

**SUGARCREEK TOWNSHIP
BOARD OF ZONING COMMISSION
TUESDAY, October 5th, 2021**

This regular meeting of the Sugar creek Township Board of Zoning Commission was held on Tuesday, October 5th, 2021, at 7:00 p.m.

Ms. Moore called the meeting to order.

Everyone in attendance stood for the Pledge of Allegiance.

Ms. Moore asked Mrs. Tilford to take roll. Upon call of the roll, the vote resulted in the following:

Mr. Betz – Absent
Mr. Baldino – yes
Mrs. Hellmann – yes
Ms. Moore – yes
Mr. Schleich – yes
Dr. Mathews – yes

Ms. Moore read the rules of the meeting tonight. She stated that there is one case to discuss tonight ZC10-2021. Ms. Moore asked for a motion to open case ZC10-2021.

Mr. Baldino made a motion to open ZC Case 10-2021, Dr. Mathews seconded. Upon call of the roll, the vote resulted in the following:

Mr. Baldino – yes
Mrs. Hellmann – yes
Ms. Moore – yes
Mr. Schleich – yes
Dr. Mathews – yes

Ms. Moore asked Mrs. Tilford for her presentation.

Mrs. Tilford gave her staff report. ZC Case 10-2021: Applicant, Phillip M. Herres, is requesting Final Development Plan Approval for the Magnolia Meadows subdivision. The subject development site contains 42.85 acres located at 4267 and 4271 Clyo Road. The subject parcels can be further identified by parcel numbers L32000100020006700 and L32000100020000800 (part of) and are owned by Phillip M. Herres and Gigi Ellen Withrow, Trustees.

Ms. Moore asked if any members of the BZC had questions for Mrs. Tilford.

Mrs. Hellmann asked about the issue with the replacement of the trees if they are dead. She wants to make sure that are not replaced with an ash tree.

Mrs. Tilford stated that she will put in the language that the trees need to be replaced with a like deciduous or coniferous tree.

Mr. Baldino asked on item 15 why they are not replacing the trees for fencing.

Mrs. Tilford stated that they could put it in the language that way. They figured that it would be limited impact with the fencing, but they can make it so it says the trees will be replaced.

Ms. Moore stated that it would depend on the space.

Mrs. Tilford stated that it would be a case-by-case basis. The board could say that it may be subject to replacement.

Mr. Baldino stated that that was fine. His next question was about item 17 and why they replace the tree with a six foot tree and not a larger tree.

Mrs. Tilford stated that she got the language from the CCR, and she thinks that is fair, the new tree will catch up to the surrounding existing trees. But ultimately it is up to the Board to make that decision.

Mrs. Hellman asked about making the diameter of three inches instead of two-and-a-half.

Mrs. Tilford stated that if they are more comfortable stating it be a requirement of an eight foot tree instead of a six foot tree, that would be reasonable. Mrs. Tilford also stated that where there is area to undulate the sidewalk, they would like to see it undulate, and continue further into the development with that undulation.

Mrs. Hellmann asked about the mailbox placement and if there should be a pull off.

Mrs. Tilford stated that it is not a requirement by the Post Office that there be a dedicated pull off. She does not foresee a line piling up at the mailbox, and there is enough room for someone to pull over and cars to pass by.

Ms. Moore asked if anyone from the BZC had any more questions. Hearing none, she asked for a motion to open the public hearing.

Mr. Baldino made a motion to open the public hearing, Mrs. Hellmann seconded. Upon call of roll, the vote resulted in the following:

- Mr. Baldino – yes
- Mrs. Hellmann – yes
- Ms. Moore – yes
- Mr. Schleich – yes
- Dr. Mathews – yes

Mrs. Tilford stated that Mrs. Diorio is on Zoom, and they are ready to hear from her.

Mrs. Diorio asked about item 10, that lot 1 and lot 29 cannot be accessed off the main road.

Mrs. Tilford stated that that was part of the preliminary approval. Lots 27 and 28 will now be accessed off the main road, they may wish to modify that condition.

The Board concurred.

Mrs. Diorio asked about the no cut zone and the trees. She stated that it is their intent to replace the trees that have to be taken out with as big of trees as possible. But it will be hard for a crew to get back into the second row of trees without causing harm to the surrounding trees.

Mrs. Tilford clarified that the space where the eight foot tree would be required is in open space F and the requirement for the no cut zone would be what they had proposed, the six foot trees with the two-and-a-half inch diameter at breast height.

Mrs. Diorio stated that they are going to build a furnished model home. But with the interest they have gotten on the development most homes are looking to be custom homes.

Mr. Schleich asked about a time frame for the start of development.

Mrs. Diorio stated that they are hoping to do the whole development at once and not in phases. They have had interest in both the estate lots and the patio homes. They are hoping to start in the spring of 2022, they will be able to break ground on 10-12 homes right away.

Mrs. Hellmann asked how the back of the homes are going to look if they are custom, facing that main road coming into the development. She wants to make sure they look finished and clean.

Mrs. Diorio stated that they included the rear elevation, so the backs of the homes will have coverage.

Mrs. Hellmann asked for clarification on traditional and transitional.

Mrs. Diorio stated that that model is very traditional looking, transitional would be in between modern and traditional. The outside will be at least 70% masonry so they will be much more traditional.

Ms. Moore asked for more clarification on the “no play structure” in the covenants.

Mrs. Diorio stated that in the patio homes yes, they are saying no to swing sets.

Ms. Moore asked why the patio homes would not be allowed to have some sort of play sets.

Mrs. Diorio stated that it would change the look of the development, that is why they are also not allowing sheds along Cloyo Road.

Ms. Moore asked about water feature requirements for the ponds.

Mrs. Tilford stated that the final development plan was updated to show that the ponds do have water features.

Mrs. Hellmann asked about HOA guidelines and regulations.

Mrs. Diorio stated that she would need to speak to the attorney who drew up the regulations for more information.

Mrs. Hellman asked if the patio homes would be allowed pools.

Mrs. Diorio stated that yes, they will be allowed inground pools, no above ground.

Dr. Mathews asked if they have done everything to provide screening for those who live where Oleander meets Kensington.

Mr. Van Atta stated that they did slide the road about five feet north to provide more of a buffer. They also cut off part of the lot there to make it open space and added two rows of trees to provide more screening.

Mrs. Hellmann asked if it was a need to have a big sign to announce the development.

Mrs. Diorio stated that the sign being developed is very nice looking and has a great landscaping feature with it. She stated that she will look into it and see about putting the money from the sign into more landscaping in the front of the development.

Mr. Baldino stated that he recommends not having a large sign once the development is finished.

Mrs. Diorio stated that she is fine with not having a sign.

Mr. Baldino asked about more information on the structure of the road near the ponds.

Mr. Van Atta stated that they have talked with the county and met their standards for the roadways.

Ms. Moore asked if there were any questions for the applicant. Hearing none, she asked if anyone from the public wanted to speak.

Mrs. Harr stated that she is happy about all of the open space and the no cut zones. Her concern is how the roadway is going to affect her and how the screening will help her.

Mr. Van Atta stated that those two rows of trees will provide screening. There is about 20 feet of space from the sidewalk to the back of her yard for that screening.

Ms. Moore stated that he BZC will discuss this matter. She asked for asked motion to close the public hearing.

Mrs. Hellmann made a motion to close the public hearing, Mr. Baldino seconded.

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

Mr. Baldino – yes

Mrs. Hellmann – yes

Ms. Moore – yes

Mr. Schleich – yes

Dr. Mathews – yes

Ms. Moore asked if there were any comments or concerns.

Mrs. Hellmann stated that she would much rather keep the trees than have a privacy fence put in long the backs of those three houses.

Mrs. Tilford asked if Mr. Van Atta would address the steepness of the Oleander Road.

Mr. Van Atta stated that it is a significant slope about 6 or 7%.

Mrs. Tilford went over the condition for the entry sign. The developer stated that they were okay with not having an entry sign and that they would add to the landscaping at the main entrance. They are permitting a temporary marketing sign to be up until the development is finished. She also stated that they changed condition number 15 to state that they may require replacement of cut down trees. On condition 17 they changed the size of the tree to eight feet with a three inch diameter. The BZC also advised that Mrs. Diorio speak with her attorney about the CCRs.

Mr. Schleich made a motion to approve BZC Case 10-2021 subject to conditions as recommended by staff and modified by the BZC, Dr. Mathews seconded. Upon call of roll, the vote resulted in the following:

Mr. Baldino – yes
 Mrs. Hellmann – yes
 Ms. Moore – yes
 Mr. Schleich – yes
 Dr. Mathews – yes

Mrs. Tilford stated that her last piece of business is the minutes.

Mrs. Hellman made a motion to move the approval of the minutes to the next meeting, Dr. Mathews seconded. Upon call of roll, the vote resulted in the following:

Mr. Baldino – abstain
 Mrs. Hellmann – yes
 Ms. Moore – yes
 Mr. Schleich – yes
 Dr. Mathews – yes

Ms. Moore asked if there was any old business, and for an update on the Oberer case.

Mrs. Tilford stated that Oberer has appealed so that case continues on, she will keep the board updated on the case as it progresses.

Ms. Moore asked for a motion to adjourn.

Mr. Baldino made a motion to adjourn, Dr. Mathews seconded. Upon call of roll, the vote resulted in the following:

Mr. Baldino – yes
Mrs. Hellmann – yes
Ms. Moore – yes
Mr. Schleich – yes
Dr. Mathews – yes