

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

This regular meeting of the Sugarcreek Township Board of Zoning Appeals was held on Thursday, July 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 – absent
Mr. Froehlich – absent
Mrs. Vantrease – present
Mr. Demko – 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 BZA04-2020. Applicant, Anneliese McGhee, is requesting a variance from Section 7.04 B. 1. a. of the Sugarcreek Township Zoning Resolution to allow for the construction of a 48” aluminum fence in the front yard of a corner lot. The subject property is 4091 Woodland Ridge Ct., parcel L32000100020014900, lot number 16 in the Woodland Ridge subdivision, and is located in the PUD-R (Residential Planned Unit Development) District.

Mrs. McGhee, being duly sworn, explained the request noting that she does have large dogs and she feels installing a partial 48” fence and a partial 42” fence will look less aesthetically pleasing than would a consistent 48” fence. She noted her request is to install the fence up to the 30’ setback line, not any closer to the street than that. She also noted they will be bringing it in 10’ from the eastern property line to make it more square, so it will not be on the property line as initially shown.

Mrs. Tilford noted that she did receive a call from Cindy and Jeff Payne at 4072 Woodland Ridge and they are in favor of the requested variance.

Mr. Jonathan Selvaraj, 4069 Woodland Ridge Ct., being duly sworn clarified that although the plans say it is 40’ to his property line, it will actually stop at 30’, which was confirmed by the applicant.

Mrs. Kristin Selvaraj, 4609 Woodland Ridge Ct., being duly sworn asked how close a fence could be placed to a property line.

Mrs. Tilford explained that fences are not subject to any setback requirement and may be placed on the proeprty line.

Mrs. Moore asked for any additional public comments.

Mr. Paul Freisthler, 4144 Woodland Ridge Ct., being duly sworn explained the location of his property below the pond. He noted he has a clear view of the subject property. He noted he believes the applicant's answers to questions 4, 9 and 10 on their application filed with the township to be incorrect. He believes the fence will be out of place as it will be the only fence in a front yard in the neighborhood. He noted that the applicant stated the fence will be located at the back of the house and this is false. The applicant quoted Ohio Revised Code relative to Homeowner's Association rules needing to be followed and stated that the applicant's statement in their application that they are not asking for anything not permitted is a false statement. He noted that their HOA does not permit fences in front yards. He noted that the HOA is violating the law by saying this fence is approved. He noted he likes dogs, but this applicant needs to follow the HOA rules and place the fence in their side and rear yard like the HOA rules say. He noted that this issue comes down to following the written, published rules. He asks that all rules, HOA and township, be followed.

Mrs. Moore asked for any additional public comments. There being none, Mrs. Moore made a motion to close the public portion of the hearing, which was seconded by Mrs. Vantrease. Upon call of the roll, the vote resulted in the following:

Mrs. Vantrease-yes
 Mr. Demko-yes
 Mr. Haibach-yes
 Mrs. Moore-yes

Mrs. Moore noted that speaking to the last gentleman's comments there is difference between the HOA's rules and the township rules that the BZA is responsible for upholding and applying. She noted that the HOA has provided us information stating that they have approved the fence. What we need to look at is whether we are willing to approve the request to allow a front yard fence 6" taller than permitted. She noted that corner lots have two front yards; this is a corner lot and that condition inherently provides a special circumstance requiring consideration for a variance. She noted that the fence that the applicant has proposed would not be out of place in anyone else's backyard, but for the fact that this lot has two front yards we would not be here discussing this. The photo that Cara has provided show us that we can't appreciate the difference between 42" and 48". It is a nice home, a nice fence and a nice neighborhood. Mrs. McGhee has already agreed to pull the fence back to the 30' building setback line and from the property line abutting the other neighbor that spoke here tonight. She noted she doesn't see any special privilege being granted by approving this request. She made a motion to approve the variance as requested by the applicant, which was second by Mrs. Vantrease. Upon call of the roll, the vote resulted in the following:

Mrs. Vantrease-yes
 Mr. Demko-yes
 Mr. Haibach-yes
 Mrs. Moore-yes

Mrs. Moore made a motion to approve the April 23, 2020 Minutes, which was seconded by Mrs. Vantrease. Upon call of the roll, the vote resulted in the following:

Mrs. Vantrease-yes
Mr. Demko-abstain
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. Vantrease-yes
Mr. Demko-yes
Mr. Haibach-yes
Mrs. Moore-yes