

# Minutes

## Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.  
Thursday, March 25, 2021

Springview Government Center  
3130 East Main Street  
Springfield, Ohio 45505

This meeting is being held through Zoom due to the COVID-19 Shelter in Place Order.

Mrs. Jerri Taylor, Chairperson of the Clark County Board of Zoning Appeals of Clark County Ohio, called the meeting to order at 2:02 pm. and asked for the Roll Call.

Present for Roll Call: Mr. Paul Hazlett, Mrs. Jerri Taylor, Mr. Tom Duffee and Ms. Greta Wilt.

Absent For Roll Call: Mrs. Sandy Forstrom and Mr. Rick Smith.

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

### **Approval of the February 25, 2020 Minutes**

Motion by Mr. Duffee, seconded by Ms. Wilt, to **Approve** the entire February minutes as presented.

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

**No:** None.

***Motion carried.***

Chairperson Taylor asked Staff to present the case.

### **Case #BZA-2021-04; Tabled on 2-25-2021 Remove From Table**

Motion by Mr. Hazlett, seconded by Mr. Duffee, to **Remove** the case from the Table.

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

No: None.

Motion Carried.

### **Case #BZA-2021-04; Property Owners/Applicants: Donald & Lori Monst; Location: 10593 Plattsburg Rd., Harmony Twp.; Amended Request: Variance to Chapter 2, Section 204 to reduce the front setback from 30 ft. to 17 ft. to build a new single-family home.**

Mr. Allan Neimayer, Senior Planner, stated the subject property is located at 10593 Plattsburg Rd. and consists of 0.22 acres. The property is currently zoned R-2 (Low Density, Single-Family Residence District). The prior home was demolished due to extensive fire damage. The Applicants are planning to rebuild and have filed this variance request as the new home will not comply with the required front setback requirement.

Mr. Neimayer stated at the February 25, 2021 meeting, the BZA stated they would like the front setback at 18 ft. from ROW line (58 ft. from centerline). However, keeping this 18 ft. setback would put the house 9+ ft. from leach field. Health District requires a minimum of 10 ft.

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Therefore, the Applicants amended request is to reduce the front setback from 30 ft. to 17 ft. (57 ft. from centerline of Plattsburg Rd.) to comply with Health District requirement.

Mr. Hazlett stated it was an improvement from the initial request. Mr. Neimayer stated the new house would be 17 ft. from the ROW, if approved. The Applicants cannot make it any further because of the leach field.

Chairperson Taylor asked about the Thoroughfare Plan. Mr. Neimayer reviewed the Thoroughfare Plan ROW and explained how the zoning front setback is applied.

Mr. Hazlett asked if the location of the new home is okay with the distance to the well. Mr. Neimayer responded yes.

Chairperson Taylor opened the public hearing at 2:10 pm.

Mr. Donald L. Monst, Applicant, 0593 Plattsburg Rd. was sworn in. Mr. Monst stated not much has changed other than finding out the distance for Health District.

With no questions for the Applicant, Chairperson Taylor asked if anyone would like to speak in favor of this variance request. There were none. She then asked if anyone would to speak in opposition to this variance request. Hearing none, Chairperson Taylor closed the public Hearing at 2:12 pm. and asked for Board discussion.

### **Executive Session Request**

Motion by Mr. Hazlett, seconded by Ms. Wilt, to go into Executive Session.

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

**No:** None.

***Motion carried.***

Time Out: 2:13 pm. Time In: 2:22 pm.

### **Deliberations**

Mr. Hazlett stated the Applicant has made every effort to place the house on the plan. He thanked the Applicant for working with the Board and Health District.

Chairperson Taylor stated these existing properties can be challenging. She stated the previous Findings of Facts from the February 25, 2021 meeting still stand.

With no further Board discussion, Chairperson Taylor asked for a motion.

**Action on Case #BZA-2021-04; Property Owners/Applicants: Donald & Lori Monst; Location: 10593 Plattsburg Rd., Harmony Twp.; Amended Request: Variance to Chapter 2, Section 204 to reduce the front setback from 30 ft. to 17 ft. to build a new single-family home.**

Motion by Hazlett, seconded by Mr. Duffee, to **Approve** the amended variance request as presented at 17 ft. front setback, 57 ft. from centerline.

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**VOTE:** Yes: Mr. Hazlett, Mr. Duffee and Ms. Wilt.

No: None.

***Motion Carried.***

### **Discussion regarding screening, fencing in front yard.**

Mr. Neimayer reviewed a proposed site plan and explained conflicting language regarding screening and fencing requirements under current zoning regulations: Chapter 10 Corner Lot definition and Section 806.01.02 defining corner lot areas; Chapter 2, B-1, Footnote #5; Section 805.02 Fencing/Screening requirements. Because of the conflicting language, how to enforce screening/fencing requirements between residential and non-residential uses is unclear.

Mr. Duffee stated he thinks it 805.02.031 allows the Zoning Inspector to allow 5 to 6 ft. high fence between said land uses.

Chairperson Taylor stated she wanted to be consistent. Residents should have input.

Mr. Duffee asked if it was a controversial property. Mr. Neimayer responded yes. Mr. Duffee asked if upgraded materials could be required. Mr. Neimayer responded not unless it was zoned in a planned district. Mr. Duffee stated it should be brought in front of the Board.

Ms. Wilt stated she wants the 6 ft. high fence, but thinks the current language needs changed.

Mr. Hazlett stated a Variance is needed because the language needs to be cleaned up.

### **Discussion on in-person meetings**

Chairperson Taylor stated she would do whatever the Board wants, but it is difficult to be in a meeting for a long period with a mask on.

Mr. Hazlett stated it was premature to go to in-person now. Ms. Wilt agreed.

Mr. Duffee asked if other boards were meeting in-person. Mr. Neimayer responded the Rural Zoning decided to return to in-person meetings. The CEDA RPC Board decided to wait until everyone had an opportunity to get vaccinated.

### **Staff Comments**

Next Scheduled meeting is April 29 and May 27, 2021.

### **Adjournment**

Motion by Mr. Duffee, seconded by Ms. Wilt, to **Adjourn.**

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

The meeting was adjourned 3:02 pm.

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Mrs. Jerri Taylor, Chairperson