

# **Minutes**

## **Clark County Board of Zoning Appeals**

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

Springview Government Center  
3130 East Main Street  
Springfield, Ohio 45505

Jerri Taylor, Chairperson of the Clark County Board of Zoning Appeals of Clark County Ohio, called the meeting to order at 2:00 pm. and asked for the Roll Call.

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

Absent For Roll Call: Ms. Greta Wilt.

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

Ms. Forstrom will be a full voting member.

Chairperson Taylor explained how the meeting will be conducted.

### **Approval of the March 24, 2022 Minutes**

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

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

**No:** None.

***Motion carried.***

Mr. Hazlett recused himself from Case #BZA-2021-28.

### **Remove Case #BZA-2021-28 from the Table**

Motion by Mr. Duffee, seconded by Mr. Smith, to **untable** Case #2021-28.

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

**No:** None.

***Motion carried.***

### **Case #BZA-2021-28 ~ Property Owner/Applicant: Peter Catanzaro ~ Location: 494 Newlove Rd., Harmony Twp. ~ Request: Variance to Section 808.06.07 to allow a pond on a parcel less than 5.0 acres.**

Mr. Allan Neimayer, Senior Planner, stated the subject property is located at 494 Newlove Rd. in Harmony Twp. and consists of 4.59 acres. The property is currently zoned A-1 (Agricultural District). The Applicant would like to build a pond on the property and, because the property is less than 5.0 acres, has filed this variance request. Mr. Neimayer explained, there were some legal matters involving Harmony Township and the property owner. Harmony Township had issues with the flooding of Newlove Road, if you recall the testimony presented in September of last year. Plan information that was originally proposed is included in the Board's meeting packet.

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Chairperson Taylor asked about the pond being too close to the road. Mr. Neimayer explained ponds are to be in the rear yard.

Mr. Duffee asked if there was new information from Harmony Township or Clark County Soil and Water? Mr. Neimayer responded he has not received any new information.

Ms. Forstrom asked if the Health District had any concerns. Mr. Neimayer responded he did not receive any comments from the Health District. Ms. Forstrom then asked do we know where the septic is located. Mr. Neimayer responded I do not. Chairperson Taylor explained the pond area has been there for 40+ years, and the house is newer so I would assume they had to have something from the Health District for the septic.

Mr. Smith asked if there was an issue with the County Engineer and the existing drainage. Mr. Neimayer responded that was one of the items that Harmony Township had a legal matter over because of the proper outlet for the water. Mr. Smith then asked has that all been resolved? Mr. Neimayer responded the township's legal matter was settled out of court but he did not know what that agreement was.

Chairperson Taylor asked Mr. Neimayer if he remembers why we Tabled this case. Mr. Neimayer responded there were no true engineered plans on the pond nor a proper and acceptable outlet. Mr. Neimayer read the BZA's decision from the September 23, 2021 meeting.

Chairperson Taylor asked if all the information presented was the same as the first time. Mr. Neimayer responded he has not received any new information.

Hearing no further questions for Staff, Chairperson Taylor opened this portion of the public hearing at 2:11 pm. and asked if anyone would like to speak in favor of the variance request. There were none. She then asked if anyone wished to speak in opposition to the variance request. Hearing none Chairperson Taylor closed the public portion of the hearing at 2:12 pm. and asked for Board Discussion.

Mr. Smith asked if Staff has received any engineered plans for this. Mr. Neimayer replied we have not.

Mr. Duffee asked if Staff had communicated to the Applicant that they were expected to be here. Mr. Neimayer replied, yes.

Chairperson Taylor stated the Applicant is not here and has not responded which leads me to believe that he is not at a point where he cannot do much more.

The Board then discussed Tabling the Case again.

Mr. Duffee asked for clarification, this is on our Agenda because the Applicant requested it. Mr. Neimayer responded no. This Case is on the Agenda because the Board voted (in September 2021) to Table it for 6 months. Mr. Duffee then asked did the Applicant express his desire to be here today? Mr. Neimayer responded he was informed him of the upcoming meeting that he would need to be here and did not hear back.

Mr. Duffee stated I misunderstood the communication with the Applicant. As the Applicant was aware of the meeting and did not to show up, I say we just deny the variance request.

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Hearing no further questions or comments from the Board, Chairperson Taylor asked for a motion.

**Action on Case #BZA-2021-28 ~ Property Owner/Applicant: Peter Catanzaro ~ Location: 494 Newlove Rd., Harmony Twp. ~ Request: Variance to Section 808.06.07 to allow a pond on a parcel less than 5.0 acres.**

Motion by Mr. Duffee, seconded by Mr. Smith, to approve the variance request.

**VOTE: Yes:** None.

**No:** Mr. Duffee, Mr. Smith and Ms. Forstrom.

***Motion carried.***

Mr. Hazlett rejoined the Board.

Chairperson Taylor asked for a motion to remove Case #BZA-2022-02 from the Table.

Motion by Mr. Duffee, seconded by Mr. Smith, to **untable** Case #2022-02.

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

**No:** None.

***Motion carried.***

Chairperson Taylor asked Staff to present the next case.

**Case #BZA-2022-02~ Property Owner/Applicant: Derrick Olwin ~ Location: 1380 N. Hampton Rd., Bethel Twp. ~ Request: Variances to Section 802.03.02 to allow an accessory structure in the front yard less than 300 ft. from the right-of-way; and to Section 802.03.05 to allow an accessory structure without a primary structure.**

Mr. Neimayer stated the subject property is located at 1380 N. Hampton Rd. and consists of approximately 1.47 acres. The property is currently zoned A-1 (Agricultural District). The Applicant has filed this variance request to allow for an accessory structure in the front yard less than 300 ft. from the road and to allow an accessory structure without a primary structure. The Applicant is finalizing building plans for a new single-family home. See attachment. Mr. Neimayer reviewed the updated layout of the property. The proposed pole barn has been moved to the south side of the property. The house location remains the same except for a small change in its orientation.

Chairperson Taylor stated the concern from the County Engineer's Office was no extra access. She then asked Staff if there were any other issues you are aware of. Mr. Neimayer responded no.

Mr. Duffee asked do we know the distance from the right-of-way to the new accessory structure. Mr. Neimayer responded it is less than 300 feet.

Hearing no further questions for Staff, Chairperson Taylor opened this portion of the public hearing at 2:22 pm. and asked if anyone would like to speak in favor of the case.

Derrick Olwin, Applicant, 7540 W. National Rd., was sworn in. Mr. Olwin stated the only change is that we went with the County Engineer and the shared access point.

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Chairperson Taylor explained the suggestion the Board made to move the pole barn on the other side of the property. Most the terrain in the back is wooded so it limited where you could put the pole barn.

Chairperson Taylor asked did you change the size of the pole barn? Applicant responded it is the same size. Chairperson Taylor then asked any idea what the distance is to the front property line. The Applicant responded off of the property line is about 20 feet and the frontage is about 150 feet to centerline.

Ms. Forstrom asked what the size of the pole barn is. The Applicant responded 30 ft. by 48 ft.

Mr. Hazlett asked has there been any communication with the neighbor that questioned the original location of the accessory structure. The Applicant responded no. They were questioning the original (side yard) setback, but since we moved it I do not see it as an issue.

With no more questions for the Applicant, Chairperson Taylor asked if anyone would like to speak in favor of the request. Hearing none, she then asked if anyone wanted to speak in opposition to the request. Hearing none Chairperson Taylor closed this portion of the public hearing at 2:24 pm.

Chairperson Taylor re-opened the public hearing at 2:25 pm.

Mr. Duffee asked the Applicant if he still planned to build the accessory structure before the primary. The Applicant responded yes, explaining issues with delivery of materials and the costs thereof.

Chairperson Taylor closed the public hearing at 2:26 pm and asked for Board Discussion.

Chairperson Taylor explained we asked the Applicant to find a new lay out. I think he came up with the only feasible option for the placement of the accessory structure. Looking at our Findings of Facts: there are exceptional physical conditions to the property, it will not change the appearance of the neighborhood, it will not be an issue for traffic and I do not think it will alter the neighborhood.

Mr. Hazlett stated as I remember there were a few things that came to light at the first meeting and the Applicant was blindsided by the limited access. As you mentioned we asked for a different solution and what he came up with is as good as its going to get.

Mr. Duffee stated I agree it is a reasonable solution for the problem.

Ms. Forstrom stated I think it meets the requirements and the Findings of Facts. It is a steep lot and it is not going to hurt the neighborhood.

Mr. Smith stated I agree with the Board members.

Hearing no further questions or comments from the Board, Chairperson Taylor asked for a motion.

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**Action on Case #BZA-2022-02~ Property Owner/Applicant: Derrick Olwin ~ Location: 1380 N. Hampton Rd., Bethel Twp. ~ Request: Variances to Section 802.03.02 to allow an accessory structure in the front yard less than 300 ft. from the right-of-way; and to Section 802.03.05 to allow an accessory structure without a primary structure.**

Motion by Mr. Smith, seconded by Mr. Hazlett to **Approve** the variance request.

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

**No:** None.

***Motion carried.***

Chairperson Taylor asked Staff to present the next case.

**Case #BZA-2022-04 ~ Property Owners/Applicants: Kyle & Stephanie Cottrell ~ Location: 1740 Merrydale Rd., Moorefield Twp. ~ Request: Variance to section 807.01.01 to allow a recreational vehicle to be parked in the front yard.**

Mr. Neimayer stated the subject property is located at 1740 Merrydale Rd. and consists of approximately 0.25 acres. The property, Lot #1149 of the Northridge Subdivision No. 3, is currently zoned R-2A (Medium Density Single-Family Residence District). A zoning complaint was made of a recreational vehicle parked in the front yard. Due to the play yard area at the NW corner of the property, the Applicants have filed this variance request to allow a recreational vehicle (RV) to be parked in the front yard. This is a corner lot.

Mr. Neimayer read multiple letter from surrounding property owners in favor of the variance request. Mr. Neimayer then read a letter from the County Engineer's Office that says they are not support of the variance request for visibility reasons.

Chairperson Taylor spoke about the County Engineer's comments about the camper going over the sidewalk and damaging to the sidewalk. She asked if Mr. Neimayer has any knowledge of that issue in the Northridge area. Mr. Neimayer responded he brought up those concerns at the Technical Review Committee meeting. He has not heard from Moorefield Township on whether it would be a township issue. The County Utilities Department stated the public utilities lines are so far underneath that it would not be an issue for them.

Chairperson Taylor asked if we approve the variance request and there does end up being damage to the sideway, does that fall back to the Township? Mr. Neimayer responded yes. Mrs. Tuttle added the Applicant could ask for a new driveway access off of Tulane Rd.

Mr. Duffee stated under Section 807.01.023 if a camper is parked in the front yard it needs to be on concrete, asphalt, gravel or similar surface.

Hearing no further questions for Staff, Chairperson Taylor opened this portion of the public hearing at 2:40 pm. and asked if anyone would like to speak in favor of the case.

Kyle Cottrell, Applicant, 1740 Merrydale Dr., was sworn in. Mr. Cottrell stated he would not be opposed to putting gravel down.

Chairperson Taylor asked what was in the rear yard. The Applicant explained it is fenced in with a trampoline, a swing set and a fire pit. Chairperson Taylor stated I see why the yard toys are in that location to see the children while they are playing.

Chairperson Taylor asked Staff if the visibility was an issue. Mr. Neimayer responded no. The Applicant added I have a picture from the street that shows the corner visibility. I removed three bushes to increase visibility.

Mr. Hazlett stated I would see a logistical issue to park the camper behind the house.

Chairperson Taylor asked if anyone wanted to speak in favor of the variance request. There were none. She then asked if anyone wanted to speak in opposition to the variance request. Hearing none, Chairperson Taylor closed the public portion of the hearing at: 2:46 pm. and asked for Board Discussion.

Mr. Smith stated I think the Applicant is trying to adhere to courtesy to the neighbors. I do not see any issues at all. And, I think the recommendation with possibly soring it on gravel I would be ok with that.

Chairperson Taylor went through the Findings of Facts. It is not a substantial request. The neighbors are not upset about it. The neighborhood character is not significantly altered. I do not see a lot of options to store the RV anywhere else.

Ms. Forstrom stated I think it meets the requirements of not affecting government entities. Finding of Facts Number 6, it would be hard to move it.

Chairperson Taylor stated I would like to see that gravel pad so we can be somewhat inside our regulations.

Mr. Hazlett stated I like the idea of putting a gravel pad underneath.

Mr. Duffee stated if it were in the side yard it would be permitted. I agree it is not a substantial variance. I am in agreement with the provision of the gravel pad.

Hearing no further questions or comments from the Board, Chairperson Taylor asked for a motion.

**Action on Case #BZA-2022-04 ~ Property Owners/Applicants: Kyle & Stephanie Cottrell ~ Location: 1740 Merrydale Rd., Moorefield Twp. ~ Request: Variance to section 807.01.01 to allow a recreational vehicle to be parked in the front yard.**

Motion by Ms. Forstrom, seconded by Mr. Smith to approve as presented with requirements with the gravel pad.

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

**No:** None.

**Motion carried.**

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### **Staff Comments**

Mr. Neimayer stated the next scheduled meetings are April 28 & May 26, 2022.

### **Adjournment**

Motion by Mr. Smith, seconded by Ms. Forstrom, to Adjourn.

**VOTE: Motion carried unanimously.**

The meeting was adjourned at 2:57 pm.

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Mrs. Jerri Taylor, Chairperson