

**SUGARCREEK TOWNSHIP
BOARD OF ZONING APPEALS
THURSDAY, FEBRUARY 25, 2021**

This regular meeting of the Sugarcreek Township Board of Zoning Appeals was held on Thursday, February 25, 2021 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
Mr. Froehlich – present
Mrs. Vantrease – present
Mr. Demko – absent
Mrs. Moore – present

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

Mrs. Moore noted that the first item of business was BZA02-2021 and asked Mrs. Tilford for the Staff Report.

Mrs. Tilford, being duly sworn, provided the Staff Report for BZA02-2021. Applicant, Ernst Ready Mix Inc., is requesting Variances from Section 4.10 C. 4. c. and 4.15 A. of the Sugarcreek Township Zoning Resolution to allow for the construction of a 48' x 64' building associated with a non-conforming use to accommodate the indoor storage of pumps. The subject property is located at 2130 Ferry Road, can be further identified by parcel number L32000100110000400, contains 21.669 acres and is located in the I-1 (Industrial), E (Estate Residential) and W-P (Well Field Protection Overlay) Districts.

Mrs. Heaney, being duly sworn, and representing Ernst, noted that he was here last year and received approval for a smaller structure. He inadvertently asked for the incorrect size and is back to fix that issue.

Mr. Moore asked for any additional comments in favor, in opposition or neutral. 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:

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

Mrs. Moore stated that the same reasoning for approving the last request would apply here.

Mr. Froehlich confirmed that the building was going in the same location.

Mr. Heaney concurred.

Mrs. Moore made a motion to approve the variances as requested by the applicant, which was seconded by Mrs. Staten.

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

Mr. Froehlich-yes

Mr. Haibach-yes

Mrs. Moore-yes

Mrs. Vantrease-yes

Mrs. Staten-yes

Mrs. Moore asked for the Staff Report for BZA03-2021.

Mrs. Tilford, being duly sworn, provided the Staff Report for BZA03-2021. Applicants, Bryan and Terri Pelley, are requesting a Variance from Section 4.13 3. b. of the Sugarcreek Township Zoning Resolution to allow for the construction of an above ground pool and deck totaling approximately 1,157 square feet. The applicants have detached structures existing on the parcel totaling 2,593 SF. Together the existing and proposed structures would exceed the allowance for detached accessory structures by 1,250 SF. The subject property is 1530 Sugarhill Lane, can be further identifiable by parcel number L320002000270005500, contains 5.124 acres and is located in the A-1 (Agricultural) District.

Mr. Bryan Pelley, being duly sworn, came forward. He noted that they have been spending a lot of time at home, as everyone has, and decided last year to go forward with a pool. They became aware of the issue with the size and are asking for a variance to allow them to make their home a safe and fun place for their family and friends.

Mrs. Moore confirmed that the applicants did not construct the structures that are there and there aren't any they can get rid of.

Mr. Pelley confirmed both.

Mrs. Moore noted that she understood that they are working with a contractor to determine if the pool can be placed closer to the house, which is likely preferable to them.

Mr. Pelley concurred indicated that they are working with a bit of a grade issue.

Mr. Froehlich asked if moving it closer to the house would require the removal of trees.

Mr. Pelley indicated only one potentially would need to come down.

Mrs. Vantrease asked if there were trees in place to block the pool from the road.

Mrs. Terri Pelley, being duly sworn, noted on two sides the pool is blocked by trees; only a small piece would be visible from Sugarhill Lane. On the Washington Mill side, it would be completely blocked.

Mr. Haibach asked about the other ancillary structures and if they were in active use.

Mr. Pelley indicated they are and they are very integrated with the landscape as well.

Mr. Moore asked for any additional comments in favor, in opposition or neutral. 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:

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

Mrs. Moore noted that the Pelley's proposed use is consistent with the surrounding properties, with screening it doesn't impact the surrounding neighborhood. The question is whether the structures that precluded them should work to keep them from having a pool.

Mr. Froehlich noted that the existing barn is a classic red barn and it would be a shame to tear it down.

Mr. Froehlich clarified that putting it closer to the house wouldn't be an issue.

Mrs. Tilford confirmed this is a size issue, not a location issue so it would not be an issue.

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

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

Mrs. Moore asked for the Staff Report for BZA04-2021.

Mrs. Tilford provided the Staff Report for BZA04-2021. Applicant, Nick and Edna Weller Charities, Inc., is requesting Conditional Use Approval for a recreational/educational use. A 3,200 SF nature center would be constructed, as would an access driveway and parking lot.

Existing nature trails will be incorporated into the project and upgraded with some new walking trails added. An observation deck facing and adjacent to the Little Miami River is also proposed, as is a replica maple sugar house. The subject property is 2760 Upper Bellbrook Road, can be further identifiable by parcel numbers L32000200300007900 and L32000200300005800, contains approximately 105.5 acres total and is located in the A-1 (Agricultural) District.

Mr. Thomas Weller, being duly sworn, came forward on behalf of the applicant. He noted that they are a small private foundation focused on nature, education and history. He explained that the proposal brings all three together in one place under one roof. He explained that the education center would be a passive museum focused on local, Native American and Ohio history as well as geological history of the area. He explained their pathway network, the planned sugar house and the observation area overlooking the Little Miami River.

Mr. Jose Castrejon, being duly sworn, came forward. He noted he is a landscape architect with McGill Smith Punshon and they are excited to be involved in this project. He noted part of the Conditional Use process is ensuring that this will have no negative impact on the area. He noted that they are excited to bring forth a project that focuses on preserving this property. He explained they have worked to balance active and passive spaces and have placed the building outside of the floodplain and have worked to make sure access is appropriately placed from a sight distance standpoint. Their focus has been on ensuring that they respect the river corridor and the floodplain. They are looking at rain gardens and bioswales as an additional means to accomplish that as well as the education focus of the foundation. He noted that they have moved the trails more internal to what was there to respect the neighbors.

Mrs. Moore asked if the existing woods would remain.

Mr. Castrejon indicated that they would. He noted that they would attempt to weave pathways in between trees, removing anything diseased or dangerous. The intent is to leave the edges alone.

Mr. Martin Luckoski, 2762 Upper Bellbrook Road, asked what would become of the existing driveway.

Mr. Castrejon indicated it would be maintained for access to the existing barns.

Mr. John Hayes, 727 Shepherd Road, being duly sworn noted that he has a few questions. He wondered who would oversee the maintenance of the property.

Mr. Weller indicated that they would have a dedicated maintenance staff or man depending on the need.

Mr. Hayes asked what would be planted there as it is currently a corn field.

Mr. Weller indicated that they anticipate native plantings. He is working with the USDA on improvements to the wetland corridor as well.

Mr. Hayes asked if the maple sugar house was functional and how big it was proposed to be.

Mr. Weller indicated 35' x 35'. It will be functional. It will small batch with syrup made only once a year. All year we will have passive education related to the process.

Mrs. Moore confirmed commercial production was not proposed.

Mr. Weller concurred.

Mr. Hayes asked if the location of the maple sugar house was set in stone.

Mr. Castrejon indicated it is outside of the floodplain and has to be over on that side. He indicated that screening can be added noting that the character of the building will keep with the feel of the farmstead.

Mr. Hayes indicated if it could be moved closer to the edge of the floodplain.

Mrs. Moore indicated that is not within the scope tonight.

Mr. Hayes indicated they are in support of the project but would like 200' between the path and the property lines.

Mrs. Moore asked Mr. Castrejon about how much distance is there between the path and residential properties.

Mr. Castrejon indicated 100' is the minimum. They felt 100' is an appropriate distance given the additional plantings proposed.

Mr. Hayes asked about activities after dusk.

Mr. Castrejon indicated that most activity is daytime. Special occasions in the facility itself may move into the evening. They wanted to retain the ability to accommodate those.

Mrs. Vantase asked how many parking spaces are proposed.

Mr. Castrejon indicated 32.

Mr. David Troeter, 735 Shepherd, asked what side of the building the parking would be.

Mr. Castrejon stated 80% is in front of the building.

Mr. Riswan Pasha, 2735 Upper Bellbrook Road, being duly sworn, asked about the size of the building. He noted his support saying his biggest concern is this turning into an event center.

Mr. Weller indicated that they have no plans to host any weddings or anything like that. The only time they would be open at night would be an educational conference or a charitable gala, which is not something they currently do. The building is 3200 SF with 32 parking spaces.

Mr. Pasha indicated as long as there are enough trees he thinks this is a positive; his concern is privacy and not having to look at cars.

Mrs. Moore indicated that it appears as though additional landscaping is proposed.

Mr. Castrejon indicated yes it will be a layered effect, street trees, entry drive trees, shrubbery, bioswales and then the barn.

Mr. Pasha asked if the access drive would always be open or would it be gated.

Mr. Castrejon stated that they haven't gotten there yet. They anticipate to have enough room in the drive for someone to turn around if there on accident and secure from that point back.

Mrs. McCrae, 2971 Rising Spring Ct., being duly sworn, came forward. She asked where the wetlands would be.

Mr. Castrejon indicated that haven't gotten into the exact design yet.

Mrs. Susan Woods, 655 Memorial Drive, being duly sworn, noted that she owns two lots adjacent to the project in the Callaway Hills development. She indicated that this is a fantastic use of the land. She would encourage any kind of screening around the sugar maple house and asked for the maximization of the distance of the walking path to her property lines. She asked if the 100' takes into account the existing path that will be maintained.

Mr. Castrejon indicated the 100' is to the property line and they will take those comments into consideration.

Mrs. Moore asked for any additional comments on the application.

Mr. Phil Yarborough, 2970 Rising Spring, being duly sworn asked about the observation area. He noted that they have issues in the summer months with trespassing from the river.

Mr. Weller indicated that there side has a high bank, it's about 6' down to the river. They've opted to not provide access to the water.

Mr. Froelich asked how tall the observation deck is.

Mr. Weller indicated that they don't really know yet. Aesthetics will be similar to Cox Arboretum.

Mr. Froehlich asked about the long-term plan.

Mr. Weller indicated that one of the things they are working on with the USDA is getting in their conservation program which is a long-term commitment. At this point in history there is nothing better than getting people outside.

Mr. Froehlich asked about sustainability.

Mr. Weller noted that part of their IRS requirement is do to a distribution every year. The maintenance of the park will be part of that distribution.

Mrs. Moore asked for any additional public comments. There being none, she 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:

Mrs. Moore made motion to approve the January 28, 2021 Minutes, which was seconded by Mrs. Vantrease. Upon call of the roll, the vote resulted in the following:

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

Mrs. Moore noted that she is pleased and excited about this proposed conditional use. It fits well with our Comprehensive Plan. A lot of thought went in to the layout and design to be respectful of neighbors.

Mr. Haibach noted that the presentation and community dialogue was excellent.

Mr. Froehlich noted his only concern was sustainability financially and that has been addressed. He did a little research and he has confidence.

Mrs. Moore made a motion to approve the request as submitted, which was seconded by Mr. Froehlich.

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

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

Mr. Haibach made a motion to adjourn, which was seconded by Mrs. Vantrease.

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

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