

**SUGARCREEK TOWNSHIP
BOARD OF ZONING APPEALS
THURSDAY, NOVEMBER 21, 2019**

This regular meeting of the Sugarcreek Township Board of Zoning Appeals was held on Thursday, November 21, 2019 at the Sugarcreek Township Administration Office, 2090 Ferry Road, Bellbrook, 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:

Mr. Cramer - present
Mr. Haibach - absent
Mrs. Staten - absent
Mrs. Vantrease - present
Mr. Froehlich - present
Mrs. Moore - absent
Mr. Demko - present

Mr. Cramer swore in all those present wishing to provide testimony.

Mrs. Tilford, being duly sworn, provided the Staff Report for BZA08-2019. Applicant, Robert J. Hess, Jr., 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" wood picket fence in the front yard adjacent to Sunset Creek Court in conjunction with the construction of an inground pool. The proposed fence will replace the current 42" fence in the front yard adjacent to Sunset Creek Court. The subject property is 3592 Catalpa View Way, parcel L32000100120025100, owned by Robert J. Hess Jr. and Cynthia Hess, and located in the PUD-R (Residential Planned Unit Development) District.

Mr. Cramer asked if anyone was present to speak on behalf of the applicant.

Mr. Robert Hess, 3592 Catalpa View Way, being duly sworn, came forward. He noted that he and his wife purchased this lot because it could be a walkout. He noted that the HOA holds that fences cannot exceed 48", but their two frontages limited their fence to 42" adjacent to Sunset Creek Court. They will be installing a pool and that 42" fence needs to be 48". It is their intent to only replace the 42" pickets with 48" pickets. He noted that their deck comes to the front corner of the house. Coming off the side of the house would be an impossibility.

There being no one else present wishing to provide testimony, Mr. Cramer made 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. Cramer-yes

Mrs. Vantrease-yes
 Mr. Froehlich-yes
 Mr. Demko-yes

Mr. Cramer asked the board members for any questions or comments.

Mr. Demko asked if we had received any neighbor comments.

Mrs. Tilford indicated we had not and noted that the number of neighbors notified was long.

Mr. Froehlich noted that corner lots are tricky but the impact here is minimal.

Mr. Froehlich made a motion to approve the variance as requested by the applicant, which was seconded by Mr. Demko.

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

Mr. Cramer-yes
 Mrs. Vantrease-yes
 Mr. Froehlich-yes
 Mr. Demko-yes

Mrs. Tilford provided the Staff Report for BZA09-2019. Applicants, Joseph W. and Eleny F. Piontek, are requesting variances to reduce the required side and rear yard setbacks in a Planned Unit Development to allow for the construction of a sunroom at a rear yard setback of approximately 28' (35' required) and a side yard setback of approximately 6' (10' required). The subject property is 3295 Seton Hill Drive, parcel L32000200160035600, owned by Joseph W. and Eleny F. Piontek, and located in the PUD-R (Residential Planned Unit Development) District.

Mr. Joseph Piontek, 3295 Seton Hill Drive, came forward. He noted that the angle of the property line is problematic. He noted that they didn't even realize until the sunroom was designed just how close to the property line they are, given that there is open space adjacent to them on two sides. The angled line is very limiting.

Mrs. Eleny Piontek, 3295 Seton Hill Drive, came forward. She noted that she has always wanted a sunroom and this lot is perfectly situated for one, with the exception of the angled line being a problem. She noted that she is from a large family and they really do need the additional space in the home that they love.

Mrs. Vantrease asked if the deck was coming down.

Mr. Piontek said yes and extending back 5'.

Mr. Demko noted that it is only a point on the sunroom that extends into the setback area.

Mr. Froehlich asked if it was going off the first floor or basement.

Mr. Piontek said first floor. There will be a slab on the basement level.

Mr. Joseph Miller introduced him as the neighbor to the left. He noted he has no problem with the request.

There being no one else present wishing to provide testimony, Mr. Cramer made 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. Cramer-yes
Mrs. Vantrease-yes
Mr. Froehlich-yes
Mr. Demko-yes

Mr. Froehlich asked if stairs would be coming off the sunroom.

Mrs. Tilford stated that they would be coming out the back and are not considered into the setback area.

Mr. Cramer stated that the HOA has approved this and that Mr. Demko mentioned that it is only a small point of the sunroom that extends into the setback area, noting that answered the no special privilege question for him.

Mr. Froehlich agreed.

Mr. Cramer 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. Cramer-yes
Mrs. Vantrease-yes
Mr. Froehlich-yes
Mr. Demko-yes

Mrs. Vantrease made a motion to approve the July 25, 2019 BZA Minutes, which was seconded by Mr. Demko. Upon call of the roll, the vote resulted in the following:

Mr. Cramer-abstain
Mrs. Vantrease-yes
Mr. Froehlich-abstain
Mr. Demko-yes

Mr. Cramer made a motion to approve the September 26, 2019 BZA Minutes, which was seconded by Mr. Demko.

Mr. Cramer-yes
Mrs. Vantrease-yes
Mr. Froehlich-abstain
Mr. Demko-yes

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

Mr. Cramer-yes
Mr. Demko-yes
Mrs. Vantrease-yes