

# Minutes

## Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.  
Thursday, February 28, 201

Springview Government Center  
3130 East Main Street  
Springfield, Ohio 45505

Mrs. Jerri Taylor, Chairperson of the Clark County Board of Zoning Appeals of Clark County Ohio, called the meeting to order at 2:01 pm. and asked for the Roll Call.

Present For Roll Call: Mrs. Jerri Taylor, Mr. Paul Hazlett, Ms. Janie Riggs, Mr. Rick Smith and Ms. Greta Wilt.

Absent For Roll Call: Mr. David Minard

Also in Attendance: Mr. Allan Neimayer and Mrs. Jennifer Tuttle of Clark County Community and Economic Development.

Chairperson Taylor explained how the meeting will be conducted. She then asked if any Board members needed to abstain from any of the cases. Hearing none, Chairperson Taylor explained there was not a quorum to vote on the January minutes, so their approval will be deferred to the next regular meeting.

Chairperson Taylor announced the Board would hear Case #BZA-2019-02 first.

**Case #BZA-2019-02 Speedway ~ Property Owner: Emro Marketing Company ~ Applicant: PBK Architects: Manny Torres, Karla Castillo ~ Location: 500 Speedway Dr., Mad River Twp. ~ Request: Variance to Chapter 2, Section I) to increase the maximum height from 50 ft. to 66.6 ft. (top of coping) for a new office construction.**

Mr. Neimayer explained the subject property is located at 500 Speedway Dr. and consists of 38.20 acres. The property is zoned I-1 (Industrial District). The owner (Emro Marketing Company/Speedway LLC) is planning construction for a new office building and is seeking a variance to increase the maximum height from 50 ft. to 66.6 ft. (top of coping). Mr. Neimayer reviewed some slides showing the location of the new office construction. Per Chapter 2, Section I, Table 2.6, the maximum height allowed is 50 ft. – 3 stories. Information on this variance request was submitted to Mad River Twp. Fire and EMS for their review. They responded that they have no concerns.

Mr. Hazlett clarified that fire department had no issues with the size of the structure. Mr. Neimayer read the response from Fire Chief Tim Wendling: "My inspections department has reviewed the request and see no reason why you should not proceed forward with your plans."

Chairperson Taylor asked if the height of 66 ft. was from the ground. Mr. Neimayer deferred the question to Applicant.

Mr. Hazlett asked if there were any flight path issues. Mr. Neimayer responded there were no issues for this location.

With no further questions for Mr. Neimayer, Chairperson Taylor opened the public hearing at 2:08 p.m.

Manny Torres, Applicant, PDK Architects, was sworn in. Mr. Torres explained the new building as Building 3. He explained the elevation changes were needed to connect existing Buildings 1 and 2 with the new Building 3. Mr. Torres stated the connection to the buildings requires the elevation change as ¾ split. He stated the new construction is to accommodate approximately 500 employees moving to the campus and allow for a little growth. He stated there some other constraints with the site like topography and soil conditions. He stated it would require extensive excavation build any other way

Chairperson Taylor asked about the top level of Building 3. Mr. Torres responded the top level will have mechanical equipment and the measurement is not included in the total height. He stated the top level is about 10 ft. to 12 ft. in height.

Mr. Smith asked if the first floor continued into the hill. Mr. Torres responded no and explained it ends. The hill acts as a retaining wall.

Chairperson Taylor asked about drainage and if this layout would allow for expansion in the future. Mr. Torres responded if he was asked to develop another building, it would be to develop on the hill. He stated it would require a lot of excavation. He also stated that parking would be maxed out.

Mr. Smith asked if the main reason for the request is to connect the buildings. Mr. Torres responded yes. He stated there is an open bridge that connects an area now. He stated the plan includes enclosing it and building a similar connector to Building 2.

Chairperson Taylor asked about traffic with an additional 500 to 700 employees.

Steve Mikula, Speedway Project Manager, 500 Speedway Dr., was sworn in. Mr. Mikula stated a traffic impact study has been initiated as part of the planning process. He stated once completed, Speedway will have to comply with the study. He stated they had to wait until the study is finished.

Mr. Smith asked for the height from finished grade to the top. Mr. Torres responded 45 ft. on the hill and 65 ft. 10 in. on the lower end. Mr. Smith stated half the building is in violation. Mr. Torres responded yes.

Chairperson Taylor asked if any audience members to speak on this case. Hearing none, she closed the public hearing at 2:17 p.m. at asked for Board discussion.

Mr. Hazlett asked Mr. Neimayer about storm water. Mr. Neimayer responded it is part of engineering plan review by the County Engineer's Department.

Chairperson Taylor asked for clarification on the map showing residential zoned areas. Mr. Neimayer reviewed the zoning map slide.

Mr. Hazlett asked about the A-1 zoned area to the east. Mr. Neimayer identified the cemetery and noted the other area as farmland and woods.

Ms. Wilt stated she appreciated that they are utilizing the existing site.

Chairperson Taylor stated the Applicant is working with the County Engineer on traffic, so she did not see that as an issue. She noted there was minimal impact to the neighbors and also noted the location is good between the two existing office buildings.

Ms. Riggs stated connecting the building is not any different than skyways. She stated the height is not an issue.

Mr. Hazlett stated the design was well planned and they are utilizing space efficiently will little impact to neighbors.

Chairperson Taylor stated they have done a nice job of landscaping in the past and she was sure it would be maintained.

Mr. Smith stated there are topography issues with rock so this is the best choice for the property. He stated he did not see another option.

Hearing no further discussion from the Board, Chairperson Taylor asked for a motion.

**Action on Case #BZA-2019-02 Speedway ~ Property Owner: Emro Marketing Company ~ Applicant: PBK Architects: Manny Torres, Karla Castillo) ~ Location: 500 Speedway Dr. Mad River Twp. ~ Request: Variance to Chapter 2, Section I) to increase the maximum height from 50 ft. to 66.6 ft. (top of coping) for a new office construction.**

Motion by Mr. Smith, seconded by Mr. Hazlett, to Approve as presented.

**VOTE: Yes:** Mr. Smith, Mr. Hazlett, Ms. Riggs and Ms. Wilt.  
**No:** None.

***Motion Carried.***

**Remove Case #BZA-2018-27 from the Table**

Motion by Mr. Smith, seconded by Ms. Wilt, to Remove Case #BZA-2018-27 from the Table.

**VOTE: Yes:** Mr. Smith, Ms. Wilt, Mr. Hazlett and Ms. Riggs.  
**No:** None.

***Motion Carried.***

**Case # BZA-2018-27 ~ Property Owner/Applicant: Terry Brown ~ Location: 7533 W. National Rd., Bethel Twp. ~ Request: Variance to Chapter 8, Section B, 3, b) to allow a 28 ft. by 36 ft. detached garage in the front yard.**

Mr. Neimayer gave a summary of this case and why it was Tabled on November 29, 2018. Mr. Neimayer had emailed the Health District's information to the Applicant and talked about alternatives, reduce size, etc. He later Provided the Applicant with information on the sanitary sewer line and a contact number with the Village of Donnelsville. Mr. Neimayer stated he has not heard from the Applicant.

Mr. Neimayer stated he was going to recommend the Board dismiss this case, but Ms. Riggs stated there were new structures put up on the property. Therefore, Mr. Neimayer recommended leaving the case Tabled.

Chairperson Taylor noted there were no audience members to speak on this case. \_Hearing no further discussion from the Board, Chairperson Taylor asked for a motion.

**Action on Case # BZA-2018-27 ~ Property Owner/Applicant: Terry Brown ~ Location: 7533 W. National Rd.; Bethel Twp. ~ Request: Variance to Chapter 8, Section B, 3, b) to allow a 28 ft. by 36 ft. detached garage in the front yard.**

Motion by Mr. Hazlett , seconded Ms. Riggs to Table the request.

**VOTE: Yes:** Mr. Hazlett, Ms. Riggs, Mr. Smith and Ms. Wilt.  
**No:** None.

***Motion Carried.***

### **Election of Officers for 2019**

Motion by Mr. Hazlett to nominate Mrs. Jerri Taylor as Chairperson and Mr. Rick Smith as Vice-Chairperson, seconded by Ms. Wilt.

**VOTE: Yes:** Mr. Hazlett, Ms. Wilt, Mr. Smith, Ms. Riggs and Mrs. Taylor.

**No:** None.

***Motion Carried.***

### **Staff Comments**

Mr. Neimayer stated the next scheduled meeting will be on March 28, 2019.

Mr. Neimayer gave an update on BZA court cases. He stated on the appeal filed in Common Pleas Court by Mr. Coppess in regards to the Middendorf case, the judge voted in favor of the BZA. Mr. Coppess has now filed an appeal of the Common Pleas Court's ruling. As a result, the zoning certificate application for Mr. Middendorf remains on hold. In regards to the Tremont City Road gravel pit case, that case appeal process remains on going.

### **Adjournment**

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

***VOTE: Motion carried unanimously.***

The meeting was adjourned at 2:36 p.m.

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Mrs. Jerri Taylor, Chairperson

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Mr. Thomas A. Hale, Secretary