

**SUGARCREEK TOWNSHIP
BOARD OF ZONING APPEALS
THURSDAY, OCTOBER 22, 2020**

This regular meeting of the Sugarcreek Township Board of Zoning Appeals was held on Thursday, October 22, 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 – absent

Mrs. Staten – present

Mr. Froehlich – present

Mrs. Vantrease – present

Mr. Demko – absent

Mrs. Moore – present

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

Mrs. Tilford, being duly sworn, provided the Staff Report for BZA07-2020. Applicant, Robert “Keith” Ralston, is requesting variances from Sections 4.11 D. 3. And 4.11 G. Table 4-4 of the Sugarcreek Township Zoning Resolution to allow for an existing 4.976 acre parcel with 99.23’ of frontage on Vimark Lane to be split into three (3) parcels: a proposed west parcel with approximately 20’ of frontage on Vimark Lane and containing approximately 1.5 acres, a proposed central parcel with approximately 59’ of frontage on Vimark Lane and containing approximately 1.9 acres, and a proposed east parcel with approximately 20’ of frontage on Vimark Lane and containing approximately 1.58 acres. The subject property is 2915 Vimark Lane, parcel L32000100100004300, is located in the E (Estate Residential) District and is owned by Karl K. and Marcella R. Ralston, Co Trustees.

Mr. Robert Keith Ralston, 3982 Windy Bluff Court, being duly sworn came forward. Mr. Ralston noted that the parcel is owned by his parents in a Trust, his mother is the single Trustee. It is their intent to try to better utilize the property in a way that they may be able to retain ownership for the long haul. He noted his parents were long time residents of Sugarcreek Township essentially for the last nearly 60 years. The parcel is unique in its shape such that it lends itself to be divided; they would be looking to place a residence on both the east and west parcels. The existing home and all the outbuildings would remain on the central parcel. He noted the existence of one outbuilding close to the west parcel that they would need to do something about. It’s a detached garage about 100’ from the house. The long and short of it is the desire to better utilize the property and the desire for their family to remain in the township.

Mrs. Moore noted that the current use of the property is as a single family dwelling and asked how long it has been used for that purpose.

Mr. Ralston stated since roughly 1975.

Mrs. Moore asked why it cannot continue in that role.

Mr. Ralston noted that they feel the property is under utilized in terms of the east and west fields and they want to create the opportunity for two family members to build houses on the two proposed parcels.

Mrs. Moore asked why it had to be subdivided for them to reside on the parcel.

Mr. Ralson stated that they would desire to build their own homes on their own parcels.

Mrs. Tilford stated that the construction of additional principal structures on the current parcel would not be permitted.

Mrs. Moore asked if his mother still lives on the parcel.

Mr. Ralston indicated that she did.

She asked if the parcel currently meets the township's requirements for frontage and size.

Mr. Ralston indicated that it did.

Mrs. Moore asked other than to create additional parcels to build homes on, is there any other reason the applicant is seeking the requested variances.

Mr. Ralston stated not necessarily but short of not being able to do it, the east and west areas of the parcel will just be grassland.

Mrs. Moore asked if any of the board members had questions, there being none she asked Mr. Ralston if he had any other comment.

Mr. Ralston stated other than what he has stated, what Mrs. Tilford covered and his application no. He noted he feels he has adequately explained his request.

Mr. Froehlich asked Mr. Ralston if he has ever lived on the parcel.

Mr. Ralson stated he did.

Mrs. Moore opened the floor to public comments, asking first for comments in support.

Mr. Chase Ralston, Keith's middle son, 1338 Park Terrace, being duly sworn, came forward to speak. He noted that they believe the unique shape of the parcel creating the east and west fields and the central portion with his grandparent's house, is within the parameters for the issuance of the requested variances and is within reason. The variances would be in line with the tenants spelled out within the Zoning Resolution. The intent upon hopeful approval is to build primary residences. He noted his appreciation for the Board's time.

Mr. Ralston noted that it is the intent that these be family member residences. They are looking to create an opportunity for their family to live on the parcel and within the Township.

There being no additional comments in favor, Mrs. Moore opened the floor to comments in opposition to the request. Mr. Don Kendrick, 2865 Vimark Lane, being duly sworn came

forward. He noted his is the property adjacent. He noted that they have been here ten years and were drawn to the roughly five acre lots here on the entire street. He noted that they enjoy the serenity and rural landscape and they oppose the variances because they want to keep it that way. They worry about property values and increased traffic.

Mrs. Moore asked Mrs. Tilford to identify his property on the map and noted that his parcel is the same shape as the Ralston parcel, just kind of a mirror image.

Mr. Kendrick said yes, somewhat, though they have more frontage.

Mr. Dan Wright, 2860 Vimark Lane, came forward. He noted he is to the right of the parcel on the map. He also had big concerns about property values and the increase in traffic as Mr. Kendrick stated.

Mrs. Moore asked for any additional comments in relation to the application. There being none she 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
Mrs. Staten-yes
Mr. Froehlich-yes
Mrs. Moore-yes

Mr. Froehlich noted his appreciation for the desire to create a homestead like environment on the parcel, but that the standards for the issuance of the requested variances did not seem to be met by that desire alone.

Mrs. Moore noted that special conditions and circumstances did not exist which would justify the issuance of the variance noting that the issuance of the variances would alter the essential character of the neighborhood noting that the lot sizes proposed were smaller than surrounding lot sizes. She noted that there is an existing beneficial use of the property and the desire to create two additional lots did not constitute a special condition warranting the issuance of the requested variances.

Mrs. Moore made a motion to approve the applicant's requests, which was seconded by Mrs. Vantrease.

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

Mrs. Vantrease-no
Mrs. Staten-no
Mr. Froehlich-no
Mrs. Moore-no

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

Mrs. Staten-yes

Mr. Froehlich-yes

Mrs. Moore-yes