

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, February 24, 2022

Springview Government Center
3130 East Main Street
Springfield, Ohio 45503

Jerri Taylor, Chairperson of the Clark County Board of Zoning Appeals of Clark County Ohio, called the meeting to order at 2:03 pm. and asked for the Roll Call.

Present For Roll Call: Mrs. Jerri Taylor, Mr. Paul Hazlett, Mr. Rick Smith, Mr. Tom Duffee and Ms. Sandy Forstrom.

Absent For Roll Call: Ms. Greta Wilt.

Also in Attendance: Mr. Allan Neimayer, Mrs. Jennifer Tuttle and Mrs. Rachel Clime-Ricketts of Clark County Community Development.

Chairperson Taylor explained how the meeting will be conducted.

Chairperson Taylor asked if there are any comments regarding the minutes. Mr. Duffee noted the following corrections: Pg. 2, last sentence of 2nd paragraph to read 'courtesy call with ODOT'; Pg. 4, last sentence of 3rd paragraph change 'differ' to 'defer'; Pg. 4 first sentence of the last paragraph change 'permeant' to 'permanent'; and Pg. 5, middle of the 7th paragraph change 'since' to 'sense'. Chairperson Taylor then asked for a motion.

Approval of the January 27, 2022 Minutes

Motion by Mr. Hazlett, seconded by Mr. Duffee, to **Approve** the minutes with the corrections as noted by Mr. Duffee.

VOTE: Yes: Mr. Hazlett, Mr. Duffee and Mrs. Taylor.

No: None.

Abstain: Mr. Smith and Ms. Forstrom.

Motion carried.

Chairperson Taylor asked for the Staff report.

Case #BZA-2022-03 ~ Property Owners/Applicants: Joshua & Morgan Barnett ~ Agent: Christian Salvito ~ Location: 9662 South Charleston Pike., Madison Twp. ~ Request: Variance to Section 808.09.05 to allow for ground mounted solar panels in the front yard, 150.9 ft. from centerline and 1.6 ft. from the side lot line.

Mr. Allan Neimayer, Senior Planner, stated that the subject property is located at 9662 South Charleston Pike and consist of 4.02 acres. The property is currently zoned A-1 (Agricultural District). The Applicant has filed this variance request to allow for ground mounted solar panels in the front yard. Mr. Neimayer reviewed slides of zoning and land use of the subject area. He noted a revised plot plan from the Applicant received March 24, 2022 moving the solar panels closer to the house. Mr. Neimayer reviewed the Health District's comments and referenced a letter received February 24, 2022 from Edward and Jennifer Lehman, 9610 South Charleston Pike (property owners to the immediate north). The Lehman's support the Applicant's variance request.

Chairperson Taylor opened the public hearing at 2:08 pm. and asked if anyone would like to speak in favor of the case.

Josh Barnett, Applicant, 9662 South Charleston Pike, was sworn in.

Chairperson Taylor asked the Applicant if he has explored other options for the solar panels. She stated there is room in the backyard to clear some trees for the solar panels there. The Applicant responded there is a black fence right before the tree line. And the trees are oak trees I do not feel comfortable taking them down. Also, the solar panels need southern exposure so the rear yard is not practicable. Due to the trees there would be no sun on the panels until noon.

Chairperson Taylor then asked about installing the solar panels on the roof. The Applicant responded due to the orientation of the roof, the panels would not get enough sun.

Mr. Smith asked about the size of the panels. The Applicant responded 7 ft. by 3 ft. and there will be a total of 80 panels.

Chairperson Taylor asked what the is height. Mrs. Tuttle passed around the building plans: a 25-degree angle and about 9 feet in height.

Mr. Hazlett asked Mr. Neimayer if there will be an issue with the panels being so lose to the property line? Mr. Neimayer responded when located in the side or rear yard area it would be 15 foot from the lot line. Because the regulations do not address being in the front it is up to the Board.

Mr. Hazlett asked the Applicant if he knew there would be an issue. The Applicant responded yes but we had no other space to put them. Mr. Hazlett, you cannot move them inward on the lot? The Applicant responded I feel like they put them like that because they are facing south.

Mr. Smith asked about other areas to locate the solar panels. The Applicant explained his drainage lines. Mr. Smith stated he prefers the solar panels be located in the rear yard with trees to be removed as necessary. Chairperson Taylor agreed saying there are options to be in the rear yard.

Mr. Duffee asked about the area north of the pool. The Applicant explained the area and use behind the house. He explained where the septic and leach field are located: south and in front of the house.

Ms. Forstrom asked about runoff from the panels. The Applicant explained the lot's drainage to keep the runoff off the neighbor's driveway. He explained a French Drain was installed at the request of the Health District.

Chairperson Taylor stated she is in a dilemma because she does not like that the solar panels would be in front. The Applicant responded both neighbors (north and south) are ok with it.

Mr. Duffee asked north of the swimming pool right behind the house, what is in that area. The Applicant explained there is a barn and a pool house.

With no further questions for the Applicant, Chairperson Taylor asked if there was anyone else who would like to speak in favor of the case. Hearing none, she then asked if there was anyone who would like to speak in opposition to the case. Hearing none, Chairperson Taylor closed the public hearing at 2:28 pm. and asked for Board discussion.

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Chairperson Taylor explained I cannot get around putting those in there and I am against taking down vegetation. I would hate to lose trees. I think other options should be explored.

Mr. Hazlett stated this is a substantial structure too close to the property line.

Mr. Smith suggested the Applicant go back to the contractor and ask if they can rearrange the configuration of the solar panels, make it more compact, and move them to the back. As a contractor by trade I know there are ways around things, the projected savings. I think that back corner just barely into the wooded area. I think the trees could be manicured back.

Mr. Duffee adds, I am not against these in the front yard as much as they are. It is too close to the property line and I sympathize with you.

Ms. Forstrom commented on the Findings Of Facts: she agrees with the Applicant's response to 021.1; 021.2 she feels it is substantial; 021.3 she feels like it would affect the neighborhood. She is concerned with the solar panels located close to the side lot line when the normal setback is 15 ft.; and 021.6 she feels there is room behind the house to locate the solar panels.

Mr. Smith adds, I would go back to the contractor and see if they can do a different configuration. I would be more inclined to support a smaller setback than 15 feet if the panels were more compact.

Chairperson Taylor reopened the public hearing at 2:35 pm.

The Applicant reviewed an option of acquiring additional land from his neighbor to the south whereby the solar panels could be located in the side yard of his property. Mr. Neimayer spoke on the lot split-attachment process. The Applicant stated he is ok with his case being Tabled to allow him to explore other options.

Chairperson Taylor closed the public hearing at 2:40 pm. and with no further questions or comments from the Board she asked for a motion.

Action on Case #BZA-2022-03 ~ Property Owners/Applicants: Joshua & Morgan Barnett ~ Agent: Christian Salvito ~ Location: 9662 South Charleston Pike., Madison Twp. ~ Original Request: Variance to Section 808.09.05 to allow for ground mounted solar panels in the front yard, 150.9 ft. from centerline and 1.6 ft. from the side lot line.

Motion by Mr. Smith, seconded by Mr. Hazlett, to **Table** this variance case for up to six (6) months to allow the Applicant to consider options for locating the solar panels in the side yard.

VOTE: Yes: Mr. Smith, Mr. Hazlett, Mr. Duffee and Ms. Forstrom.

No: None.

Motion carried.

Staff Comments

Mr. Neimayer noted the next scheduled meetings: March 24 and April 28, 2022.

Chairperson Taylor asked for the March 24th work session that front and side yard areas and corner lots be added to the discussion.

Election of Officers for 2022

Motion by Mr. Hazlett, seconded by Mr. Duffee, to elect Jerri Taylor as Chairperson and Rick Smith as Vice-Chairperson for the remainder of 2022.

VOTE: Yes: Mr. Hazlett, Mr. Duffee, Ms. Forstrom, Mrs. Taylor and Mr. Smith.

No: None.

Motion carried.

Adjournment

Motion by Mr. Smith, seconded by Mr. Duffee to Adjourn.

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:50 pm.

Mrs. Jerri Taylor, Chairperson