

# **Minutes**

## **Clark County Rural Zoning Commission**

Regular Meeting ~ 9 a.m.  
Thursday, January 10, 2019

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

Mr. Ken Brust, Chairperson of the Clark County Rural Zoning Commission of Clark County Ohio, called the meeting to order at 8:58 a.m. and asked for the Roll Call.

Present For Roll Call: Mr. Ken Brust, Mr. Wayne Leis, Mr. John Hays, Mr. Bob Jurick, Mr. Pete Lane and Mr. Larry Spahr.

Absent For Roll Call: None.

Chairperson Brust asked if there are any comments regarding the minutes. Hearing none, he asked for a motion to approve the minutes.

### **Approval of the December 13, 2018 Minutes**

Motion by Mr. Lane, seconded by Mr. Jurick, to **Approve** the minutes as presented.

**VOTE: Yes:** Mr. Lane, Mr. Jurick, Mr. Brust, Mr. Leis, Mr. Hays, and Mr. Spahr.

**No:** None.

***Motion carried.***

### **Motion to Remove Case #Z-2018-03 from the table**

Motion by Mr. Lane, seconded by Mr. Jurick, to **Remove** case #Z-2018-03 from the table.

**VOTE: Yes:** Mr. Lane, Mr. Jurick, Mr. Brust, Mr. Leis, Mr. Hays, and Mr. Spahr.

**No:** None.

***Motion carried.***

### **Rezoning Case: #Z-2018-03 ~ Property Owner/Applicant: Neil Stemen ~ Location: 205 Sycamore St.; Bethel Township ~ Request: to rezone 0.37 acres from R-2A to B-3S to allow for an office, residence and auto repair facility for an offsite business.**

Mr. Allan Neimayer, Senior Planner, stated the subject property is located at 205 Sycamore St. and consists of 0.37 acres. The property is currently zoned R-2A (Medium Density Single-Family Residence District). The Applicant owns an appliance repair business operated at an off-site location. His grandson lives at the subject property and also performs maintenance work on the vehicles used in the Applicant's appliance repair business. Per the Applicant, work on the vehicles is done inside the garage. Due to a zoning complaint on the use at the subject property, the Applicant is requesting to rezone the property from R-2A to B-3S (General Business District, Specific Use) to allow the use of the property for an office, residence and auto repair facility for the Applicant's off-site business.

Mr. Neimayer reviewed the following land uses as defined in the zoning regulations: Automotive Repair, Automotive Body Shop, and Automotive Service Station. Per zoning definitions of these land uses, the B-2 District or B-3 District can work to achieve the Applicant's intended uses.

Mr. Neimayer explained the CONNECT Clark County Land Use Plan identifies the subject area as Suburban Living, Low Intensity, while properties along Main St. in Medway are identified as Mixed-Use, Low Intensity. He noted the subject property serviced by public sanitary sewer and on-site well.

Mr. Neimayer summarized Rezoning Case #Z-2013-02, regarding the rezoning of 204 Sycamore St. from R-2A to B-3S to allow a single-family residence plus a collision center (minor repair) business. That business has operated at that location since 1968. Staff had recommended that rezoning case be denied as it would “bring a business use into an established residential zoned district.” The original zoning for the Medway area was to have business uses located along Main St. leaving the area north of Main Street as residential. The same Applicant later purchased the adjacent property to the north and subsequently got approval to also rezone it to B-3S (extending the same Specific Use designated uses). In light of those prior rezoning cases, Staff recommends rezoning the subject property to either B-2S (Community Business District) or B-3S (General Business District) with the Specific Use designation limiting use of the property to office, residence and auto repair facility for the Applicant’s off-site business.

The Board had asked about screening at the last meeting. Mr. Neimayer said he found some exceptions. Non-residential must be paved except is agricultural or parking with single family residence. He reviewed setback requirements proceeded to explain the measurement of the triangle and restriction of any interference. Chairperson Brust stated that was just for fixed structures and the asked about vehicles.

Mr. Lane asked if the visibility triangle applied to both residential and non-residential. Mr. Neimayer responded both. Chairperson Brust stated some vehicles are taller and could block the view.

Mr. Spahr asked if the 6 vehicles are specific to the parking area. Mr. Neimayer responded the parking area can be extended or relocated on the property.

Chairperson Brust noted there was a letter from Township Trustees to recommend denial.

Chairperson Brust opened the public hearing at 9:09 am. and asked if the Applicant wished to speak.

Neil Stemen, Applicant, 205 Sycamore Street, was sworn in. Mr. Stemen stated he does not know how the final decision is made, but if granted, he said you will not even know a business is going on. He stated everything is in the garage. He stated he had no signage. He noted there are 8 vehicles in the neighbor’s front yard.

There were no questions for the Applicant. With no one else to speak in favor of the case, Chairperson Brust asked if there were any audience members wishing to speak against the case.

David Arnold, 103 Third St., was sworn in. Mr. Arnold stated he owned the property in question until 2001. He stated in bought in Medway due to no income tax and he liked the bedroom community. He stated it is a great town and he wished to see it maintained. He stated if someone wants a business, there are other locations. He explained after the property was sold to the current owner, there have been more vehicles on the property. He stated cars are parked everywhere even blocking the intersection. Mr. Arnold stated he wanted to make sure all rules and regulations apply. He also noted that he called the EPA because there is an open drain. He noted all the people in Medway have wells and need to make sure the water is clean. He felt the business would require onsite water retention. Mr. Arnold stated it was better for the community if it is left as residential.

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Carol Arnold, 103 Third St., was sworn in. Mrs. Arnold stated her concern was property values. She stated the subject property was once nice and the vehicles bring the value down. She stated it will get worse if rezoned, because it is not maintained now. She noted well water is also a concern.

Nancy Brown, Bethel Township Trustee, was sworn in. Mrs. Brown stated the Township Trustees had several discussions concerning this case and feel that using the rezoning of 204 Sycamore St. as a guide is not appropriate because that use has been there for 50 years. Mrs. Brown stated that property should have been included in the initial zoning map. She stated this request is different. She did not know there was a business there. Third Street is platted but not developed or maintained by the Township. She stated the Arnolds previously approached the Township Trustees asking for it to be paved, but Third Street is on a non-maintained status. The fact that it is a road is because the Arnold's put in gravel. Mrs. Brown stated there was talk about vacating Third Street, but the school did not agree. She stated the Township Trustees looked at this as setting another precedent. It is changing the residential community. She noted it is not in the best interest for Medway. She stated the Township Trustees are looking at the bigger picture.

Chairperson Brust asked for any further comments. There were none.

Chairperson Brust closed this public hearing at 9:26 a.m.

**Action on Rezoning Case: #Z-2018-03 ~ Property Owner/Applicant: Neil Stemen ~ Location: 205 Sycamore St.; Bethel Township ~ Request: to rezone 0.37 acres from R-2A to B-3S to allow for an office, residence and auto repair facility for an offsite business.**

Motion Mr. Jurick, by seconded by Mr. Lane, to **Approve** the requested as presented.

**VOTE: Yes:** None.

**No:** Mr. Jurick, Mr. Lane, Mr. Leis and Mr. Hays.

**Motion defeated.** A recommendation to deny the rezoning request will be forwarded to the County Commissioners.

Mr. Jurick asked if there could be a requirement to have communication from the township trustees before going County Planning Commission or Rural Zoning Commission. Mr. Neimayer stated the communication is set, but there is not always feedback.

Chairperson Brust stated in this case he felt the Board owed it to Bethel Township Trustees to get their comment.

Mr. Neimayer commented the area needs to be looked at on a broader scale. He noted other persons have been interested in businesses uses in the area.

Mr. Lane asked about vehicles in the grass (property across the street). Mrs. Jennifer Tuttle explained that zoning for residential does not require a parking area to be paved, nor does it say cars cannot be parked in the grass. She explained as long as they are licensed and operable they can be parked on the property. She also noted zoning does not limit the number of vehicles you can own.

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### **Land Use Regulations**

Mr. Neimayer stated the group was still working on the land use updates and the group was meeting later this month. He stated there will be a public hearing for the format change and then later in the year a public hearing for the proposed amendments.

### **Election of officers**

Motion by Mr. Leis, seconded by Mr. Spahr, to **elect** Mr. Brust as Chair and Mr. Hays as Vice Chair.

**VOTE: Yes:** Mr. Leis, Mr. Spahr, Mr. Jurick, Mr. Lane, Mr. Hays and Mr. Brust.

**No:** None.

***Motion carried.***

### **Adjournment**

Motion by Mr. Hays, seconded by Mr. Spahr, to adjourn.

**VOTE: Motion carried unanimously.**

The meeting was adjourned at 9:51 a.m.

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Mr. Ken Brust, Chairperson

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Mr. Thomas A. Hale, Secretary