

**SUGARCREEK TOWNSHIP
BOARD OF ZONING COMMISSION
THURSDAY, June 22th, 2023**

This regular meeting of the Sugarcreek Township Board of Zoning Appeals was held on
Thursday, June 22, 2023, at 7:00 pm

Mrs. Moore called the meeting to order.

Everyone in attendance stood for the Pledge of Allegiance.

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

Mr. Froehlich – Present
Mrs. Staten – Absent
Mr. Haibach – Present
Mrs. Moore – Present
Mrs. Moris – Present
Mrs. Vantrease – Present

Mrs. Moore noted that there are two cases on the agenda tonight, the first being BZA09-2022.

Mrs. Tilford, being duly sworn, provided the Staff Report for BZA09-2022. Applicant Brian Andzik, 3764 Grand Oak Trail.

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

Dale Haggler, of 300 East Crest Road, Xenia, With Weaver Barnes was representing Brian's case.

Mr. Haggler stated in the past, Mr. Andzik and Brian had gone over several different plans related to the garage.

Mr. Haggler added that in the first few meetings with Mr. Andzik he wanted well over 3,000 Sq Ft. Due to the zoning requirements Mr. Haggler had narrowed down the Sq Ft to a lower amount with M. Andzik. This took about two to three times to figure out.

Mrs. Tilford stated that the parcel being spoken of is R1A and was previously owned by the Murphy family and then sold to Mr. Andzik.

Mr. Haggler stated the reason they are not creating a long driveway is because of the sloping. He added that the decisions were affected by the slopes and trees surrounding the area. The goal is to keep as many trees as they can. He said the total number of trees lost would be around 4.

Mrs. Moore asked where the new garage was going to be located. Will it be screened by the other trees that are remaining?

Mr. Haggler confirmed that it would be screened especially during the summertime when the leaves are on the trees.

Mrs. Moore asked if anyone had any other questions for Dale.

Attendant asked a question- 10:47.66 Are you going to put plumbing in the garage?

Mr. Haggler stated not currently, no. Mr. Andzik plans on having electricity to operate the garage doors and have light.

Mrs. Moore asked if anyone else wished to speak on behalf of the applicant.

Mrs. Moore asked if anyone wished to speak in opposition to the applicant.

Susan Murphy, 6300 Little Sugarcreek Rd.

Mrs. Moore paused to swear in all those present wishing to provide testimony at the meeting before Susan Murphy continued.

Susan Murphy, 6300 Little Sugarcreek Rd. Ms. Murphy stated with the lot, the access will be to the cul-de-sac that the driveway feeds into. Ms. Murphy is concerned the back of the garage in that location will become an eye sore for the residents coming into the cul-da-sac entrance. Ms. Murphy is concerned about the potential devaluation of their property if this garage was to be built in that location.

Mrs. Tilford asked Ms. Murphy if she had an easement on this 10-acre parcel that has access to the cul-da-sac?

Ms. Murphy stated that she was told by a real estate attorney, Mr. Henry, in Xenia, she has access to that cul-da-sac where the houses are up to her property for future development.

Mrs. Tilford stated on the screen it showed the right of way appears to be on Mr. Andzik's property and is encompassing that entire right away. She addressed what she was observing as the parcel has access to the cul-da-sac because the right of way abuts Mr. Andzik's property, and it does not abut Ms. Murphy's parcel.

Mrs. Tilford stated whether that's accurate, she does not know. There could be an easement there. She stated it would be an option to discuss further.

Ms. Murphy stated she was told the line crossed into where the property owner has trees planted on the Murphy's property line, which is not an issue. The murphy's needed to know the exact areas to which their property lies.

Ms. Murphy expressed her concern being the back side of a garage located at an entrance way to the new property.

Mrs. Moore asked Ms. Murphy the size of the parcel remaining?

Ms. Murphy stated potentially 7 or 8 acres.

Mrs. Tilford stated she thinks in total it could be about 20-25

Ms. Murphy stated 33 – acres.

Mrs. Moore asked specifically about the triangular shaped one.

Ms. Murphy stated she would be better off eyeballing it. It looks smaller than the Andzik property which is 10.

Mrs. Moore stated it looks like there is enough flat space for building purposes for future development

Mrs. Tilford clarified Ms. Murphy has frontage on Little Sugarcreek Rd. The intent of the 33-acre site could be developed into a subdivision in the future. Ms. Murphy's understanding was that she was able to access this cul-da-sac for secondary access onto this parcel. Which is why her concern is the location of this detached garage and in relation to any future extension of that grand oak trail onto her property.

A man that cannot be named from me?17:43:33 Stated when coming onto the property you are not going to be looking at the back of the garage, but the front will be visible.

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.

Mrs. Moore – Yes

Mrs. Vantrease – Yes

Dr. Morris – Yes

Mr. Haibach – Yes

Mr. Froehlich – Yes

A man? 21:11.65 wanted clarification about the placement of the garage and how it does not impact the funnel of where you come in the cul-da-sac.

Ms. Moore confirmed it does not.

Mrs. Moore asked if there are any other discussions or questions.

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

Mrs. Moore noted that the next case on the agenda tonight is BZA10-2023.

Mrs. Tilford, being duly sworn, provided the Staff Report for BZA10-2023.

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

Ryan Rust 10683 Williams woods Dr. Independence Kentucky.

Mr. Rust stated the with a substantial sized deck that can only be built on the specific corner of the home as explained in the report, the reason is based on the roof line on the side of the house. The residents requested the deck to be covered and screened in. The states it is not the only way it can be done though it is the most cost-effective way without additional steps.

Mr. Rust stated that the building has the advantage due to zero properties behind the home to disturb and the visibility would be limited to the neighbors on each side of the property.

Mrs. Moore made a motion to close the public portion of this meeting. Mrs. Vantrease seconded.

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

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

Mrs. Moore made a motion to approve the minutes from March 23 22022. Mrs. Vantrease seconded. Upon call of the roll, the vote resulted in the following:

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

Mrs. Moore made a motion to approve the minutes from May 25th, 2023, Mrs. Vantrease seconded. Upon call of the roll, the vote resulted in the following:

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

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