Regular Meeting Thursday, March 27, 2014 Springview Government Center 3130 E. Main Street Springfield, Ohio 45505

Mr. Tim Greenwood, Vice-Chairperson of the Board of Zoning Appeals, calls the meeting to order at 2:00 p.m.

Present: Mr. Tim Greenwood, Mr. Jack Spurlock, Mr. Don Wallace, Mr. Rick Smith

and Mr. Dave Minard

Absent: None

Also Present: Mr. Allan Neimayer, Clark County Community Development, and other interested persons.

Mr. Neimayer commented that the second item on the Agenda can be ignored at this time. Mr. Jim Peifer will be refiling that case on behalf of the Dorrells. Mr. Peifer is present if there are any questions for him concerning this.

Mr. Peifer stated that he was not present at the meeting on January 30, 2014 when the Board heard Case #BZA-2014-02 for Chad and Jennifer Dorrell. He stated that they plan to file a new application and there is new information to present. He also wanted it to be clear that the Board in January had some discussion that possibly the neighbors could get together and get the issue resolved. An effort was made by the Dorrells to do that and there is one neighbor that flat out rejected any suggestions that Mr. Dorrell made. He stated that possibly there could be a motion made for reconsideration and the minutes could be held from that January meeting and not be approved at this time.

Vice-Chairperson Greenwood asks if there are any comments regarding the January 30, 2014 and February 27, 2014 minutes. There were none.

# BZA: 3-09-2014: Minutes ~ January 30, 2014

Motion by Mr. Spurlock, seconded by Mr. Wallace, to approve the minutes as presented.

VOTE: Yes: Mr. Spurlock, Mr. Wallace, Mr. Smith Mr. Greenwood,

and Mr. Minard

No: None

Motion carries.

## BZA: 3-10-2014: Minutes ~ February 27, 2014

Motion by Mr. Spurlock, seconded by Mr. Minard, to approve the minutes as presented.

VOTE: Yes: Mr. Spurlock, Mr. Minard, Mr. Wallace and Mr. Greenwood

No: None

Motion carries.

Vice-Chairperson Greenwood explains how the meeting will be held. Everyone will need to sign in that will be speaking. Staff will present the report and the Board will ask questions to Staff. The proponents will be able to speak followed by the opponents. Everyone will be sworn in before they speak. Rebuttal by the Applicant will follow, if desired.

Vice-Chairperson Greenwood asks the Board if anyone needs to abstain. There were none.

Vice-Chairperson Greenwood asks the Staff to present the case.

Mr. Neimayer notes for the record that Mr. Minard will be a full-voting member for this meeting.

# <u>BZA-2014-04: Variance Case ~ Shawn Elliot ~ Located at 1584 Mahar Road ~</u> Harmony Township

Mr. Neimayer explains that the Applicants are requesting a Variance to increase the maximum size of an accessory structure from 1,500 sq. ft. to 3,072 sq. ft.

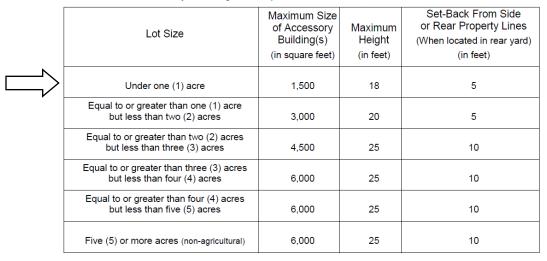
The subject property is located at 1584 Mahar Road just north of Old Columbus Road in Harmony Township. The property is zoned R-1 (Rural Residence District) and comprises of Lot #7 & the southern half of Lot #6 of the Bellaire Subdivision No. 1. Lot 6 was never developed and in 2013 was split with the north half attached to Lot 5 and the south half attached to Lot 7. Per the subdivision plat, there is a 10 ft. utility easement along the rear lot line. The subject property is 0.69 acres, which includes the 2013 split/attachment. The Applicant is requesting a Variance to Chapter 8, Section B, 6 to increase the maximum size of an accessory structure from 1,500 sq. ft.to 3,072 sq. ft.

Mr. Neimayer stated that along with the variance for the size of the structure the Board will have to also consider a Variance for the height of the structure as 18 feet tall is what is allowed.

#### CLARK COUNTY ZONING REGULATIONS

Chapter 8, Section B, 6

TABLE 8.1 - Accessory Building Development Standards [eff: 11-6-08] [rev: 12-13-2013]



The proposed size of the pole barn is 48 ft. by 64 ft. (3,072 sq. ft.). According to the building plans, the eave height is 16 ft. with a 4/12 roof pitch. Per zoning definition of building height (finished grade to deck line), the proposed height of the pole barn is 20 ft., which is two feet more than permitted by Table 8.1. Hence, a 2<sup>nd</sup> variance is necessary to increase the maximum height from 18 ft. to 20 ft.

The following comments were received from other county departments/agencies:

### Clark County Soil & Water Conservation District; Jereme Best

I have reviewed the parcel for any drainage information. In 2002 there was a drainage improvement designed for this area which included the rear of this property. The project was never installed. I am unsure if there are still drainage issues for this area. The soils for this parcel are hydric which means there is a seasonal high water table within ½ ft. above to ½ ft. below the surface. Sub-surface drainage could be installed to correct the seasonal high water table which is what was proposed in 2002. Poor drainage will be a problem regardless if the barn is built or not due to the soil type on the property. If any existing subsurface drainage is encountered during the construction of the building, the drainage will need to be repaired, replaced or rerouted so the construction does not have a negative effect for this property or the surrounding properties. Clark SWCD recommends approval of the variance request as long as the Combined Health District does not object.

### Clark County Combined Health District; Rick Miller

Mr. Elliott would have to file a site approval for us to visit the property. Without a site visit, I cannot make definitive statements about his plans. I do, however, have fears that the pole barn will restrict his septic replacement area. I do not have any records showing what his current system is.

## County Engineer's Department; Dean Fenton

The County Engineer has no objection to the request by Mr. Elliot to increase the size of permitted accessory structure. We note however there is an existing 10 ft. easement along the rear lot line which must be preserved. No new access locations are being requested at this time and a permit would be required for additional access points.

In addition, the Harmony Township Trustees have expressed a concern with the proposed pole barn. They received a call expressing concern that the proposed pole barn is intended for an RV repair business. The variance application indicates the pole barn is for the storage of boat, camper, motorcycles and car. Furthermore, the Plat Covenants of the Bellaire Subdivision No. 1 restricts the use of lots to residential use. Staff will ask the Applicant to comment on this matter to the Board.

Mr. Neimayer asks if there are any questions for Staff.

Mr. Wallace asks to see the aerial photograph of the said parcel. He asks about the upper half of the parcel that is not included. It was split in half and combined to two separate parcels.

Vice-Chairperson Greenwood asks what the combined acreage of the property is.

Mr. Neimayer stated that it is about 0.6 acres. But what really matters is that it is under an acre in terms of our table for the size of accessory structures.

Mr. Spurlock asks if there is any record of leach field or septic on the property.

Mr. Neimayer replyed that the Health Department indicated that they could not find any records. They stated that they have no records showing what the current system is.

Mr. Spurlock stated that with this size of lot the septic system would probably take up most of the rear yard.

Mr. Neimayer stated that a majority of these homes were built in the mid to late 50's. It is not uncommon that some of those records are not there or they are so sketchy that you have no idea.

Mr. Spurlock stated that with this additional structure that will be encroaching on the original lot is there enough room for a future septic system.

Mr. Neimayer stated that he did not know. The Applicant is here and could possibly provide more information on that. Also, typically we look at one acre and for that to accommodate the house and accessory structure and the septic and reserve area for the future. Keep in mind that this is a lot of record and in the 50's there were different rules.

Mr. Wallace stated that when the house was built many people did self-installation without approval.

Mr. Neimayer stated that part of the zoning permit requires the Health Department sign off. He reminds the Board that what is before you is the size of the structure in addition to the height. You can put a condition if you so wish of the Health Department approval.

Vice-Chairperson Greenwood asks if there are any more questions. There were none.

Vice-Chairperson Greenwood opens this portion of the public hearing at 2:18 pm.

Vice-Chairperson Greenwood asks if the Applicant wishes to speak.

Mr. Shawn Elliot, whose address is 1584 Mahar Road, stated that with the plot plan before you there is some concern about the septic system. He said that he has spoken to Lisa VanWey from the Health District in regards to the septic system and where things are placed. Currently the septic system is 12 feet off the back of the house is where it starts, directly behind the bathroom. The well for the house is out in the front yard. What I am proposing for the building I can still move it more to the rear or the left if I am not mistaken.

The reason for the size of the building is that I currently own a 2011 Catalina that is 32 feet long, a 1998 Baja boat that is 30 feet long, a couple of motorcycles and a Mustang. I currently am parking the Catalina at the Clark County Fairgrounds. The car and motorcycles are in my garage and the rest of the things sit outside.

I do own a mobile RV service. I have bought several RVs in the past and have had them sit on my property. This building is not intended to be for commercial use. It is for residential use to store my items. I would prefer to have everything on my property rather than pay someone else to store my things.

Mr. Smith asks if his septic system is a dry well system. It would have a gravel bed and no laterals and that no part of the septic system goes beyond where the bushes are in the photo.

Mr. Elliot replied no.

Mr. Wallace asks the Applicant what he knows about any possible back up area for the future.

Mr. Elliot stated that he has filed the Application for the Site Approval from the Health Department to come and give me their approvals and give me a what if scenario that if this one is bad where to go from there. I have not gotten that yet.

The other part I was concerned with was the report from Jeremy Best with the Soil & Water Conservation District who said the soil was below the water table for that area and that there was a plan in 2002 to improve drainage in that area. That plan was never followed through. I am currently seeking information from Soil & Water as well as to why that plan was never put into place. I would also like to know if there are any plans still on the table.

Mr. Spurlock asks Mr. Elliot if he has a mobile RV repair service.

Mr. Elliot responded ves sir.

Mr. Spurlock asks if any of the equipment associated with the mobile RV repair service would be stored at this site.

Mr. Elliot said that the equipment would be in his trailer and his truck.

Mr. Spurlock asks the Applicant if his residence would be his home base for his business.

- Mr. Elliot responded that his vehicle would be stored there.
- Mr. Spurlock asks if there will be a new access from Mahar Road to the building.
- Mr. Elliot stated that he is going to ask that the County Engineers to help create an access point on the other side of the telephone pole.
- Mr. Spurlock asks if he has that approval from the County Engineers yet for that access.
- Mr. Elliot stated that he does not. I have not proceeded with anything further until I know if this is going to work. I did not want to spend the money and get the County Engineers involved if this is not going to be approved.
- Mr. Wallace asks for some clarity. He stated that in the Applicant's presentation Mr. Elliot clearly stated that this was not going to be used for commercial storage but in your response from Mr. Spurlock you stated that your business would be based from the residence.
- Mr. Elliot responded that he does own a mobile RV repair service and that his personal truck and trailer that I operate out of I park at my house. I have no plans on making that a commercial business on my property.
- Vice-Chairperson Greenwood asks if there are any further questions. There were none.
- Vice-Chairperson Greenwood asks if anyone else would like to speak. There were none.
- Vice-Chairperson Greenwood closes the public portion of the hearing at 2:25 pm.
- Vice-Chairperson asks if there are any questions.
- Mr. Spurlock asks Mr. Neimayer if we have any records of the topo of the given area. Mr. Elliot expressed that there was a problem with the drainage in the area.
- Mr. Neimayer shows a picture of the topo of the area. He stated that he was not aware of the plans from 2002. He does not know any more than what Mr. Best included in his report.
- Mr. Spurlock stated that because the area is flat, development can create more of a possibility of water problems from drainage.
- Mr. Spurlock asks if he is correct that there is an easement along the rear of the said properties.
- Mr. Neimayer stated that is correct. The Bellaire Subdivision plat shows a 10 foot easement along the back of the lots. Then, on the sides there is a 5 foot easement. For the said property there has to be a 10 feet setback from the rear of the property.
- Mr. Spurlock asks who owns the easement. Is it the County.
- Mr. Neimayer stated that the easement is on the plat so that all properties have that easement on their deed.
- Mr. Spurlock asks if the County could use that easement if they wanted to go in and create some kind of drainage there or is the easement strictly for utilities.

- Mr. Neimayer stated that he believes that it is strictly a utility easement.
- Mr. Spurlock clarified that the County then could probably not use that easement for drainage.
- Mr. Neimayer stated that is correct.
- Mr. Wallace asks if there have been any comments from neighbors.
- Mr. Neimayer stated he has not received any comments from neighbors.

Vice-Chairperson Greenwood asks if there are any further questions.

Hearing no further questions, Vice-Chairperson Greenwood asks the Board for a motion.

# BZA: 3-11-2014: BZA-2014-04 ~ Variance Case ~ Shawn Elliot ~ Located at 1584 Mahar Road ~ Harmony Township

Motion by Mr. Spurlock, seconded by Mr. Wallace, to <u>Approve</u> the Variance pending approval from the Health Department and the County Engineers for access.

VOTE: Yes: Mr. Spurlock, Mr. Wallace, Mr. Smith and Mr. Minard

No: None

Motion carries.

### BZA: 3-12-2014: Election of Chairperson for the remainder of 2014

Motion by Mr. Wallace, seconded by Mr. Smith, to elect Tim Greenwood as Chairperson.

VOTE: Yes: Mr. Wallace, Mr. Smith, Mr. Spurlock and Mr. Minard

No: None

**Abstained: Tim Greenwood** 

Motion carries.

## BZA: 3-13-2014: Election of Vice-Chairperson for the remainder of 2014

Motion by Mr. Smith, seconded by Mr. Spurlock, to elect Don Wallace as Vice-Chairperson

VOTE: Yes: Mr. Smith, Mr. Spurlock, Mr. Greenwood and Mr. Minard

No: None

**Abstained: Don Wallace** 

Motion carries.

# **STAFF COMMENTS**

Mr. Neimayer stated the next meeting will be April 24, 2014.

# **ADJOURNMENT**

Chairperson Greenwood asks for a motion for adjournment.

**BZA: 03-14-2014 ~ Adjournment** 

Motion by Mr. Wallace, seconded by Mr. Smith, to adjourn the meeting.

VOTE: Motion carries unanimously.

The meeting was adjourned at 2:41 pm	
Tim Greenwood, Chairperson	