

Minutes

Clark County Rural Zoning Commission

Regular Meeting ~ 9:00 am
Thursday, January 16, 2020

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Mr. Ken Brust, Chairperson of the Clark County Rural Zoning Commission called the meeting to order at 9:01 am. and asked for the Roll Call.

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

Absent For Roll Call: Mr. John Hays.

Chairperson Brust explained how the meeting will be held.

Chairperson Brust asked for the approval of the minutes.

Approval of the December 12, 2019 Minutes

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

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

No: None.

Motion Carried.

Rezoning Case #Z-2020-01 ~ Property Owners/Applicant: Dan & Melanie Phillips ~ Location: 6335 Fletcher Chapel Rd., Harmony Twp. ~ Request: To rezone 6.96 acres from A-1 to PD-R (Planned District- Residential) to allow for two separate dwellings on the same parcel.

Mr. Allan Neimayer, Senior Planner, stated that the subject property is located at 6335 Fletcher Chapel Rd. and consists of 6.98 acres. The property is currently zoned A-1 (Agricultural District). The Applicant would like to rezone the property to PD-R (Planned District- Residential) to allow for two separate dwellings on the same parcel. Under section 808.10, only one (1) single-family dwelling shall be permitted on a parcel of land in the A-1, R-2, R-2A or R-2B zoning districts.

Mr. Neimayer reviewed the recent history regarding this second dwelling. In January 2016, a zoning certificate and building permit were issued for an addition to an existing detached garage. Upon an electrical inspection in January 2017, it was discovered that the existing detached garage was torn down and a new building was built as a second dwelling without proper zoning and building approvals. On January 18, 2017, Zoning Certificate #PZC17-006 was approved to remove a 24 ft. by 24 ft. old detached garage and to construct a new 24 ft. by 40 ft. non-habitable detached garage using existing foundation. On February 24, 2017, revised building plan approval #PB16-0023 was issued for storage only, second story not approved for use. In October 2019, the Zoning Office received information that this new building is being used as a second dwelling. Upon investigation it was determined said use is in violation of Zoning Code Section 808.10. In November 2019, both zoning and building code violation letters were issued to the property owner, the request for rezoning was filed on November 25, 2019.

The CONNECT Clark County Land Use Plan identifies this area as Rural/ Agricultural: Areas that are primarily in agricultural use and include single-family residential, agricultural-related buildings, and civic uses. There is no floodplain in the immediate area of the subject property. There are no public utilities in the immediate area of the subject property. The current right-of-way of this section of

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Fletcher- Chapel Road is 60 ft., 30 ft. from centerline. The Thoroughfare Plan identifies Fletcher- Chapel Road as a Collector Road with a 60 ft. ROW.

Staff Recommends the Applicant's request to rezone the subject property from A-1 to PD-R be approved as presented.

The County Planning Commission met on January 8, 2020 to hear this rezoning case. Following discussion the CPC passed a motion recommending to the Rural Zoning Commission that the Applicant's request to rezone the subject property from A-1 to PD-R be approved as presented.

Mr. Spahr asked does future development need to be done prior to the building of the 2nd dwelling. Mr. Neimayer responded no. They just need to follow proper procedure for building and zoning. Mr. Lane asked, when you have two residences does the Health Department get involved with sewer arrangements. Mr. Neimayer responded we have not heard from Health Department. I will defer to the Applicant because that also came up at the County Planning Commission meeting.

Chairperson Brust opened the public hearing at 9:06 am.

Dan Phillips, Applicant, 6335 Fletcher-Chapel Rd. was sworn in. Mr. Phillips stated that they wanted to make sure that they get this done right. He stated that when starting this project it was going to be my shop garage. My daughter and her husband lived with us and were going to finish the basement for them. Once we got into the project we decided to make the garage into a mother in-law suit. We found out we could not call it that as it had to be attached to our house for an in-law suit. Although I have contacted the Health District about the well and septic, but this (rezoning) is our first step. Then I can take care of the rest.

Garry Snyder, 6338 & 6330 Fletcher Chapel Rd., was sworn in. Mr. Snyder asked if more houses were going to be built. Chairperson Brust responded no. Mr. Phillips has his existing home and he needs approval to make the garage into living space (a separate dwelling). Now there are other (non-habitable) buildings that could be built in the future.

Mr. Snyder asked if the septic is all tied together? Mr. Phillips responded yes; as of right now yes. But, but the Health Department is going to let me know what I need to do.

Mr. Snyder asked, so if the rezoning is approved, is he able to build properties and homes on the backside of the parcel? Mr. Neimayer responded that would require another rezoning process like we are doing today. Mr. Spahr added, so basically he could not build without coming back here first. Mr. Snyder replied, ok.

With no one else in the audience to speak in favor of or opposed to this rezoning case, Chairperson Brust closed the public hearing at 9:12 am.

Action on Rezoning Case #Z-2020-01 ~ Property Owners/Applicant: Dan & Melanie Phillips ~ Location: 6335 Fletcher Chapel Rd., Harmony Twp. ~ Request: To rezone 6.96 acres from A-1 to PD-R (Planned District- Residential) to allow for two separate dwellings on the same parcel.

Motion by Mr. Leis, seconded by Mr. Spahr, to **Approve** the Applicants rezoning request as presented.

VOTE: Yes: Mr. Leis, Mr. Spahr, Mr. Lane and Mr. Jurick.

No: None.

Motion Carried.

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Chairperson Brust asked Staff to present the next case.

Case #Z-2020-02 ~ Property Owner/ Applicant: ARDDBPP Homes LLC, Larry Pegram~ Location: 4034 Dayton-Springfield Rd., Mad River Twp. (PIDs# 180-06-00021-000-051 and #180-06-00021-000-066) ~ Amended Request: To rezone 10± acres from A-1 to B-2 to allow for a 2.37+ acre lot split for Jenks Electric, and for future expansion of the Applicant's business at 4020 Dayton-Springfield Rd.

Mr. Neimayer stated that the subject property is located at 4034 Dayton Springfield Rd. and consists of two parcels: #180-06-00021-000-051 and #180-06-00021-000-066. The subject property consists of 10± acres and is currently zoned A-1 (Agricultural District). The front of Parcel #180-06-00021-000-051, along with the front of the adjacent Parcel #180-06-00021-000-038, has been used in the past for commercial business. Jenks Electric is interested splitting off this area, approximately 2.37 acres, for their business. This proposed lot split is subject to this rezoning approval. The remainder of the subject property, plus the remainder of Parcel #180-06-00021-000-038, would be combined to avoid having a land locked parcel.

The CONNECT Clark County Land Use Plan identifies this area as Rural/Agricultural: Areas that are primarily in agricultural use and include single-family residential, agriculture-related buildings, and civic uses. There is no floodplain in the immediate area of the subject property. There are no public utilities in the immediate area of the subject property. The current right-of-way of this section of Dayton-Springfield Rd. is 60 ft., 36 ft. from centerline to the subject property. The Thoroughfare Plan identifies Dayton-Springfield Rd. as a Primary Arterial with a 100 ft. ROW.

Staff recommends the Applicant's amended request to rezone the subject property (10± acres) from A-1 to B-2 be approved as presented. The current and future property owners are hereby informed that access drives to Dayton-Springfield Rd. are subject to review and approval by the Clark County Engineer's Department.

The County Planning Commission met on January 8, 2020 to hear the Applicant's amended rezoning request. Following discussion the CPC passed a motion recommending to the Rural Zoning Commission that the Applicant's request to rezone the subject property (10± acres) from A-1 to B-2 be approved as presented.

Mr. Jurick asked, the letter from the County Engineer's Office talks about one acre. Mr. Neimayer responded their letter refers back to the original request, which was rezoning approximately one acre. At the County Planning Commission meeting, the Applicant had mistaken the lot lines, so now the request is for 10± acres. This amended request does not change the intent of the County Engineer's Office's letter regarding access points. Mr. Spahr asked, they want to eliminate one of the access points? Mr. Neimayer responded yes.

Mr. Jurick asked, given that we want to keep that Agricultural as much as we can, it seems like we really only have to rezone two acres that needs the "B" zoning. Why rezone the other acres as non-Agricultural. Mr. Neimayer responded, the Applicant is planning for a future expansion of his current facility, which will also need rezoning.

Mr. Jurick asked, when it was Green Vista, was it under A-1 zoning? Mr. Lane answered yes. Mr. Jurick asked, is the implication that all 10 acres would need to be used for the business. Mr. Neimayer responded not for Jenks Electric. He added, the Applicant is not sure what his future expansion will be. He is just doing some land use planning at this point. Mr. Lane asked, what the current business is in the B-4 zone. Mr. Neimayer answered it is a marijuana growing and processing business.

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With no further questions for Staff, Chairperson Brust opened the public hearing at 9:22 am.

With no one in the audience to speak in favor of or opposed to this rezoning request, Chairperson Brust closed the public hearing at 9:22 am. and asked for discussion among the Board.

Mr. Jurick added, I would like to follow up to my question. It still bothers me every time we take land out of agricultural. If the Applicant wanted all 10 acres for business, I guess I could understand that. But it does not look like that is what they are asking for. Can we just do the two acres in B-2? I would rather have that. Mr. Neimayer answered, that is an option.

Chairperson Brust stated, we can make a motion to limit the change to two acres, leaving the other eight acres in A-1. Mr. Neimayer referred to a map showing the proposed 2+ acre lot split for Jenks Electric. The "right side", a little over one acre, is already zoned B-2. The "left side" is currently A-1, also a little over one acre.

Mr. Lane asked, is the rezoning as proposed right now only to change the two acre lot split? Mr. Neimayer responded, the Applicant's amended request is to rezone all 10± acres from A-1 to B-2. What Mr. Jurick is suggesting is to limit the rezoning, from A-1 to B-2, to only that area necessary for the Jenks Electric lot split, 1+ acre.

Mr. Leis asked, are we making it worse by splitting it? I understand Mr. Jurick's point, but on the other side of the coin are we making it more confusing? Mrs. Jennifer Tuttle, Planner, responded by leaving it split zoning it could create issues. Mr. Lane added, in terms of people that brought the request and what they want to do, it does not matter what goes on beyond the two acres. All they are asking is to get proper zoning on their lot.

With no further discussion, Chairperson Brust asked for a motion.

Action on Case #Z-2020-02 ~ Property Owner/ Applicant: ARDDBPP Homes LLC, Larry Pegram~ Location: 4034 Dayton-Springfield Rd., Mad River Twp. (PIDs# 180-06-00021-000-051 and #180-06-00021-000-066) ~ Amended Request: To rezone 10± acres from A-1 to B-2 to allow for a 2.37+ acre lot split for Jenks Electric, and for future expansion of the Applicant's business at 4020 Dayton-Springfield Rd.

Motion Mr. Lane, seconded by Mr. Spahr, to **Approve** the Applicant's rezoning request as presented.

VOTE: Yes: Mr. Lane and Mr. Leis.

No: Mr. Spahr and Mr. Jurick.

Due to a tie vote, Chairperson Brust voted Yes on the motion.

Motion Carried.

Chairperson Brust asked staff to present the next case.

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Case #Z-2020-03 ~ Property Owner/ Applicant: Shane Nugent ~ Location: 204-208 Sycamore St., Bethel Twp. ~ Request: To rezone 0.77 acres from B-3S (General Business District, Specific Use to PD-M (Planned District- Mixed Use) to allow for a single-family residence, body shop repair, and a small car lot (to comply with Ohio law).

Mr. Neimayer stated that the subject property is located at 204-208 Sycamore St. and consists of 0.77 acres. The property is currently zoned B-3S (General Business District, Specific Use). The Applicant's business includes buying and repairing totaled cars from insurance companies and selling them. Ohio law requires the Applicant to get a dealer's license – see Applicant's narrative. Because the current B-3S zoning does not provide for "selling vehicles", the Applicant has filed this rezoning request for PD-M (Planned District-Mixed Use), which will also allow for the rebuilding of the single-family home, if necessary, that under the B-3S zoning is not permitted.

The intent of the PD-M District is to provide flexibility for a variety of land uses arranged in such a way as to develop a plan permitting a mixture of types of buildings and uses in harmony with each other, and to promote an attractive environment that is compatible with surrounding developments.

The CONNECT Clark County Land Use Plan identifies this area as Suburban Living, Low Intensity: Single-family homes arranged along wide, curvilinear streets with few intersections and will either front or back onto shared natural areas. There is no floodplain in the immediate area of the subject property. There are no public utilities in the immediate area of the subject property. The current right-of-way of this section of Sycamore St. is 40 ft., 20 ft. from centerline. The Thoroughfare Plan identifies Sycamore St. /Medway-Carlisle Rd. as a Secondary Arterial Road with an 80 ft. ROW.

Staff recommends the Applicant's request to rezone the subject property from B-3S to PD-M be approved as presented. The Applicant is hereby informed that any future changes (land use or building) require a zoning amendment to this PD-M, if approved.

The County Planning Commission met on January 8, 2020 to hear this rezoning request. Following discussion the CPC passed a motion recommending to the Rural Zoning Commission that the Applicant's request to rezone the subject property from B-3S to PD-M be approved as presented.

Mr. Spahr asked, how would this impact what we did across the street? Mr. Neimayer responded, I do not think it would have any impact on that property. Mr. Spahr trying to clarify stated, if we change the zoning of this property, and the one across the street should be rezoned as well, what kind of impact will this zoning change have on that property? Mrs. Tuttle explained the Specific Use designation has been used in prior years where it was not correct. Staff will be reviewing those prior cases to prepare a recommended list of comprehensive zoning map amendments with the purpose of getting those identified parcels in the correct zoning district.

Mr. Jurick asked about the public utilities and is sewer in that area? Mr. Shane Nugent, Applicant, responded the sewer is right next door.

Mr. Jurick asked if there was any input from Bethel Township Trustees. Mr. Neimayer responded he had a conversation with Nancy Brown, Township Trustee. She expressed concern about the sale of vehicles. Mr. Neimayer explained to her that selling vehicles is not the Applicant's main business. The Applicant's main business is collision repair. She did not say she was in opposition of the rezoning.

Chairperson Brust asked if most of the vehicles sold are pre-sold? Mr. Neimayer responded yes.

With no further questions for Staff, Chairperson Brust opened the public hearing at 9:39 am.

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Shane Nugent, Applicant, 204 Sycamore St. was sworn in. Mr. Nugent stated that what we are doing is putting a new building in. We are only allowed to sell so many cars a year without a dealer's license. Once you cross over that limit, you have to have a dealer's license. A lot of the cars that we rebuild are already sold. We may have five to six cars we do not get rid of that are sitting there, but they are all repaired. The lot will be empty 90 percent of the time. Mr. Nugent explained the body shop and the car lot have to be separate and the wrecked cars have to be behind a privacy fence. I am trying to separate them because you cannot run a car lot out of a body shop. We are in the process of buying the house to the north. We plan to clear that out and have it all be empty all the way up to the sewer station.

Chairperson Brust asked, where do you envision having the fenced in area? Mr. Nugent responded, it is already fenced off, were just going to start brining everything in back behind the fence.

Mr. Jurick asked, if you buy the house next door will you be coming back for another rezoning? Mr. Nugent responded maybe down the road. I do not plan on doing much with it right now besides cleaning it all up.

With no further questions for the Applicant, and with no one else in the audience to speak in favor or in opposition to the rezoning request, Chairperson Brust closed the public hearing at 9:44 am.

Action on Case #Z-2020-03 ~ Property Owner/ Applicant: Shane Nugent ~ Location: 204-208 Sycamore St., Bethel Twp. ~ Request: To rezone 0.77 acres from B-3S (General Business District, Specific Use to PD-M (Planned District- Mixed Use) to allow for a single-family residence, body shop repair, and a small car lot (to comply with Ohio law).

Motion by Mr. Lane, seconded by Mr. Leis, to **Approve** the Applicant's rezoning request as presented.

VOTE: Yes: Mr. Lane, Mr. Leis, Mr. Jurick and Mr. Spahr.

No: None.

Motion Carried.

Staff Comments

Mr. Neimayer stated the next scheduled meetings are February 13 and March 12, 2020.

Mr. Neimayer updated the Board on the outcome of recent cases. He also passed out Draft B of the proposed zoning text Amendments. The Board agreed to hold a work session on January 27, 2020 at 10:00 a.m. to review Draft B.

Adjournment

Motion by Mr. Leis, Seconded by Mr. Spahr, to **Adjourn.**

VOTE: Motion carried unanimously.

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Chairperson Brust re-opened the meeting 10:01 a.m. for the Election of Officers for 2020.

Election of Officers for 2020.

Motion by Mr. Leis, Seconded by Mr. Jurick, to elect Ken Brust as Chairperson and John Hays as Vice Chairperson.

VOTE: Yes: Mr. Leis, Mr. Jurick, Mr. Spahr and Mr. Lane.

No: None.

Motion carried.

The meeting was adjourned at 10:02 am.

Mr. Ken Brust, Chairperson