

**SUGARCREEK TOWNSHIP  
BOARD OF ZONING COMMISSION  
THURSDAY, OCTOBER 27<sup>th</sup>, 2022**

This regular meeting of the Sugarcreek Township Board of Zoning Appeals was held on Thursday, October 27<sup>th</sup>, 2022, at 7:00 p.m.

Mrs. 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:

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

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

Mrs. Moore noted that there are two cases on the agenda tonight, the first being BZA11-2022.

Mrs. Tilford, being duly sworn, provided the Staff Report for BZA11-2022. Applicant, Jeff Oslin, is requesting a Variance to allow for the construction of a covered patio addition 1'-4" into the required rear yard setback. The subject property is 1633 Weeping Willow Court, parcel L32000100120025700, owned by Betsy and Jeff Petry, containing 0.213 acres and located in the PUD-R (Residential Planned Unit Development) District. Mrs. Tilford stated there is open space to the rear of the property and property owners have an existing patio that they would like to cover.

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

Benjamin with Freight Harbors, 3453 West 140 Street, being duly sworn stated the property stated they are asking for a 1'-4" variance for a covered patio. The patio cover consists of aluminum and the panels sitting between them are polycarbonate which will allow them to grill under it. He adds it is just a sliver of the patio that does not make it because the back of the lot goes at a slight diagonal compared to the front of the lot.

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  
Mr. Haibach - Yes  
Mr. Froehlich -Yes  
Dr. Morris - Yes

Mr. Haibach stated this one seems very straight forward. If it was not for the diagonal back yard, a variance would not even be needed.

Mr. Hiabach made a motion to approve the variance as requested by the applicant. Dr. Morris seconded. Upon call of the roll, the vote resulted in the following:

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

Mrs. Moore noted that there is another case on the agenda tonight: BZA12-2022.

Mrs. Tilford, being duly sworn, provided the Staff Report for BZA12-2022. Applicants, Zachary and Lisa Hemphill, are requesting Variances from Section 4.14 D. 3. a. and Section 4.14 D. 4. a. of the Sugarcreek Township Zoning Resolution to allow for the construction a 2640 SF barn. The subject property is 4303 Swigart Road, parcel L32000100010005700, owned by Zachary and Lisa Hemphill, containing 5.045 acres and located in the R-1A (Suburban Residential Low) District. Mrs. Tilford stated due to the shared road off of Swigart, you would not even know this property was there. She also stated there are 2 other existing detached structures on the property 768 SF detached garage and a 244 SF Pool house. The inground pool does not count into the allowance. The applicants would be allowed just 634.5 SF for detached structures based on their house size of 2538 SF. Mrs. Tilford added the barn would be 24 feet from the property line. Mrs. Tilford also stated that she did get a call from a neighbor in Wagner Hill who showed some concerned about what it was going to be and where it was going to be placed but after seeing the site plan, they were okay with it. She also got a call from someone on Swigart Rd and she sent them the site plan and information and their issues were addressed.

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

Zachary Hemphill, 4303 Swigart Road, being duly sworn stated the property stated they moved into the home two years ago and quickly realized they needed a lot more tools and stuff to take care of the land and space they had. They are using this barn to have a covered space for the tools and investments they have purchased to protect the longevity of them.

Mrs. Vantrease asked if they had a garage attached to the home, Mr. Hemphill stated yes. Mrs. Vantrease also asked if the detached garage was a 3-car garage which Mr. Hemphill stated yes. She then asked why they need a barn this large. Mr. Hemphill stated it is for the large equipment they must move wood and take care of water as well as a dump trailer. They also hope to buy an

RV they would store in there as well. Mrs. Vantrease adds she has a barn on her property they use to store things and theirs is not nearly as large, and she does not understand the need for a barn this big and feels it is overkill with a 3-car garage on the property as well. Mrs. Vantrease asked if they thought about making it smaller. Mr. Hemphill stated based on their need for storage that is the size that was derived so they have not considered a different size. Mr. Haibach asked how visible it would be to other neighbors with the wooded area in the back. Mr. Hemphill stated no trees will be taken down and other than the winter months the building will not be visible. Mrs. Vantrease asked if the barn would coordinate with their house which Mr. Hemphill replied yes. Mr. Haibach stated he drives this way to work all the time and can not see the house at all.

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. Dr. Morris seconded.

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

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

Mrs. Moore stated they had a situation like this not very long ago where the property was larger than the others in its category and they permitted them their larger structure at that time. She added there a couple other layers that go with this, it is not visibly seen except by maybe 2 other neighbors. Mrs. Vantrease stated those are half acre lots, the neighbors are going to see it when the tree's leaves have fallen and 24 feet from the property line is not very far. Mrs. Tilford adds the property is heavily wooded. Mr. Haibach states the location is isolated and larger, and in his opinion getting an RV and putting it in the barn is a better solution than leaving it outside.

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

Mrs. Vantrease - No  
Mrs. Moore - Yes  
Mr. Haibach - Yes  
Mr. Froehlich -Yes  
Dr. Morris - Yes

Mr. Haibach made a motion to approve the minutes from July 28, 2022. Mrs. Vantrease seconded. Upon call of the roll, the vote resulted in the following:

Mrs. Vantrease - Yes  
Mr. Froehlich -Yes  
Mr. Haibach - Yes

Dr. Morris - Abstain

Mrs. Moore - Abstain

Mrs. Moore made a motion to approve the minutes from September 22, 2022. Mrs. Vantrease seconded. Upon call of the roll, the vote resulted in the following:

Mrs. Vantrease – Yes

Mr. Froehlich -Yes

Mr. Haibach - Yes

Dr. Morris - Yes

Mrs. Moore - Yes

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

Mrs. Vantrease - Yes

Mrs. Moore – Yes

Mr. Haibach - Yes

Mr. Froehlich -Yes

Dr. Morris - Yes