

Regular Meeting  
Thursday, June 26, 2014

Springview Government Center  
3130 E. Main Street  
Springfield, Ohio 45505

Mr. Tim Greenwood, 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.

Chairperson Greenwood asks if there are any comments regarding the May 29, 2014 minutes. Hearing none he asks for a motion.

**BZA: 6-22-2014: Minutes ~ May 29, 2014**

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

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

**No: None**

***Motion carries.***

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.

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

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.

**BZA-2014-09: Variance Case ~ Jason Lintz & Shana Wilkins ~ Applicant: Calvin Watts ~ Located at 4780 Sullivan Road ~ Mad River Township**

Mr. Neimayer explains that the Applicants are requesting a Variance to reduce the front setback from 50 feet to 48 feet. The subject property is located at 4780 Sullivan Road in Mad River Township. The property is zoned R-1 and is Lot # 75 in the Echo Hills Subdivision, Section 5. The Applicants are seeking a Variance to Chapter 2 to reduce the front setback for a single-family home.

The subdivision plat calls for a front yard setback of 50 ft. from the right-of-way line (ROW). Sullivan Road has a 50 ft. ROW; 25 ft. from centerline. Therefore, the house would need to be a minimum of 75 ft. from the centerline of Sullivan Road. According to the contractor's measurement, the house sits 76 ft. 4 in. from the centerline as shown on the attached drawing. However, the lending institution's representative, after doing his own measurement, claims the house is two feet short of the required setback. Hence, the Applicant has filed this Variance request.

Mr. Neimayer presents a letter from Dean Fenton, County Engineer's Department. Based on measurements from a survey crew, he concluded that the foundation and framed walls are 2.3 ft. over the building setback line. This measurement corresponds with the measurements taken by Terry Shaffer, Building and Zoning Inspector.

Mr. Wallace, referring to the Staff Report, asks Mr. Neimayer about the Applicant's statement from the Application that answered the question: In regards to how granting this variance may affect the neighborhood and community, the Applicant replies "Not at all because this house sits back farther than the houses on both sides. This house sits in a curve in that section of the road and no one will ever know".

Mr. Wallace then asked Mr. Neimayer for an overhead view of the properties.

Mr. Neimayer presented the Board an aerial view of the said properties. He stated that in Echo Hills Subdivision the roads and property lines on the county's GIS do not line up as they should. Typically a road is in the middle of ROW.

Chairperson Greenwood opens this portion of the public hearing at 2:11 pm.

Chairperson Greenwood asks if anyone would like to speak in favor of the Applicant.

Calvin Watts, whose address is 5062 Maude Court, Fairborn, OH, stated that he is the builder. When the measurements were taken, the setbacks were measured from the road. That section of the road has a small curve in it. His understanding is that the setbacks are in place so that a house is not too close to the road as to obstruct the view for traffic and the neighbors on both sides. When the bank came out to measure he was off by about 2 ft. He stated that he had built all the surrounding houses and had personally spoken to the neighbors and none of them have an issue with the location.

Chairperson Greenwood asks if anyone else would like to speak in favor. There were none.

Chairperson Greenwood asks if anyone else would like to speak in opposition of the case. There were none.

Chairperson Greenwood closes the public portion of the hearing at 2:15 pm.

Chairperson Greenwood asks the Board if there were any questions. There were none.

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

**BZA: 6-23-2014: BZA-2014-09~ Variance Case ~ Jason Lintz & Shana Wilkins**  
**Applicant: Calvin Watts ~ Located at 4780 Sullivan Road ~ Mad River Township**

Motion by Mr. Spurlock, seconded by Mr. Smith, to **Approve** the Variance as requested.

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

**No: None**

***Motion carries.***

**BZA-2014-10: Variance Case ~ David Bryan ~ Located at 4786 Ridgewood Road East ~**  
**Moorefield Township**

Mr. Neimayer explains that the Applicant is requesting a Variance to allow a roof covered porch to encroach into the front yard by 12 ft. The subject property is located at 4786 Ridgewood Road East in Moorefield Township. The property is zoned R-2A and is Lot #1518 of the Northridge Subdivision, No. 8. The Applicant is seeking a Variance to Chapter 8, Section F, 2, a, 5. This case did originate as the result of a code violation with building and zoning permits.

## **CLARK COUNTY ZONING REGULATIONS**

**Chapter 8, Section F, 2, a), 5):**

Front porchs may project into a front yard a distance not to exceed eight (8) feet, provided it is open on three (3) sides, except for railings or banisters.

Mr. Neimayer displayed photos of the property prior to construction of the porch and also after. Also displayed were photos looking north and south from the subject property. He pointed out that the build lines on most of the properties are pretty close. Some of them encroach into the setbacks. Because the porch has a roof covering, zoning regulations do not allow approval of a Zoning Certificate. The Building Permit for the project is currently on hold pending the Board's decision.

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

Mr. Wallace stated that if this is approved possibly it would allow many others to follow suit.

Mr. Neimayer stated that the Applicant did suggest in his letter that due to the improvements on his property others might follow.

Mr. Wallace stated that approving this Variance would be a one-time exception.

Mr. Neimayer replied that is correct.

Mr. Smith asks if there was any distance other than the 8 ft. that would allow a roof on the deck.

Mr. Neimayer stated no. If one chooses to put a roof on the deck they are basically putting an addition on the house and moving the house closer to the setback.

Chairperson Greenwood asked if there has been a Building Permit filed.

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Mr. Neimayer stated that once the Applicant was notified of the violation they filed a Building Permit Application and a Zoning Application. Due to the setback issue the Applicant then filed the Variance Application.

Chairperson Greenwood asks for verification that both were filed after the violation.

Mr. Neimayer responded that is correct.

Mr. Smith stated that looking at the photos submitted there were several other porches with coverings on them. He asked if they had Variances for those or did they just appear.

Mr. Neimayer stated that he could not tell if they had a Variance request or not.

Mr. Smith asks if the photos submitted were houses on the same street as the Applicant.

Mr. Neimayer stated that he did not know and would let the Applicant comment on that question.

Chairperson Greenwood asks if there are any further questions for Staff. There were none.

Chairperson Greenwood opens this portion of the public hearing at 2:32 pm.

Chairperson Greenwood asks if anyone would like to speak in favor of the case.

David Bryan, Applicant, whose address is 4786 Ridgewood Road East, stated that a lot of the comments the Board has brought up he had planned to bring to their attention. There are several houses in Northridge that have pretty good sized porches on them.

Mr. Bryan stated that he has lived in Northridge since 1989 and raised four daughters there. He also stated that he has three grandchildren. Most of the porches in the area are very small and hardly large enough for two people. The deck was built due to the large family. He stated that he is retired and likes to enjoy time outside.

Mr. Bryan stated that he has never been more proud of his house than he is since he built the porch. If he would have known that someone would complain about it, which he assumes that someone did, he would have started taking names and comments about the porch way before he did. Many people walk up and down street and comment how much they love the porch and that they wish they had one and could afford one.

Mr. Bryan also stated that the corner of the porch is sitting right on the edge of his old sidewalk. The sidewalk has been repaired two times since he has lived there. Upon retirement he came into some money and decided to cover the sidewalk up with the porch.

Mr. Bryan commented on the letter that was sent out to the surrounding neighbors asking if they were for or against the porch. A few of the neighbors brought the letter to his attention. Mr. Bryan presented a list to the Board of about 20 people that live on his street. He has not found one person that did not like the porch.

Mr. Bryan commented on one of the photos that he presented to the Board that shows the old porch and the little round garden in front of the house. The garden is still there and he mows the same amount of grass that he always has.

Mr. Bryan stated that he had talked with Mr. Neimayer about the fact that a roof is over the porch and that three sides of the porch cannot be enclosed. He presented a paper to the Board stating that for as long as he lives at the property he solemnly swears that under no circumstances he will ever enclose any one of the three sides of the porch as long as he lives at 4786 Ridgewood Road East. He signed the paper and gave it to Mr. Neimayer.

Mr. Bryan read a statement that his wife wrote stating that as property owners at 4786 Ridgewood Road East have expanded the front porch due to many years of repairing the sidewalk in front of their home. Also, due to wanting to spend time with children and grandchildren as we get older they needed a larger porch.

Mr. Wallace asked Mr. Bryan if he found any surrounding neighbors that opposed the porch.

Mr. Bryan responded that he did not.

Mr. Smith asked Mr. Bryan if he submitted the photos to the Board of the other houses in Northridge with porches and asked if they were on the same street.

Mr. Bryan stated that some of the photos were taken on other streets in Northridge such as Montego, Corona, and Helena.

Chairperson Greenwood asks if there were any further questions. There were none.

Chairperson Greenwood asks if there was anyone else that would like to speak in favor of this case.

Mr. Steve Spencer, whose address is 4760 Ridgewood Road East, stated that he lives three doors down from Mr. Bryan and has lived in his home for 43 years. He also stated that Mr. Bryan has been his neighbor for 25 of those years and what he has done to his house is for the convenience of his large family and extended family.

Mr. Spencer commented that he envies Mr. Bryan for having the ability to build the porch. He believes the porch to be an asset to the neighborhood. Mr. Spencer stated that Mr. Bryan has done a good job and is a good neighbor. He snow blows the sidewalk and many neighbors driveways.

Chairperson Greenwood asks if there was anyone else that would like to speak in favor of the case. There were none.

Chairperson Greenwood asks if anyone would like to speak in opposition of the case. There were none.

Chairperson Greenwood closes the public portion of the hearing at 2:43 pm.

Mr. Wallace stated that this is a tough case. He wanted to applaud the inspectors who identified the problem.

Mr. Smith asks Mr. Neimayer if he was familiar with the other setbacks in other areas of Northridge.

Mr. Neimayer responded that Northridge was built by the same developer. Depending on how they were setting the lots and the density he suspected that the setbacks were similar but they could be slightly different.

Mr. Wallace stated that what really jumps out in this case is the extent of support from his neighbors for what was a violation. It appears that sometimes we need to get out of the way of good ideas.

Mr. Spurlock stated that this will send a message to anyone in the whole county that they can do this, not only Northridge.

Mr. Wallace replied that is true with one exception. The Board is not saying that this is a precedent.

Mr. Neimayer stated that there have been other cases where a structure encroaches into the setback. Some of those cases were actually detached garages that were clearly in the front yard of the house. The point that he would like to make is that every case that will come before the Board will have its own set of circumstances and reasons why an Applicant is looking for an exception to the rules.

Mr. Wallace stated that he agreed and that the Board has to look at each case individually as they come in.

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

**BZA: 6-24-2014: BZA-2014-10~ Variance Case ~ David Bryan ~ Located at 4786 Ridgewood Road East ~ Moorefield Township**

Motion by Mr. Smith, seconded by Mr. Minard, to **Approve** the Variance as requested.

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

**No: Mr. Spurlock.**

***Motion carries.***

## **STAFF COMMENTS**

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

## **ADJOURNMENT**

Chairperson Greenwood asks for a motion for adjournment.

**BZA: 06-25-2014 ~ Adjournment**

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

***VOTE: Motion carries unanimously.***

The meeting was adjourned at 2:56 pm.

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Tim Greenwood, Chairperson

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