

Minutes

Clark County Planning Commission

Regular Meeting ~ 2:00 p.m.
Wednesday, August 7, 2013

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Ms. Jo Anderson, Chairperson of the Clark County Planning Commission of Clark County Ohio, calls the meeting to order at 2:00 p.m.

Present:

Mr. Steve Hopkins, Mr. David Minard, Mrs. Nora Parker, Mrs. Charlene Roberge
Ms. Jo Anderson, Mr. Ron Lyons, Mr. Jim Burkhardt, and Mrs. Elaine Stevenson.

Absent: Commissioner Detrick, Commissioner Hartley and Commissioner Lohnes.

Chairperson Anderson asks if there are any comments regarding the minutes. Hearing none, asks for a motion to approve the minutes.

CPC: 8-20-2013: Minutes ~ July 10, 2013 ~ Regular Meeting

Motion by Ms. Parker, seconded by Mrs. Roberge, to approve the minutes as presented.

VOTE: Motion carried unanimously.

Z-2013-4: Rezoning Case ~ Francis Weaver – Property located at 4504 Springfield Xenia Rd ~ Green Township ~ R-1 (Rural Residence District) to O-1 (Office Business District)

Mr. Neimayer, Senior Planner, presents several maps and exhibits of this case and states that the subject property consists of 0.95 acres. The request is to rezone the property from R-1 (Rural Residence District) to O-1 (Office Business District). This request was originated from a zoning code enforcement complaint. The property is located at 4504 Springfield Xenia Road in Green Township. The surrounding properties are zoned A-1 (Agriculture) and R-1 (Rural Residence).

Mr. Neimayer presents pictures to the Board members that were taken by code enforcement of what the property looks like and explains the complaint was operating a business and cars being parked in the front yard and in the road right-of-way. Code enforcement sent letters to the owners without success. The Prosecutor's Office sent a letter to the owner's attorney and now the owner is applying for the rezoning.

The Clark County Zoning Regulations state:

Chapter 5, Section A, 1, b)

All parking areas, adjacent aisles and driveways are to be a paved surface. Exempt from this regulation are agricultural uses and single and two-family residences. Access drives and parking lot areas must be five feet from side or rear lot lines and no closer than ten (10) feet to the right-of-way or proposed right-of-way.

There are parking space requirements based on the type of use, the formulas are based on the square footage of the building. Also, there is screening and lighting regulations, screening in particular since the surrounding land uses are residential.

The property was used in the past as a residence and office and then only as an office. There is a detached garage in the rear yard that is used for the business. There is a dual access drive off State Route 68. The northern access point appears to be shared with the neighbor to the north.

Parking can be in the front as long as a setback of 10 feet is maintain from the right-of-way. There appears to be an area in the front that can be used for parking, but it is unclear at this time if it will be enough not knowing how many spaces are required. Parking could be accommodated behind the house as long as it does not interfere with the well, septic and leach field.

The property is located in the Springfield-Beckley Municipal Airport Overlay Zoning – District 3. There are not special requirements unless they increase the height of the building.

The Crossroads Land Use Plan identifies that area as Agricultural/Residential which reads:

“Predominantly rural portions of the County, where agriculture should remain the priority, are designated as Agricultural/Rural Residential. This designation emphasizes agriculture as the dominant land use, but also recognizes that residential uses are appropriate if very low density in character (less than one dwelling per two acres – gross density) and/or clustered to preserve significant open space features (such as prime agricultural soils)”. “Agriculture/Rural Residential is most appropriate in portions of Bethel, German, Green, Harmony, Mad River, Madison, Pike and Pleasant townships”.

The O-1 District restricts permitted and conditioned uses to office only. There are no conditional uses under the O-1 District.

The Staff recommends the Applicant’s request to rezone the subject 0.95 acres from R-1 (Rural Residence District) to O-1 (Office Business District) be approved subject to the following: 1) the Applicant gets an updated zoning certificate showing compliance with off-street parking requirements including necessary screening; the Health District has to give their approval before a zoning certificate can be issued; 2) the Applicant complies with stormwater management regulations; 3) the Applicant gets an updated certificate of occupancy (change of use) per building code regulations.

In researching the property he did not find any previous zoning changes or building change of use.

The County Engineer's office has reviewed the rezoning request and defers it to the Health District and Planning Staff.

Chairperson Anderson asks if the Board has questions for Staff.

Mrs. Stevenson expresses her concerns that there was not a report from the Health District.

Mrs. Stevenson questions if the Applicant is the owner of the business.

Mr. Neimayer comments yes. Mr. Weaver is present to answer any questions.

Mrs. Stevenson asks how many years the business has been in operation.

Chairperson Anderson asks the Applicant to comment.

Mr. Frank Weaver, whose address is 4504 Springfield Xenia Road, states he has owned the property since 1994. It was his residence until he moved and then rented the residence but did not have the business at this location. He has had the business since 1994 but moved back to this location in 2006/2007. He had to either use it for his business or rent it out but due to it being under water but cannot afford to rent it. No one resides here. He uses it for his business.

Mr. Lyons asks what the zoning complaint was.

Mr. Weaver comments he did not know. As for the parking, he is going to start having his employees drive their trucks home and meet at the job sites.

Mr. Terry Shaffer, Clark County Zoning Code Enforcement, states the complaint was parking in front yard and operating a business out of a residence.

Mrs. Parker asks since he plans to change the parking situation will it change the requirements.

Mr. Neimayer explains no. A parking area still has to be provided.

Mrs. Parker comments the number of vehicles is not the problem. It does not meet the zoning regulations for a business use.

Mr. Neimayer comments the biggest complaint was the business vehicles and the employee vehicles being parked in the front yard and in the road right-of-way. Although there might still be a couple of cars for the people working in the office, most of the vehicles will be on the job sites which will make a large improvement.

Mrs. Parker questions if he provides the off-street parking area and starts parking back at the business will he still be in compliance.

Mr. Neimayer states yes, as long as he is within the parking requirements.

Mrs. Stevenson states she is pro business and especially for small business. However, she feels the surrounding neighbors property values have significantly been damaged by this violation. There were fourteen vehicles in the front yard when she drove by today. It is a very narrow lot and the residences are very close. She does not feel O-1 Zoning fits this request. She questions where the product is stored and disposed of. She questions if Ohio EPA has jurisdiction over painting companies.

Mr. Weaver comments any materials are disposed of according to the Ohio EPA standards. The materials are not disposed on this property. A refuse company picks up the materials once it is dry. The products are stored in the basement on the premises, there is usually 20 to 50 gallons on the premise.

Mrs. Stevenson wonders how many employees Mr. Weaver employs.

Mr. Weaver states he has twelve employees at this time and in the winter it decreases.

Mr. Lyons feels since he is going to change the policy of parking the cars, it will help the situation. He is for small business owners.

Mr. Weaver comments he would move the business but financially it is unfeasible. He does not feel his property degrades the surrounding properties. He comments there are other businesses in the area that people are not aware of.

Mrs. Stevenson believes he should report these since it is strictly a residential area.

Mr. Weaver states his neighbors love having his business there rather than him renting the house out.

Mrs. Stevenson questions why it was so difficult for code enforcement to reach him.

Mr. Weaver comments he did not receive the letters except the one from the prosecutor's office which came certified.

Mrs. Stevenson comments on the fact he seems to have a good business and does not understand why the house is under water.

Mr. Weaver explains he is just able to making a living, it is a struggle. He is trying to comply with the zoning regulations now.

Mrs. Parker questions if they approve the zoning change with the three conditions, is there a timeline which he would have to meet.

Mr. Neimayer comments there is but not a definite date. Since there is a zoning violation, it has to be resolved in a reasonable time. It will take a while since there are several steps that will have to be made. If he does not follow thru, it will go back to code enforcement and the prosecutor's office.

Mr. Minard wonders if the public would be visiting this location or is it just employees.

Mr. Weaver comments it is just employees.

Mr. Minard comments Aqua Falls in Enon was permitted to have a gravel drive for truck use only and wonders if this would work in this situation.

Mr. Neimayer comments Aqua Falls had to obtain a variance and their property is located within the flood plain which could have had a negative impact on the area. The zoning regulations require a dustless type surface: asphalt, concrete, brick pavers, etc. If the Applicant wanted to go that route he would have to apply for a variance. It will also depend on the stormwater runoff calculations.

Mr. Minard comments he lives down the road and there has not been any problem with traffic in this area.

Ms. Anderson comments the updated zoning certificate will handle the parking which is a concern. But, will the change of use permit check on the quantity and type of materials housed at this business and also the use of the business.

Mrs. Laura Allen, Clark County Community Development, comments when the Applicant applies for a change of use, they take into consideration the type of use and what is being stored in the building before a Certificate of Occupancy will be issued.

Mrs. Roberge comments she will abstain since she has used the Applicant's services in the past.

Mr. Lyons asks Mr. Neimayer to put up the slide showing the three stipulations if the zoning request is approved.

Hearing no further questions, Chairperson Anderson asks for a motion.

CPC: 8-21-2013: Z-2013-4: Rezoning Case ~ Francis Weaver ~ Property located at 4504 Springfield Xenia Rd ~ Green Township ~ R-1 (Rural Residential District) to O-1 (Office Business District)

Motion by Mr. Lyons, seconded by Mr. Burkhardt to recommend **Approval** to the Rural Zoning Commission of rezoning case Z-2013-4 from R-1 to O-1 subject to the following: 1) the Applicant gets an updated zoning certificate showing compliance with off-street parking requirements including necessary screening; 2) the Applicant complies with stormwater management regulations; and 3) the Applicant gets an updated certificate of occupancy (change of use) per building code regulations.

Vote: **Yes:** Mr. Hopkins, Mr. Lyons, Mr. Minard and Mr. Burkhardt
 No: Mrs. Stevenson and Mrs. Parker

Abstain: Mrs. Roberge

Motion carried.

Zoning Regulations – Proposed Amendments ~ Chapters 8 thru 9

Mr. Neimayer proceeds to Chapter Eight Supplementary Regulations, which are mostly editorial changes. He explains on Page 8-6 Table 8.1 Accessory Building Development Standards this table is how large an accessory structure can be based on the size of the lot. In the past several years there have been several variance requests filed with the Board of Zoning Appeals and a majority have been approved. He feels this table needs to be changed. The BZA has indicated the table needs to be changed – the size allowed. The proposed numbers were based off an average of what the BZA had approved. The BZA discussed this matter at their last meeting and feels the first two categories need to be changed but the rest are too large. He asks for any feedback to pass onto the BZA Board.

Mr. Neimayer comments the rest of the chapter is editorial changes.

Mrs. Stevenson questions if the square footage is for the footprint of the building.

Mr. Neimayer states it is. With the exception of the under one acre, the other categories can have as many structures as long as it does not go over the maximum square footage.

Mrs. Stevenson questions how small of a lot can this apply to, for under an acre lot.

Mr. Neimayer comments as long as it is a recorded lot, we cannot require them to get additional land. Depending on where the utilities are determines what size of a structure they would be able to have.

Mrs. Roberge comments she feels the first three categories need to be changed but the last three the sizes go up dramatically. She thinks the last three categories should stay the same or even just add a smaller square footage.

Mrs. Stevenson comments that could work especially if you have a large lot with several large structures like a farm.

Mr. Neimayer comments a few years ago the BZA approved a building over 10,000 square feet. It was a pole barn with an indoor riding arena.

Mrs. Stevenson comments you do not want to limit it especially for a farm.

Mr. Neimayer comments farms are agricultural exempt, as long as the building is used for farm use only it is exempt from local zoning.

Mrs. Roberge comments it would be more for business, etc.

Mr. Neimayer explains they have been approved for storing RV's, lawn equipment, antique cars, etc.

Mrs. Roberge comments 9,000 square feet is too high since it will not be used for farms.

Mr. Neimayer comments currently the maximum size for a five acre lot is 4,800 square feet. They have had some people come in with 8 to 12 acres and are upset because of the total square footage allowed. He is proposing a formula to increase the additional square footage per the number of acres over five.

Mrs. Stevenson comments she feels if you have enough acreage they should be able to have a large building as long as they are in compliance with the zoning regulations.

Mrs. Roberge and Mr. Lyons agreed.

Ms. Anderson comments they could apply for a variance.

Mrs. Stevenson feels they would be getting caught in the bureaucracy and did not feel that was right.

Mr. Neimayer comments maybe every five acres you increase the square footage.

Mrs. Roberge comments keep it 4,800 instead of 9,000 and with every five acres you get an additional 1,000 or 1,500 square feet.

Mr. Neimayer comments he is looking for direction from the BZA since they are most affected by this change and appreciate this Board's comments and will pass them on.

Mrs. Stevenson comments she is less concerned about the size but concerned about compliance with the zoning regulations. She feels zoning is in place for a purpose and not to damage the property owners.

Mr. Neimayer proceeds to Chapter Nine Administration and Enforcement. This chapter has been reorganized to go in order with the administration of the zoning regulations. The rest is editorial changes.

Mrs. Roberge expresses her thanks to the Staff for all their hard work.

Mr. Neimayer comments he has found a few more items that need to be changed and will go over them as soon as he has more information. He is hoping to have the Rural Zoning Board start the formal adoption at next week's meeting.

Staff Comments

Mr. Neimayer stated a new rezoning case has been filed and confirmed the September meeting will be on Wednesday, September 4, 2013.

Mr. Neimayer explained the new e-mail agenda process changes. He will be e-mailing the agendas to the Board members.

Mrs. Parker and Mrs. Roberge likes having the minutes separate from the staff reports.

Mrs. Roberge comments the Staff could put in the e-mail how many attachments have been sent.

Mrs. Stevenson would like to see if the Staff can send the minutes out as soon as they are done so the Board members can review them especially if a member was not in attendance at that particular meeting to be up-to-date.

Mrs. Stevenson asks Mr. Neimayer for updates from previous recommendations.

Mr. Neimayer states the auto repair case on Sycamore Street was approved by the County Commission on July 30th. The rezoning case for the auto sales on Springfield-Xenia Road was recommended for approval by the Rural Zoning Commission. It will be forwarded to the County Commissioners in the next two weeks.

Adjournment

CPC: 8-22-2013: Adjournment

Motion by Mrs. Parker, seconded by Mr. Lyons, to adjourn the meeting.

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:52 p.m.

Ms. Jo Anderson, Chairperson

Mr. Thomas A. Hale, Secretary