

**SUGARCREEK TOWNSHIP
BOARD OF ZONING APPEALS
THURSDAY, May 27th, 2021**

This regular meeting of the Sugarcreek Township Board of Zoning Appeals was held on Thursday, May 27th, 2021, via Zoom at 7:02 p.m.

Mr. Froehlich called the meeting to order.

Everyone in attendance 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 – present
Mrs. Vantrease – present
Mr. Demko – present
Mrs. Moore – absent

Mr. Froehlich swore in all those present wishing to provide testimony at the meeting.

Mr. Froehlich noted that there are two cases tonight, the first being BZA07-2021. He asked Mrs. Tilford for the Staff Report.

Mrs. Tilford, being duly sworn, provided the Staff Report for BZA07-2021. Applicant, Rob Arnold/Astelier Fine Homes, is requesting Variances from Sections 7.04 B.1.a. and 7.04 C.4. of the Sugarcreek Township Zoning Resolution to allow for the construction of an entry gate at a height of 14' (8' permitted), accessory fencing at a height of 6' (5' permitted) and a fence in the front yard at a height of 6' (42" permitted). The subject property is 545 Conifer Trail, parcel L32000100140006600, owned by Yash Aggarwal, and located in the A-1 (Agricultural) District.

Mr. Froehlich asked if there were any questions for Mrs. Tilford before they move on.

Mrs. Vantrease, being duly sworn, asked how wide the gate is.

Mr. Arnold, being duly sworn, stated that the gate is about 20 feet wide.

Mr. Demko asked to make sure that the correct height for the gate is 12 feet, not 14 feet as stated in the agenda.

Mrs. Tilford stated that is correct, the gate is 12 feet in height.

Mr. Froehlich asked if the applicant would like to address the BZA.

Mr. Arnold stated that he is an agent for the applicant. He stated that the reason for the larger fence and gate is to provide privacy and security for the homeowners. They do not want people

to be driving right up to the house to take pictures or look in the windows, the owners do not want them that close. Mr. Arnold feels as though the fence is proportional to the house itself. He thanked the BZA for hearing the case tonight.

Mr. Froehlich asked if the height of the building was 35 feet.

Mr. Arnold stated that yes, it is roughly 35-36 feet from the peak.

Mr. Froehlich asked if there were any questions from the board members.

Mr. Demko asked at what point were the builders aware of what the permitted height was for the fence.

Mr. Arnold stated at the beginning of the project no one was really concerned with a fence. The safety of the property came into play when people started coming around to take pictures and videos of the house.

Mr. Froehlich asked if Mr. Arnold has looked at other alternatives to the fence.

Mr. Arnold stated that they looked at a few different types of fence and this was the most appropriate type of fencing.

Mr. Froehlich asked why this fence type and height.

Mr. Arnold stated that they chose the 6-foot fence over the 5-foot fence because the 5-foot fence did not match the height and architecture with the house being as tall as it is.

Mrs. Vantrease asked if the applicant is asking for the higher fence for aesthetic reasons. She does not see the need for the fence to be 6 feet, Sugar creek is a safe place to live, and she does not see people jumping that fence to get a closer look.

Mr. Arnold stated that the 6-foot fence is for security, but yes also for the aesthetics.

Mr. Haibach asked if the fence is a permitted fence type.

Mrs. Tilford stated that it is a permitted fence type.

Mr. Froehlich asked if anyone wished to speak for the applicant. Hearing none, he asked if anyone wished to speak against the applicant. Hearing none, he asked if anyone had any neutral comments.

Hearing none, Mr. Froehlich made motion to close the public hearing. Mrs. Vantrease seconded. Upon call of the roll, the vote resulted in the following:

Mr. Froehlich-yes

Mr. Haibach-yes

Mr. Demko-yes

Mrs. Vantrease-yes

Mrs. Vantrease stated that she is having trouble with the height. She thinks that a 6-foot-tall fence in the front yard is going to make it look like a prison.

Mr. Froehlich stated that he has seen people standing outside the house gathering and taking pictures of the house out front. He feels as though there might be a safety issue there. The question is if the 6-foot fence is needed versus the 3.5-foot fence that is allowed.

Mr. Haibach asked if the side and back fencing could be higher.

Mrs. Tilford stated that yes, the side and rear fencing is allowed to be up to 6 feet.

Mr. Vantrease stated that the 6-foot fence is not necessary, it is too tall. She thinks that could cause 6-foot fences to pop up all around in this neighborhood.

Mr. Froehlich stated that 3.5 feet is not tall though.

Mr. Haibach stated that he is wondering if the fencing has been an issue with any of the other houses in this neighborhood.

Mrs. Tilford stated that she does not know of any fences going up in this neighborhood right now.

Mr. Demko asked if there was a height in between the 3.5 feet allowed and the 6 feet proposed that would work with the applicant and the BZA.

Mr. Arnold asked if they brought the gate height down to 10 feet and the front fencing down to 5 feet, would they be able to compromise there.

Mrs. Tilford recommended that Mr. Arnold amend his submittal to the BZA, then the BZA could approve or deny off the new heights.

Mr. Arnold stated that they would like to amend their proposal to a gate height of 10 feet and a front fence height of 5 feet.

Mr. Froehlich asked for a motion to approve the request as amended.

Mr. Demko made a motion to approve the amended request for BZA07-2021, which was seconded by Mrs. Vantrease. Upon call of the roll, the vote resulted in the following:

Mr. Froehlich-yes

Mr. Haibach-yes

Mr. Demko-yes

Mrs. Vantrease-no

Mr. Froehlich moved on to case BZA08-2021. He asked Mrs. Tilford for the staff report.

Mrs. Tilford Provided the staff report for BZA08-2021. Applicant, Nick Falzerano, is requesting Variances from Sections 4.13 D.3.a. and 4.13 D.4.a. of the Sugarcreek Township Zoning Resolution to allow for the construction of a 346 SF above ground pool (in excess of the allowed cumulative size for detached structures) and to allow three accessory structures on one lot (two permitted). The subject property is 6480 Possum Run Road, parcel L32000100030001200, owned by Nick Falzerano, and located in the R-1A (Suburban Residential-Low) District.

Mr. Froehlich asked if the applicant wanted to make a statement.

Mr. Falzerano, being duly sworn, stated that the pool is directly behind the house, he does not see it being an eyesore because it is protected mostly by trees.

Mr. Froehlich asked if there were any questions for the applicant.

Mr. Demko asked what the average R1A lot size is compared to this lot.

Mrs. Tilford stated that it is 37,000 square feet. This property is 2.7 acres.

Mr. Froehlich asked if Mr. Falzerano considered taking any of the other structures on his property down.

Mr. Falzerano stated that he is going to take the small spring house he has out back down. But that is not a part of the two existing out structures that are on the property.

Mr. Haibach asked what the other two structures were.

Mr. Falzerano stated that one is a barn that is his garage, and the other is a mother-in-law house.

Mr. Froehlich asked if there were any comments for, against, or neutral on the proposed plan. Hearing none, he asked for a motion to close the public hearing.

Mrs. Vantrease made a motion to close the public hearing. Mr. Haibach seconded. Upon call of the roll, the vote resulted in the following:

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

Mr. Froehlich stated this proposed item is similar to another case that was approved.

Mr. Froehlich made a motion to approve BZA08-2021 which was seconded by Mrs. Vantrease. Upon call of the roll, the vote resulted in the following:

Mr. Froehlich-yes
Mr. Haibach-yes

Mr. Demko-yes
Mrs. Vantrease-yes

Mrs. Vantrease made a motion to approve the minutes from April 22, 2021, seconded by Mr. Haibach. Upon call of the roll, the vote resulted in the following:

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

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

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