



BEAVERCREEK BOARD OF ZONING APPEALS
Special Meeting – May 16, 2017, 5:30 p.m.
Council Chambers

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
 - A. April 12, 2017
- V. ADJOURNMENT

BEAVERCREEK BOARD OF ZONING APPEALS
REGULAR MEETING, April 12, 2017

PRESENT: Mr. Hight, Mr. Hung, Mr. Kruse, Mr. Raber

ABSENT: Mr. Morter

Chairman Hung called the meeting to order followed by roll call.

Mr. Kruse MOVED to excuse Mr. Morter from the meeting, seconded by Mr. Hight. Motion PASSED by majority voice vote.

Mr. Hung welcomed Brian Kruse to the Board of Zoning Appeals, and thanked Randy Roach for his time he served on the Board.

Mr. Raber MOVED approval of the agenda, seconded by Mr. Hight. Motion PASSED by majority voice vote.

REORGANIZATION

Chairman

Mr. Kruse MOVED to open nominations, seconded by Mr. Hight. Mr. Raber nominated Mr. Hung as chairman, seconded by Mr. Hight. Mr. Raber MOVED to close nominations, seconded by Mr. Hight. Mr. Raber MOVED to appoint Mr. Hung as the chairman, seconded by Mr. Hight. Motion PASSED by majority voice vote.

Vice Chairman

Mr. Raber MOVED to open nominations, seconded by Mr. Hight. Mr. Raber nominated Mr. Kruse as vice chairman, seconded by Mr. Hight. Mr. Raber MOVED to close nominations, seconded by Mr. Hight. Mr. Raber MOVED to appoint Mr. Kruse as vice chairman, seconded by Mr. Hight. Motion PASSED by majority voice vote.

Mr. Raber MOVED approval of the February 8, 2017 minutes, seconded by Mr. Hight. Motion PASSED by majority voice vote.

PUBLIC HEARING

BZA-17-1, Thomas Sliemers, 1197 Beaver Valley Road

Clerk Gillaugh read the notice of public hearing on an application filed by Thomas J. Sliemers, 1197 Beaver Valley Road, Beavercreek, OH 45434, appealing the denial of an Accessory Structure permit pursuant to Chapter 158.104(E). The property is located on the west side of Beaver Valley Road, five lots north of the intersection of Greenlawn Drive and Beaver Valley Road further described as Book 5, Page 20, Parcel 135 on the Greene County Property Tax Atlas.

Greg O'Connor, McNamee & McNamee, being sworn, stated he is representing Tom Sliemers who is here on an appeal of the denial of an accessory structure permit application that he filed. He explained the accessory structure that Mr. Sliemers is

seeking to build is an addition to an existing barn. He said the barn is a little over 9,000 square feet on the property that has been there for years. Mr. O'Connor stated the house is vacant, and he did not buy the property for the use of the house. He explained the residence has never been the use of the property.

Thomas Sliemers, 2783 Rhett Drive, was sworn in. Mr. O'Connor presented a handout to the Board members. Mr. O'Connor asked the applicant to state his name. Mr. Sliemers stated Thomas J. Sliemers. Mr. O'Connor asked the applicant to state his current residential address. Mr. Sliemers said 2783 Rhett Drive. Mr. O'Connor asked if the applicant also owned the property at 1197 Beaver Valley Road. Mr. Sliemers said yes. Mr. O'Connor asked if that was the property they were here about today. Mr. Sliemers confirmed that was correct. Mr. O'Connor questioned when Mr. Sliemers purchased the property. Mr. Sliemers stated in 2004. Mr. O'Connor asked how many acres the property was. Mr. Sliemers said two acres. Mr. O'Connor questioned if it has always been two acres since he purchased it. Mr. Sliemers stated yes. Mr. O'Connor asked if he knew what the property was zoned. Mr. Sliemers said it is Agriculture, A-1.

Mr. O'Connor referenced Exhibit A in the packet, and wanted Mr. Sliemers to confirm that was a layout of the Beaver Valley property they are talking about. Mr. Sliemers stated that was correct that was the property. Mr. O'Connor asked him to describe what the buildings are that they are looking at on the property. Mr. Sliemers explained what the buildings were on the property and what was existing when he purchased the property. He discussed the colors of the buildings he previously added. Mr. O'Connor asked if he ever lived in the residence on this property. Mr. Sliemers stated no. Mr. O'Connor questioned if it is vacant. Mr. Sliemers said right now it is vacant, but he used to have renters. He explained he had a bad experience with one of them, so he just uses it now when he needs to use the restroom facility and so forth. Mr. O'Connor asked how long it has been vacant. Mr. Sliemers stated for a couple years. Mr. O'Connor asked if he purchased it with the intent of living in the house. Mr. Sliemers said no, he purchased it because he liked the out buildings.

Mr. O'Connor asked if "the barn" (largest structure on the property) was the structure that he purchased the property to use. Mr. Sliemers said yes, the first part was already there, and then he added the second part and did the covering of the siding. Mr. O'Connor questioned if he added the addition to the barn in 2005. Mr. Sliemers stated yes. Mr. O'Connor asked if the property has remained the same since 2005 as depicted on the drawing. Mr. Sliemers confirmed that was correct, and when he built the structure in 2005 there was only a 10-foot requirement between the other properties so he stayed back 26 feet from the rear lot line to give more room. Mr. O'Connor questioned what he used the barn for. Mr. Sliemers said he retired three years ago, so he likes to spend time doing woodworking, repair work, and he likes to collect things and fix and work on them. He explained it was kind of like a man cave, and a place away from home. Mr. Sliemers stated he had cars and saws in there, and he has discovered that his collectables are getting larger than the barn is holding so he wants to make an addition to it. Mr. O'Connor questioned in addition to storing the items in the barn, he also works on them. Mr. Sliemers said yes, it is his hobby. Mr. O'Connor asked if it was fair to say

that the entire time that he has owned the property, the principal use of it has been what he described as the storage and work area in the barn. Mr. Sliemers said yes. Mr. O'Connor questioned that the principal structure that he has used for all that work is the barn. Mr. Sliemers stated yes.

Mr. O'Connor said Mr. Sliemers submitted an application to build an addition onto the barn. Mr. Sliemers stated that was correct. Mr. O'Connor referred to Exhibit A and said there was an outline, and questioned if he drew it. Mr. Sliemers said he did. Mr. O'Connor asked what that represented. Mr. Sliemers stated that represents the addition. Mr. O'Connor referenced Exhibit B, and questioned if that was the application that was filed for the addition. Mr. Sliemers said yes. Mr. O'Connor stated the application has an accessory structure size of 87 feet by 56 feet, which Mr. Sliemers confirmed was correct. Mr. O'Connor said for the Board's reference his math says that would be 4,872 square feet, but his application says 4,880 square feet, and questioned if that was a typo. Mr. Sliemers stated yes, and the correct dimension is the 87 feet by 56 feet, and not the 4,880 square feet. Mr. O'Connor asked if the structure he is proposing is depicted on the third page of Exhibit B. Mr. Sliemers said yes. Mr. O'Connor questioned if he prepared it. Mr. Sliemers confirmed. Mr. O'Connor asked him to explain what they were looking at in this depiction. Mr. Sliemers explained what the page showed. He said the addition is proposed to be located 50 feet from the rear property line, which is the requirement, and 36 feet to the closest side (north) property line. Mr. O'Connor questioned if the addition is proposed to be attached to the existing barn. Mr. Sliemers said yes. Mr. O'Connor asked if the dimensions he had depicted on the plan for the existing barn are accurate. Mr. Sliemers said yes. Mr. O'Connor said his calculation of the existing barn is 9,766 square feet. Mr. Sliemers stated adding the two together that is correct.

Mr. O'Connor asked Mr. Sliemers to describe what Exhibit C was. Mr. Sliemers said that is a drawing that the company that built his barn in 2005. He said it shows the elevations of the proposed building. Mr. O'Connor asked if Worch Lumber would be constructing the addition. Mr. Sliemer said yes. Mr. O'Connor asked what his intended use was for the addition. Mr. Sliemer explained pretty much the same use as he uses the current structure. He said he had this habit of collecting cars as a kid, and he never grew out of it. He gave an example of a property in Beavercreek that has items stored outside, and said he does not like to have things stored outside and he maintains his property very well. Mr. O'Connor referred to Exhibit D, and questioned if that was the denial notice he received from the Planning Department for the application. Mr. Sliemers said it was. Mr. O'Connor asked if he was given a reason as to why it was denied. Mr. Sliemers explained between 2005 when he built the larger building and now, the law was modified and said the property had to be five acres to build the building he was trying to build today. He questioned staff why it was changed, and was told it was because someone complained about another property a couple doors to the north. He said there is a plat in there and a gentleman built a building for his landscaping business, so when they revised the law they said a person has to have five acres or more even though a two-acre lot or anywhere in between two and five acres

has to meet the same setback requirements. He said if that five would be changed to two or more in three places in the Code it would pass.

Mr. O'Connor said the application they are here about tonight that was submitted is actually the second one for this proposed addition. Mr. Sliemers said yes, he had a larger barn that was set back 26 feet, like the current barn is, so he resubmitted with the 50-foot setback and decreased the size of the barn. Mr. O'Connor asked if Exhibit E was the first response he received from the City regarding the barn. Mr. Sliemers said it was. Mr. O'Connor questioned if Exhibit F was the Greene County Auditor's information about this parcel. Mr. Sliemers said that was correct. Mr. Sliemers did not see why the law changed in 2009 to five acres when a two or three-acre lot would meet the same setback requirements. He said that was the glitch that he did not understand, and it was only because a person complained about it and nothing could be done once that building was approved and built.

Mr. O'Connor asked if he had any time to look into how many other properties in Beavercreek may be affected by this rule. Mr. Sliemers said the Planning Department gave him a list of properties that were between two and five acres that were zoned agriculture, and he looked at them and there were 35 or 36 properties. He stated a lot of them that he looked at it would be difficult to build a barn on it because of the layout of the property. Mr. Sliemers explained a lot of them were wooded, but some would be able to build a barn if they wanted to if the law would permit it. He believed there was only one person on Council currently that was on Council when the requirement changed, and said there were no minutes that explained why they made the change in 2009.

Steve McHugh, City Attorney, being sworn, stated an Accessory Structure Zoning Permit was submitted on February 27, 2017 for the property located at 1197 Beaver Valley Road. Mr. McHugh said the applicant applied for an accessory structure that is a total of 4,872 square feet (87 feet by 56 feet) and is 23 feet tall. He said the property is 2 acres, and there is a residence that is 1,332 square feet and the property is classified as residential by the Greene County Auditor's Office. Mr. McHugh stated there are two accessory structures on the property. One is 9,766 square feet and the other is 676 square feet. He explained the Zoning Code requirement for accessory structures, and said staff denied Mr. Sliemers' application on March 7, 2017 because the proposed structure exceeds the maximum 900 square feet allowed and exceeded the maximum height requirement.

Mr. McHugh stated an appeal was filed, and discussed the section of the Code that pertains to appeals. He discussed Section 158.030(A) which provides that "parcels which are zoned A-1, are less than five acres, and are classified as 'Residential' under 'class' by the Greene County Auditor's office, shall be considered as a residential use". He said if the Board would look at Exhibit F, it is very clear the property is classed as a residential use because of the house. Mr. McHugh referred to Section 158.003 Definitions. Principal Building or Principal Structure and read the definition which states: "A building in which is conducted the principal use of the lot where the building is

situated and includes areas such as garages and storage areas that are attached to such building or structure. This term shall not include buildings or structures in which accessory uses are conducted". Mr. McHugh explained this was built as a residential lot, and there was a house on it. He referred to Section 158.030 (I)(2), and said if the property is under five acres then the person would go to Section 158.104 (D) to see the height requirement which is 16 feet. He thought more importantly Section 158.104 (E)(1)(b) states "In cases where the lot size is one acre or greater, the sum of the footprint of all accessory structures shall not exceed 50% of the footprint of the principal structure, or 900 square feet, whichever is greater." He said the principal structure is the residential home, which is what it is classed as, and not what the owner decided to purchase the property for. Mr. McHugh stated by the owners own testimony this has been an occupied structure, and at this point the owner has decided not to rent it. He said there was testimony tonight that there is a working bathroom because that is where he goes to use the restroom facility when he is working in the barn. Mr. McHugh stated it is a house, it is just unrented, but it is still a house. He explained what is requested is something that is already exceedingly larger than the house, and the addition would make the total accessory structures approximately 16,000 square feet. He stated that is huge next to the residences next door. He said this is not agricultural, and as can be seen from the aerial view there are no animals or farming being done on the lot. Mr. McHugh explained as the owner stated earlier, he uses the existing structure as a workshop and to collect things.

Mr. McHugh said after 2009, the existing structure became non-conforming and the City Zoning Code, Section 158.125 (D)(1) states "No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity". He stated the proposed application would be an increase to the nonconformity, and would be a massive variance. He referred to Chapter 158.003 Definitions. Nonconforming Structure and read the definition which states "A structure lawfully existing prior to the effective date of this chapter or amendments thereto and that no longer conforms to the provisions of the chapter for the district in which it is located". He said that is what they have in this situation and it is a nonconforming structure and it cannot be increased.

Mr. McHugh referenced Section 158.172(H)(5)(a), which refers to the variance standards. He reviewed the standards, and discussed why it would not meet the variance requirements.

Mr. McHugh said in summary, it is the position of the City that staff properly denied Mr. Sliemer's Accessory Structure Zoning Permit. He said the property is classified as residential by the Auditor's office, which means that the use is considered residential pursuant to Section 158.030(A). Mr. McHugh stated the principal structure is a residential structure, and that structure is 1,332 square feet, so the total footprint of the accessory structures on the property may not exceed 900 square feet. He believed the Board could find the existing accessory structure is a nonconforming structure, and felt the Code clearly states that variances are not to be granted to further increase a nonconforming structure. Mr. McHugh said that the height of the building exceeds the

requirement of 16 feet and by the plans submitted the height is 23 feet. He said it does not meet the requirements of the variance standards so he felt it was reasonable and appropriate for staff to deny Mr. Sliemers' Accessory Structure Zoning Permit.

Mr. O'Connor said the real dispute comes down to what is the principal structure and what is an accessory structure. He did not disagree with the applicability with the number of sections that Mr. McHugh cited. Mr. O'Connor felt he spent a lot of time of variance standards and they are not here on a variance application. He stated those standards have no place in this analysis, and nothing about the provisions of the Beaver Creek Zoning Code apply in Section 158.030 or Section 158.104 incorporate in any way a variance analysis. Mr. O'Connor did agree the fact the Greene County Auditor had classified this as residential, the real subsection they are talking about is Section 158.104 (E)(1)(b). He said all of this boils down to what is the principal structure. Mr. O'Connor stated Mr. McHugh and the Planning Department just took it for granted that the house was the principal structure because there is a house there, and said he could not disagree more. He didn't believe that the Auditor's classification as residential has any implication for whether the principal structure is the existing barn or the existing house, and the question is merely what is the Zoning Code definition of those terms. He thought when a person looks at the principal structure or accessory structure definitions, the Zoning Code sort of incorporates the use analysis, and what the use of the parcel is. Mr. O'Connor said Mr. Sliemers testimony was quite clear that it has always been the barn. He explained that he bought it for that purpose and that was what it has been used for the last 13 years, and the house has never been the primary purpose of the use of his property. Mr. O'Connor said Mr. Sliemers has rented it out in the past and has been vacant for two years, and didn't think under that testimony there is any real argument made that the residence is the principal structure. He believed he was very clear that this barn is what it is all about for him, so he felt that was the principal structure. Mr. O'Connor said if they are talking about the greater of 50% or 900 square feet, and they are talking the existing barn being the principal structure then it is 50% of the 9,776 square feet that applies not the 50% of the house.

Mr. Hight said let's just say that we all agree that the barn is the principal structure, but with the extra detached garage they are still not going to fit within the 50%. He stated the overall floor space is still going to be higher than the 4,883 square feet. Mr. O'Connor said it would be 4,872 square feet. Mr. Hight said right, but they already have a detached garage that is 26 feet by 26 feet. He said if the barn is the primary structure, the house is an accessory building, the detached garage plus the requested building, they would still be significantly higher than 50% of the barn. Mr. O'Connor said the 9,776 square feet, and did not view the house and the existing detached garage as accessory structures to the barn. He stated he had not thought about that. Mr. Hight referenced Exhibit B and the accessory structure requirements, and said that the applicant still has too much floor space to build the requested building. Mr. O'Connor asked where on the page did he reach that analysis. Mr. Hight referred to his letter to the Board and read the last paragraph, so theoretically speaking if they make the existing barn the principal structure that would make the detached garage and the residential home both accessory buildings. He said if those numbers are totaled, the

proposed structure would exceed the 50% requirement. Mr. O'Connor understood what he was saying, but what he doesn't follow and see in the Code is where the existing garage and the existing house would be existing accessory buildings factored into the 50% requirement. Mr. Hight said that is what he determined using the Exhibit B that was submitted to the Board, and thought if they thought about it that way they would still be in trouble size wise. Mr. O'Connor said he would have to go back and look into it, but he could not agree that is the correct analysis under the Code but it is something that he would consider.

In public input, Raul Ramos, 1206 Brookside Drive, being sworn, said that their property adjoins the property under discussion tonight. He stated they do have a very clear view of the barn, and felt it was very nicely done. Mr. Ramos believed the colors are pleasing and he thought he had done a good job of making it aesthetically pleasing to the neighborhood. He said they don't have second properties that they can go to and use for their recreational activities, and they live there and that is the only property that they own. Mr. Ramos believed that the property values would be affected for future resale of his property when he has a structure there, and felt making it larger was going to degrade their property even more. Mr. Ramos believed they had discussed a lot of issues in technicality, but as a citizen and a resident what seems to him that the overall question is how it will affect the neighbors. He said there is a residential area surrounding this property, and everyone around there has small or medium size home with reasonable size outbuildings. Mr. Ramos requested that the Board take into consideration how this affects the property values of neighbors and the people that live with it every day.

Guest Whitaker, 1216 Brookside Drive, being sworn, stated when they purchased the home the original barn and house were there along with several other small structures. He explained there was a large amount of outside storage, and believed when the current owner purchased it that was all cleaned up. Mr. Whitaker agreed the owner does take very good care of the area, but when the large barn went up he received no notice or knew anything about it until the builders were there to construct the barn. He said if there had been a hearing like this he would have probably objected. Mr. Whitaker explained his wife was very hesitate on purchasing the house because of the original barn, but they decided to go ahead and buy it. He stated the second structure was put up and is much larger and taller than the original one, and is not really an eyesore because it is kept up. Mr. Whitaker felt if they added more to it, it would probably bring the value of their home down quite a bit. He said because of that reason he is opposed to granting the waiver. Mr. Whitaker also felt that if the land was classified as agricultural, but is not used for agriculture and is used for some other purpose then they should not apply for a variance but for a change in the total zoning and he would probably be opposed to that as well.

Mr. Hung asked if any written input was received. Clerk Gillaugh stated no.

Mr. Kruse MOVED to close the public hearing, seconded by Mr. Shrider. Motion PASSED by unanimous voice vote.

Mr. Shrider did not think they were going to recalibrate the residential side of it, but even if they were, the submittal he believed would have to be changed in order to fit within the boundaries. He said he didn't know if they would table then for reconsideration. Mr. Hung said procedurally speaking since they are here on an appeal, if there was a reapplication for a permit then it could be reconsidered because it would be an entirely different permit at that point than what is before them today.

Mr. Kruse asked what year Mr. Sliemers purchased the property. Mr. Sliemers said in 2004. Mr. Kruse questioned when he had renters for the first time. Mr. Sliemers stated a few months after he purchased it. Mr. Kruse said he had renters in there all the way up until two years ago. Mr. Sliemers said sometimes it was open in between renters. Mr. Kruse stated if renters moved out he tried to get renters back in there. Mr. Sliemers said he wasn't in a hurry. Mr. Kruse questioned that he did not have a problem getting renters back in there. Mr. Sliemers said good renters, he stated people would apply that he had concerns with. Mr. Kruse asked if Mr. Sliemers could give him an approximate time frame that there weren't renters in the house from 2004 to two years ago. Mr. Sliemers said maybe half the time. Mr. Kruse stated then about half the time, about four and a half years, he did and about four and a half years he didn't. Mr. Sliemers confirmed, but to know exactly he would have to go back and look. Mr. Kruse questioned why he stopped renting out the property two years ago. Mr. Sliemers explained he had a renter that did some damage inside, and it wasn't worth the rent to fix the damage. Mr. Kruse said from 2004 until today, he had been storing things and doing wood working and was doing the things that he wanted to continue to do there while renters were in and out of the property. Mr. Sliemers said yes, and the renters knew that he would be going in and out from time to time.

Mr. Raber asked if Mr. Sliemers had contacted the other neighbors to get their opinions and see if they were ok with it. He said in previous variance cases, he had seen applicants have a list from neighbors saying they don't have a problem with this, and questioned if he had anything like that. Mr. Sliemers said he had not done that, but he could do that.

Mr. Hung concurred with Mr. O'Connor that this is an appeal even though they are taking testimony today, and he wanted to treat it as an appeal as well. Mr. Hung asked if he knew when some of the laws were created specifically Section 158.030 (I)(2) of the Beaver creek ordinances. Mr. O'Connor understood it to be in 2009. Mr. Hung said the same would be for Section 158.030 (A). Mr. O'Connor said he believed (A) was modified or amended in 2009 to add that critical language. Mr. Hung asked if he knew what the permitted uses are for properties zoned A-1, Agricultural in Beaver creek. Mr. O'Connor read the list of permitted uses. Mr. Hung asked if his client was using the property for any of the purposes and if so he questioned what they were. Mr. O'Connor said he did not think about if he was using it for any of the uses just because he does not correlate permitted principal uses under a Zoning Code definition with accessory versus principal structure permits. He said if he was going to answer the question he thought the only two he would think he would be using would be agricultural or home

occupation, which he does not know that to be the case and would need to do the research to see if that is true.

Mr. Hung asked if he would agree with him that if there were no other structures on the property but the barn and an outhouse that it would be inappropriate to consider the outhouse to be a principal structure because the use of an outhouse does not really conform with any of the uses that a person would use an A-1 property for. Mr. Hung said so if the use of a barn does not fit with the use of an A-1 property it would be hard for him to characterize it as being a principal structure because that is not what the barn is normally used for. Mr. O'Connor said in his opinion he is using the principal structure definition in a 158.104 context for purposes of identifying an accessory structure with a principal use analysis under 158.130 and he didn't know if it would be impossible to say that the barn could not be a principal structure used for one of the 158.030 (C) Permitted Principal Uses. He stated if he was going to do that analysis it could depend how all of those facts shake out and it could be an agricultural building or used for home occupation. He said he didn't know and that would be an academic argument and didn't know where that leads. Mr. Hung stated if the barn isn't being used for anything that conforms with A-1 it is hard for him to consider it to be a principal structure because it can't be used for any of the uses it is supposed to be used for.

Mr. Hung asked when the house was built on the property. Mr. Sliemers thought sometime in the 1920s. Mr. Hung said he would not object if he would conclude the house was built on the property before anything else was. Mr. Sliemers stated he didn't know.

Mr. Hung asked if he knew when some of the ordinances were amended. Mr. McHugh stated it was in 2009. He said the Board may want to look at the definition of "Principal Building" or "Principal Structure" and stated use is critical in this situation. He explained this is an appeal of a decision in order to get where you have to go this would then have to be granted as a variance and he believed the interpretation was correct. Mr. McHugh stated from the City's position this does not fit, and said if the definition of "Principal Building" or "Principal Structure" is read it is tied to the use and if a person looks at A-1 to see what the principal uses are none of them fit. He believed if they look at the home occupancy, it does not since it is not a commercial operation or something of that nature.

Mr. Hung said this is an interesting case because he believed they are looking at a zoning permit appeal. He stated the question to him is if rather or not the barn is the principal structure on the property. Mr. Hung believed the barn is large, and agreed the property is well kept. He did not feel that the principal use here is found in the barn as opposed to the house. He said it seems to him that the house was constructed first, and there did not seem to be an objection that it was constructed first. Mr. Hung stated they have a detached garage, a smaller barn, an addition to that barn, and now they want to add more. He believed it appeared that the lot itself was always calculated to be residential for a residential use. Mr. Hung felt it all conforms to Section 158.030 (A), and he saw no reason to question that interpretation and it seemed clear to him they should

be looking at this for residential use. He did not feel that storing cars or conducting hobbies on the property quite qualifies as under residential use or if it does he has not been pointed to any statute that would lead him to that conclusion so he is inclined to deny the appeal and to affirm the decision made by the City of Beavercreek.

Mr. Kruse was in total agreement, and he was provided nothing that would demonstrate that it is not for residential use and to follow the ordinance under residential use. He did not see anything that was going to tell him or has convinced him that it should be disturbed.

Mr. Raber MOVED to affirm the decision made by the City of Beavercreek for the application number 19290 filed by Thomas Sliemers. Motion was seconded by Mr. Hight. Motion PASSED by roll call vote of 4-0. (Morter absent)

ADJOURNMENT

Mr. Kruse MOVED adjournment at 7:13 p.m., seconded by Mr. Hight. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk