200010008000300, is owned John E. Murphy, contain a total of 12.45 acres, and is located in the A-1 (Agricultural) District.

Mr. Froehlich asked about the 50' perimeter buffer.

Mrs. Tilford stated because there are residential uses adjacent it may make sense to provide a 50' area around the perimeter of the property would not allow any walks in the woods with patients, etc.

Mr. Froehlich asked if there is sufficient parking.

Mrs. Tilford stated because no more than one or two patients is anticipated at one time, there is no need or really no desire for parking that would make the property lose it's residential character.

Mrs. Moore asked if anyone was present to speak on behalf of the applicant.

Dr. John Murphy, 3764 Grand Oak Trail, being duly sworn, came forward. He noted that he has been a practicing family physician in Sugarcreek Township for 12 years. He has become disillusioned with how medicine is headed; he is in partnership with his father who is nearing retirement. He has been researching the ideal medical practice. The concept he has come to embrace is optimal healing environments. The power of nature to heal us is evident; studies have some with primary care especially that nature, sounds, smells can impact outcomes. Yet we

don't try to implement these in modern medicine. He noted he already had this property and this is the perfect place to implement these ideas for primary care. He noted he has a great commercial space but his concept is primary care in a home based setting. They are driving down a long beautiful driveway not parking in a commercial lot. This is very small scale. This will be primary care in a nature based setting. Minor changes to the house will be made to make it accessible. One handicapped parking space will be added. Setbacks are fine. For the most part this will only be the home. He noted no sign is necessary really. This is personalized medicine. We may offer gardening, farming classes for the community. He noted he has a lot of great ideas, but the main thing is to make minimal changes.

Mrs. Moore indicated that from the house you can't even see the road.

Dr. Murphy concurred.

Mrs. Moore indicated that primarily this will be done in the structure.

Dr. Murphy concurred.

Mrs. Vantrease asked Mrs. Tilford if she saw the questions in the bottom.

Mrs. Tilford read Mr. Moeller's question who is living there now.

Dr. Murphy indicated he has been staying there as he works on the home but he does not live there.

Mr. Froehlich asked if the entire practice will move there or just you.

Dr. Murphy stated he plans to take a small portion of patients, 300-600 out of 6,000.

Mr. Froehlich asked if the practice is creating a satellite location or have you left.

Dr. Murphy stated he has left that practice.

Mr. Moeller asked why do we hear people there in the evening via the discussion option on Zoom.

Dr. Murphy indicated that they use the house. He is there 80-100 hours a week

Mr. Haibach thanked Dr. Murphy for his update. He asked about patient activity and evening hours.

Dr. Murphy indicated he may have 4-5 patients in a group class in the evening. But he would anticipate most activity during the day.

Mrs. Vantrease asked if he would have a lab.

Dr. Murphy indicated he will do blood draws, but not a lab per se.

Mr. Moeller asked about the number of employees via the discussion option on Zoom.

Mrs. Moore asked about how he envisions the practice growing.

Dr. Murphy indicated that his initial patient load will be 300 managed by him and one other employee. The three year outlook is 600 as a maximum capacity seeing 1-2 patients per hour. 4-5 employees may be total, an educator, himself, an MA, never more than 5 at maximum capacity would be anticipated.

Mr. Moeller asked who polices this via the discussion option on Zoom.

Mrs. Tilford indicated we would police that.

Mrs. Vantrease asked if he would anticipate another doctor.

Dr. Murphy stated no.

Mrs. Moore asked for comments.

Mr. Moeller, 3614 Middle Run Road, noted his opposition via the discussion option on Zoom. He stated this area is a residential area.

Mrs. Moore asked about any additional concerns beside it being a residential area.

Mr. Moeller stated he feels this could hurt property values, again via the discussion option on Zoom.

Mrs. Moore asked for clarification. The house will still look like a house and is not visible from the road.

Mrs. Vantrease asked what was to the north.

Mrs. Tilford stated it is a horse boarding/training facility.

Mr. Froehlich noted for the record that Mr. Moeller doesn't have audio so he is typing his questions.

Mr. Moeller noted that this is difficult and he feels it should be put off until an actual in person meeting can be held, again via the discussion option on Zoom.

Mrs. Vantrease asked if he could call in.

Mrs. Tilford provided her cell phone number for Mr. Moeller to call in.

Mrs. Moore stated the equestrian facility has people in and out.

Mr. Moeller stated we keep hearing different numbers of people in and out. He is concerned about policing it. He feels this is problematic that he doesn't even live there and it abuts his property. This is not a business district. This is a residential property. He stated he know Dr. Murphy and his dad. This isn't appropriate here.

Mrs. Moore asked if Mr. Moeller has had any issues with Dr. Murphy up until now.

Mr. Moeller stated no. He knows there is someone there though.

Mrs. Moore asked why he believes this use will differ from use as a private residence.

Mr. Moeller indicated when he sells his property being adjacent to a business district will be problematic.

Mrs. Tilford noted that the property will remain zoned A-1. The zoning district will not change. This is a request for Conditional Use approval, not a rezoning. The zoning designation of the subject site remains A-1 with the protections that zoning district provides as far as uses are concerned.

Mrs. Moeller indicated we bought this with the understanding this will be residential. Bringing 600 patients in will be overwhelming to traffic.

Mrs. Vantrese he is meaning 600 total patients, he may only see them one to two times a year. All 600 aren't coming all at once.

Dr. Murphy said 11 patients a day in five, eight hour days.

Mrs. Moeller asked about flooding the sewers.

Dr. Murphy stated it doesn't change the volume of human beings in the house.

Mrs. Moore asked for any other objections from the Moellers.

He stated we are trying to save our township, but this isn't saving anything. The Comprehensive Land Use Plan doesn't want business in the south part of the township. We are dismissing that plan. The land across the street from us just sold, what protections do we have if we allow this he asked.

Mrs. Tilford stated that this use group is purposely specific. Just because this is approved doesn't mean the door is open to other types of businesses being approved not part of the Conditional Use list established for the A-1 District.

Dr. Murphy indicated he also wants Sugarcreek Township to remain rural.

Mr. Moeller continued to discuss that this part of the township is not designated for commercial uses.

Mrs. Moore indicated we appreciate your point about the land use plan.

Mrs. Tilford noted that we have another participant.

Mr. and Mrs. Costello asked what would happen with the existing property.

Mrs. Moore indicated that Dr. Murphy explained nothing else will be built, there is no intention to construct anything further. The two lots will be combined into one.

Dr. Murphy indicated that the home will be kept as a home.

Mrs. Moore asked for any further comments.

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

Mrs. Staten-yes

Mrs. Vantrease-yes

Mr. Froehlich-yes

Mr. Haibach-yes

Mrs. Moore-yes

Mrs. Moore noted that she appreciated Mr. Moeller's comments. She noted that Mrs. Tilford made the important distinction that the zoning of this property remains exactly the same. This is a Conditional Use request. Dr. Murphy has indicated the external appearance will remain the same with minor interior alterations. It was important to me that the two parcels be combined into one, which would eliminate another piece of construction there that may be more contentious than what is suggested. She sees no impact to surrounding properties at all. For all those reasons, she noted that this meets the requirements established for Conditional Uses.

Mrs. Vantrease stated after combination could the property be split again.

Mrs. Tilford noted not while the property is operated as an onsite physician led healing and wellness center it cannot be split. If our A-1 standards remain the same and the property reverts back to residential, then it could be split again.

Mr. Froehlich questioned the enforceability of the 50' perimeter buffer.

Mrs. Moore indicated good faith attempts on the doctor's part as well as the neighbors having an issue with it would lead to it being addressed.

Dr. Murphy indicated any areas he uses would have to be handicapped accessible. That area would not be.

Mr. Froehlich asked if the existence of the buffer may in and of itself create stress between the neighbors.

Mrs. Moore indicated that is a fair point, the alternative is no buffer. Use there is unlikely to the doctor's point. The condition was suggested.

Mr. Haibach stated he feels more comfortable with the buffer in. It shows the spirit is more important especially given neighbor comments.

Mrs. Moore asked for any further discussion.

There being none, she made a motion to approve the Conditional Use request subject to the parcels being combined and subject to a 50' perimeter where no physician patient activity is conducted, which was seconded by Mrs. Vantrease. Upon call of the roll, the vote resulted in the following:

Mrs. Staten-yes
Mrs. Vantrease-yes
Mr. Froehlich-yes
Mr. Haibach-yes
Mrs. Moore-yes

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

Mrs. Staten-yes
Mrs. Vantrease-yes
Mr. Froehlich-yes
Mr. Haibach-yes
Mrs. Moore-yes