

**SUGARCREEK TOWNSHIP
BOARD OF ZONING APPEALS
THURSDAY, APRIL 28th, 2022**

This regular meeting of the Sugarcreek Township Board of Zoning Appeals was held on Thursday, April 28th, 2022, 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:

Mrs. Moore - Present
Dr. Morris - Present
Mrs. Vantrease - Present
Mr. Froehlich - Present

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

Mrs. Moore noted that there are three cases on the agenda tonight. The first is BZA02-2022.

Mrs. Tilford, being duly sworn, provided the Staff Report for BZA02-2022. Applicant, Alison Crocker, is requesting a Variance from Section 4.14 C. 6 Table 4-6 of the Sugarcreek Township Zoning Resolution to allow for the construction of a 12' x 16' shed in the front yard of the subject parcel. The subject property is 2601 Washington Mill Road, parcel L3200020027009100, owned by Conan and Alison Crocker, and located in the A-1 (Agricultural) District. Mrs. Tilford adds the majority of the property is the front yard and the property is pretty wooded.

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

Connor Crocker, being duly sworn in, 2601 Washington Mill Road, stated he does not have further explanation but wants to point out that their property is surrounded by woods it is not visible from the road or the neighbors. The hill behind the home is very steep and they are unable to drive the tractor up the backyard hill. He also adds that the neighbors house is more towards Washington mill road, and they have a shed that is technically in the same location. He stated the wooden shed will be for their tractor and other utilities. Further discussion continued in regards to the location of the shed on the site plan.

Mrs. Moore asked if anyone wished to speak in opposition of the applicant. Hearing none, Mrs. Moore asked if anyone wished to speak neutrally on the application. Hearing none, Mrs. Moore made a motion to close the public portion of the meeting. Mrs. Vantrease seconded.

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

Mrs. Vantrease - Yes
Mrs. Moore - Yes

Dr. Morris - Yes
 Mr. Froehlich -Yes

Mrs. Moore stated that this is the classic situation where one would need a variance. The topography is unwelcoming, and the front yard is very long and very wooded and she does not see much that would argue against this particular situation.

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

Mrs. Vantrease - Yes
 Mrs. Moore - Yes
 Dr. Morris - Yes
 Mr. Froehlich -Yes

Mrs. Moore noted the next case on the agenda tonight is BZA03-2022.

Mrs. Tilford, being duly sworn, provided the Staff Report for BZA03-2022. Applicants, Kelsey and Andrew Schneck, are requesting a Variance from Section 7.04 B. 1. a. of the Sugarcreek Township Zoning Resolution to allow for the construction of a 48" fence extending 22' into the front yard adjacent to Magnolia Trace Drive. The subject property is 3636 Magnolia Trace Drive, parcel L32000100120042500, owned by Andrew and Kelsey Schneck, and located in the PUD-R (Residential Planned Unit Development) District.

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

Kelsey Schneck, being duly sworn in, 3636 Magnolia Trace Drive, asks that the fence be 48 inches rather than 42 inches. The reason being one, the aesthetics, as she would like her entire fence line to match up. The HOA allows for fences to be 48 inches in the front yard. She also adds she has a great Dane who would hop a 42-inch fence. Lastly, she stated she has a young daughter whom she does not want to climb the fence as the next stop would be the main road. She stated the fence will be black aluminum which the HOA approved as well.

Mrs. Moore asked if anyone wished to speak in opposition of the applicant. Hearing none, Mrs. Moore asked if anyone wished to speak neutrally on the application. Hearing none, Mrs. Moore made a motion to close the public portion of the meeting. Mr. Froehlich seconded.

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

Mrs. Vantrease - Yes
 Mrs. Moore - Yes
 Dr. Morris - Yes
 Mr. Froehlich -Yes

Mrs. Moore stated they had been presented with another variance situation with a 2 front yard lot, and she thinks between that and the fact that the HOA permits the 48 inch fence, that seems to be the standard in that neighborhood and it would look stranger to shorten it than permit it.

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

Mrs. Vantrease - Yes
 Mrs. Moore - Yes
 Dr. Morris - Yes
 Mr. Froehlich -Yes

Mrs. Moore noted that the last case on the agenda tonight is BZA04-2022.

Mrs. Tilford, being duly sworn, provided the Staff Report for BZA04-2022. Applicants, Tom and Pam Gallimore, are requesting a Variance from Section 4.14 C. 6 Table 4-6 of the Sugarcreek Township Zoning Resolution to allow for the construction of a semi-inground pool in the side yard of the subject property. The subject property is 2893 Ferry Road, parcel L32000100100001500, owned by Thomas and Pamela Gallimore, and located in the E (Estate Residential) District. Mrs. Tilford stated the applicant owns the property across the street and has proposed to add landscaping along the fence line on the road to eliminate visibility of the pool.

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

Tom Gallimore, being duly sworn in, 2893 Ferry Road, provided his drawings of his landscaping proposition. He stated he and his wife have been there for 18 years, the original house was oriented with the first 60-70 yards up the lot and at that angle, so when they did renovations, the garage was at the exact same location as the original detached 3 car garage. The area right behind the original part of the house was a 15,000-gallon cistern in the ground. There was no backyard other than a 10x10 space to start. He stated everything they have done is in the same place as the original house, so they did not use up any of the backyard space. They have talked about a pool for the last 2-3 years with their grandkids and other things, but he and his wife were in a bad accident in January, and they are still recovering but their therapist recommended swimming as a form of rehab. He stated they signed a provisional contract with a company and when he came down to speak with Mrs. Tilford, he realized the variance. He stated the pool would be going in a place where the plants and grass are already dead. He stated the pool would be 33 feet across. The decided not to due a fully ingrown pool as the cost was too much.

Mrs. Moore asked if anyone wished to speak in opposition of the applicant. Hearing none, Mrs. Moore asked if anyone wished to speak neutrally on the application. Hearing none, Mrs. Moore made a motion to close the public portion of the meeting. Mr. Froehlich seconded.

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

Mrs. Vantrease - Yes
 Mrs. Moore - Yes
 Dr. Morris - Yes
 Mr. Froehlich -Yes

Mr. Froehlich stated that when the applicant bought his lot, this zoning would have been permitted as this was changed in 2010 to no longer allow pools in side yards. He stated the

applicant extended his house unbeknownst to what would be happening know. Mrs. Moore stated looking from the road, one would think his front yard is the backyard based on the layout. Mr. Froehlich stated it also has no impact on anyone else.

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

Mrs. Vantrease - Yes
Mrs. Moore - Yes
Dr. Morris - Yes
Mr. Froehlich -Yes

Mrs. Moore made a motion to table the minutes to the next meeting. Mrs. Moore made a motion to adjourn, which was seconded by Mrs. Vantrease. Upon call of the roll, the vote resulted in the following:

Mrs. Vantrease - Yes
Mrs. Moore - Yes
Dr. Morris - Yes
Mr. Froehlich -Yes