

**SUGARCREEK TOWNSHIP
BOARD OF ZONING APPEALS
THURSDAY, June 24th, 2021**

This regular meeting of the Sugarcreek Township Board of Zoning Appeals was held on Thursday, June 24th, 2021, via Zoom at 7:00 p.m.

Mrs. Moore 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 – absent

Mrs. Staten – present

Mr. Froehlich – present

Mrs. Vantrease – present

Mrs. Moore – present

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

Mrs. Moore noted that there are two cases tonight, the first being BZA09-2021. She asked Mrs. Tilford for the Staff Report.

Mrs. Tilford, being duly sworn, provided the Staff Report for BZA09-2021. Applicant, Michael A. Schumacher, is requesting a Variance from Sections 4.13 C. Table 4-6 of the Sugarcreek Township Zoning Resolution to allow for the construction of a 30' x 40' detached garage in a front yard (beside the house) on a corner lot. The subject property is 3040 Rising Spring Ct., parcel L32000200150009800, owned by Michael and Candace Schumacher, and located in the A-1 (Agricultural) District.

Mrs. Moore asked if there was anyone present to speak on behalf of the application.

Michael Schumacher, 3040 Rising Spring Ct., being duly sworn, stated that they have lived there since 2007, their son requires the use of a special handicap van. The van they currently have fits in their 8-foot garage, but they are getting a new van that will be at least 9 feet tall. They would like to build this structure to house the larger van for their son. This new garage would also house larger trucks and farming equipment used by the family. Mr. Schumacher stated that this space is about the only place they have to build this garage, they will have it made so it is appealing to those who can see it.

Mrs. Moore asked if the leech field was directly behind the house.

Mr. Schumacher stated that yes, it is.

Mr. Froehlich, being duly sworn, asked what materials the garage will be built out of.

Mr. Schumaker stated that they will be using a pole barn structure for the garage. It will be faced with metal board, metal siding and a metal roof. It will be insulated and then metal walls on the inside. He stated that it is cheaper to do it that way with the lumbar shortage right now. It will match the rest of the existing structures on the property.

Mrs. Moore asked if there was anyone who wished to speak in opposition to the application.

Virginia Matre, 3001 Rising spring Ct., being duly sworn, stated that they moved to this location for privacy. She stated that Mr. Schumaker starts projects but never finishes them. She stated that the property is very unkept, there are big piles of stone and gravel and dirt. Mrs. Matre stated that her concern is that this project will not be completed and there will be an even bigger mess on the property.

Mrs. Moore asked if Renfrow would be the builder for this project.

Mr. Schumaker stated yes, he will be the builder.

Mrs. Moore asked if he plans to proceed with the project if the variance is approved.

Mr. Schumaker stated that yes, if the plan is approved, he will be working with Renfrow and Greene County to get the garage built.

Mrs. Moore asked if there were any other comments opposing the application. Hearing none, she asked if there were any comments neutral to the application. No one wished to speak.

Mrs. Moore made a motion to close the public hearing for BZA09-2021, seconded by Mrs. Vantrease. Upon call of the roll, the vote resulted in the following:

Mrs. Staten – yes
Mr. Froehlich – yes
Mrs. Vantrease – yes
Mrs. Moore – yes

Mrs. Moore stated that with all the factors on this property that affect where the garage could go, she thinks the proposed placement of the garage is reasonable. There is a professional contractor that will be involved, so the concern about the project getting done does not seem to be a problem. Mrs. Moore stated that she would move to approve the application as requested.

Mr. Froehlich asked if a Zoning Certificate lasts for only a period of time.

Mrs. Tilford stated that yes, they last for a year and then they expire. An extension can be granted for cause.

Mrs. Moore made a motion to approve case BZA09-2021, seconded by Mrs. Vantrease. Upon call of the roll, the vote resulted in the following:

Mrs. Staten – yes

Mr. Froehlich – yes
Mrs. Vantrease – yes
Mrs. Moore – yes

Mrs. Moore stated that the next case is BZA10-2021, she asked Mrs. Tilford for the staff report.

Mrs. Tilford provided the staff report for BZA10-2021. Applicant, Gilligan Company (Pat Gilligan), is requesting the following Variances from the Sugarcreek Township Zoning Resolution: Variance from Section 8.10 D. 5. to allow for the construction of two menu boards, Variance from Section 8.10 D. 5. f. to allow a board to be located in a front yard facing a public right-of-way, Variance from Section 8.10 D. 6. f. to allow a premenu board to be located in a front yard facing a public right-of-way, Variance from Section 9.04 B. 1. to allow a greater number of parking spaces than permitted, Variance from Section 9.04 C. 1. d. to allow parking at a setback of less than 10' from the street right-of-way and Variance from Section 9.04 C. 2. b. to allow parking spaces to be located along an entry drive within 30' of the right-of-way. The subject property is 6242 Wilmington Pike, parcel L32000100030026300, owned by TP Sugarcreek Plaza LLC, and located in the B-2 (General Business) District.

Mrs. Tilford noted that the applicant will be utilizing full cut off lighting.

Mrs. Moore asked if there were any questions for Mrs. Tilford.

Mr. Froehlich asked if there were any other differences with the lights if the bulbs are being changed.

Mrs. Tilford stated no, there are no other changes.

Mrs. Moore asked if there was anyone to speak on behalf of the applicant.

Pat Gilligan, Gilligan company president. Being duly sworn stated that they are trying to uphold the standard that most people expect the double drive thru. The new Popeyes they are building start with the double drive thru, and the older ones they are remodeling to have the double drive thru. They will be providing screening from the street, so it is more hidden and not as seen from the roadway.

Mrs. Moore asked about the way they have the stacking up of the cars they cannot have the menu boards further to the side as to get them out of the front yard.

Mr. Gilligan stated that they have set up the ideal spots for the menu boards as to keep the flow of traffic.

Mrs. Vantrease asked about flipping the building to have the drive through at the front.

Mrs. Burkhardt, the engineer for Popeyes, being duly sworn, stated that they did try to flip it and look at it from all angles. If they flipped it the line could have potential to run in with Walmart's traffic. If they flipped it another way cars would have to drive all the way around the building to get in line and then again to get to the exit.

Mrs. Tilford asked if they would be willing to put in additional landscaping in the front island area if the board approved the variances for the menu boards.

Mr. Gilligan stated yes, they would be willing to add additional landscaping if approved.

Mrs. Moore asked to move on to the parking spaces.

Mr. Gilligan stated that it is an easement area, so they do not have control of it. They talked to the landlord about what they can do to try and fix the parking spaces.

Mrs. Vantrease stated that those parking spaces benefit Starbucks and that shopping center. But that area is a separate owner than the parking spaces.

Mrs. Moore stated that they are stuck with those parking spaces that benefit Starbucks.

Mr. Gilligan stated that they cannot really do anything in that area because it is not a part of their property or the landowner's property.

Mrs. Moore asked if there was anyone who wanted to speak against the applicant. Hearing none, she asked if there was anyone wishing to speak neutrally about the application, again hearing none.

Mrs. Moore motioned to close the public hearing. Mrs. Vantrease seconded.
Upon call of the roll, the vote resulted in the following:

Mrs. Staten – yes
Mr. Froehlich – yes
Mrs. Vantrease – yes
Mrs. Moore – yes

Mrs. Moore stated that she has no problem leaving the parking spaces the way they are. She also stated that there are similar situations within the same area so she does not see why they would not approve this variance.

Mrs. Moore made a motion to approve all the variances as requested. Mrs. Staten seconded.
Upon call of the roll, the vote resulted in the following:

Mrs. Staten – yes
Mr. Froehlich – yes
Mrs. Vantrease – yes
Mrs. Moore – yes

Mrs. Moore made a motion to table the minutes from May 27th, 2021. Mrs. Staten seconded.
Upon call of the roll, the vote resulted in the following:

Mrs. Staten – yes

Mr. Froehlich – yes
Mrs. Vantrease – yes
Mrs. Moore – yes

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

Mrs. Staten – yes
Mr. Froehlich – yes
Mrs. Vantrease – yes
Mrs. Moore – yes