

# ***Minutes***

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

Regular Meeting ~ 2:00 pm.  
Thursday, April 25, 2019

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 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: None.

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

### **Approval of the March 28, 2019 Minutes**

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

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

**No:** None.

**Abstain:**

Chairperson Taylor explained how the meeting will be conducted. She then asked if any Board members needed to abstain from any of the cases. There was none.

### **Case #BZA-2019-05 ~ Property Owner/Applicant: Steven Bayard ~ Location: 6534 Fowler Rd.; Mad River Twp ~ Request: Variance to Chapter 2, Section A) to reduce the side setback from 25 ft. to 11 ft. for a 30 ft. by 50 ft. pole barn in the side yard.**

Mr. Allan Neimayer, Senior Planner, stated the subject property is located at 6534 Fowler Rd. and consists of 2.12 acres. The property is zoned A-1 (Agricultural District). The Applicant would like to construct a 30 ft. by 50 ft. pole barn in the side yard and, due to setback issues, has filed this variance request. Mr. Neimayer reviewed Zoning Regulations, Chapter 8, Section B, 3, a): a detached accessory structure may be located in the side yard if it meets the side yard requirements of the underlying zoning district. The subject property is zoned A-1, which has a minimum side yard setback of 25 ft. (Chapter 2, Section A). The Applicant is requesting a variance to reduce the side setback from 25 ft. to 11 ft. Mr. Neimayer stated the new home permit was issued in 2018, and the proposed location for accessory is in side yard. He stated there is an easement in the rear yard and noted there is a 11 percent grade change in the rear and 3 percent grade change in front.

Mr. Hazlett asked if the house was built. Mr. Neimayer deferred to the Applicant.

Mr. Hazlett asked if there were any issues with the Health District. Mr. Neimayer responded no.

Ms. Riggs asked about any public utilities. Mr. Neimayer responded there were none in area.

With no further questions for Mr. Neimayer, Chairperson Taylor opened the public hearing at 2:05 pm.

Chairperson Taylor asked if any audience member wished to speak on this case.

Steve Bayard, Applicant, 6534 Fowler Road, was sworn in. Mr. Bayard noted the foundation of the house is in and they should begin framing Monday. He stated the well is approved and septic will be done soon. He stated he had talked to the County on setbacks, but everything changed with soil test results. He stated there is no

other place to put the pole barn based on land elevations. Mr. Bayard explained it will be pretty and will match the house.

Ms. Wilt asked who he talked to at the County. Mr. Bayard explained that he worked with Mrs. Tuttle. He stated he misunderstood the setback rules in regards to side yard and rear yard.

Mr. Smith asked where the leach field area would be located. Mr. Bayard responded behind the house and the proposed pole barn.

Ms. Riggs asked about the well. Mr. Bayard responded it would be in the front yard.

Chairperson Taylor asked if anyone wished to speak for the case. There were none. She then asked if anyone wished to speak against the case. Hearing none, she closed the public hearing at 2:11 pm. and asked for Board discussion.

Mr. Hazlett stated there is not another area based on contours. He said it will fit with the character of house.

Ms. Wilt stated it appears it will be nice, but she has concerns with a neighbor wanting it that close. She noted there was no opposition. Ms. Wilt stated it was best to make sure zoning was in place before starting a project.

Mr. Smith stated 11 ft. is wide enough for a vehicle to get through. He also stated he understands the contour issues and the Applicant wants to keep the land as is.

Ms. Riggs encouraged the Applicant to put the accessory structure on plot plan with new house plan in the future. She stated the topo does not allow for many places.

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

**Action on Case #BZA-2019-05 ~ Property Owner/Applicant: Steven Bayard ~ Location: 6534 Fowler Rd.; Mad River Twp. ~ Request: Variance to Chapter 2, Section A) to reduce the side setback from 25 ft. to 11 ft. for a 30 ft. by 50 ft. pole barn in the side yard.**

Motion by Mr. Smith, seconded by Ms. Riggs, to **Approve** the variance request as presented.

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

No: None.

**Motion Carried.**

**Case #BZA-2019-06 ~ Property Owner/Applicant: Dennis Collier ~ Location: 3400 Wendover St.; Mad River Twp. ~ Request: Variance to Chapter 8, Section B, 6, c), Table 8.1, to increase the max. sq. ft. for accessory structures from 1,500 sq. ft. to 3,180 sq. ft. on a lot under one acre.**

Mr. Neimayer explained the subject property is located at 3400 Wendover St. and consists of 0.57 acres. The property is zoned A-1 (Agricultural District). The Applicant would like to construct a 30 ft. by 50 ft. pole barn to store motor vehicle equipment that, due to height limit, does not fit in the existing pole barn. Because the size of the new pole barn would be in excess of the maximum sq. ft. allowed, the Applicant has filed this variance request.

Mr. Neimayer reviewed Zoning Regulations, Chapter 8, Section B, 6, c) Table 8.1: for property less than one acre, the maximum sq. ft. allowed for accessory structures is 1,500 sq. ft. The Applicant's existing pole barn is 30 ft. by 40 ft. (1,200 sq. ft.) built in 2004 according to the county auditor's website. In addition, there is an 8 ft. by 20 ft. storage shed and a 16 ft. by 20 ft. detached garage.

Chairperson Taylor noted the request would also be for a third structure on a lot.

With no questions for Mr. Neimayer, Chairperson Taylor opened the public hearing at 2:19 pm.

Chairperson Taylor asked if any audience member wished to speak on this case.

Dennis Collier, Applicant, 3400 Wendover St., was sworn in. Mr. Collier stated he needed space to store equipment items he is inheriting from his mother and father. He stated he would like to store the equipment inside and not outside. He stated the property is nicer than the photo shown. Mr. Collier noted he had been cleaning up the property.

Mr. Hazlett asked how much space between his property and the next lot. Mr. Collier responded 6 ft. to 10 ft. and pointed out that he owns the adjacent lot. Mr. Neimayer noted that he had discussed with the Applicant of combining the two lots, but the second lot has a dwelling.

Mr. Hazlett asked if the Applicant considered adding on to the existing accessory structure. Mr. Collier responded it is not tall enough. He stated he considered tearing down the house next door, but it has tenants that have been living there for 10 years.

Mr. Smith stated if the square footage was added to the side of the existing garage it would eliminate one of the zoning issues: three structures the one lot. He noted it would still over the square footage.

Mr. Hazlett stated the Board was trying to compromise. Mr. Collier stated he was willing to attach to the existing structure. Mr. Smith stated it could be attached high enough and still get the height needed.

Ms. Riggs asked about one of the existing structures. Mr. Collier responded it is gone.

Ms. Wilt asked how far off property line would it be. Mr. Collier responded the current layout is 7 ft. off with 6 ft. in between structures.

Chairperson Taylor asked if anyone wished to speak for the case. There were none. She then asked if anyone wished to speak against the case. Hearing none, she closed the public hearing at 2:30 pm. and asked for Board discussion.

Chairperson Taylor stated she was not ok with a third structure on a lot under an acre and noted that the Applicant could sell the parcel next door. She stated she would like to see the Applicant come back with a new plan. She stated this request was looking at size and a third structure.

Mr. Smith stated the Board could not force the Applicant to do either, but he agreed that Applicant should consider other options and come back.

Chairperson Taylor recommended the request be tabled and the Applicant return with another site plan.

Mr. Hazlett agreed. He stated there are other options. He stated he could combine two buildings to stay compliance and eliminate one of the requests. He stated it might be beneficial to table for another option.

Ms. Wilt agreed.

Chairperson Taylor opened the public hearing again at 2:34 pm.

Mr. Smith asked what the proposed height to peak would be. Mr. Collier responded 18 ft. and then asked if he removed one of the other garages. Mr. Hazlett stated it would reduce 480 sq. ft.

Mrs. Taylor asked if the best option was to table for resubmittal or deny. Mr. Neimayer stated if the request was denied, the Applicant would have to pay again and notification would have to go out again. He stated it would be best to table.

Chairperson Taylor closed the public hearing at 2:36 pm.

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

**Action on Case #BZA-2019-06 ~ Property Owner/Applicant: Dennis Collier ~ Location: 3400 Wendover St.; Mad River Twp. ~ Request: Variance to Chapter 8, Section B, 6, c), Table 8.1, to increase the max. sq. ft. for accessory structures from 1,500 sq. ft. to 3,180 sq. ft. on a lot under one acre.**

Motion by Mr. Hazlett, seconded by Mr. Smith, to **Table** the case until the next meeting for more information (an updated plot plan from the Applicant).

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

**No:** None.

***Motion Carried.***

**Case #BZA-2019-07 ~ Property Owner/Applicant: Mark Summers ~ Location: 5411 Old Clifton Rd.; Green Twp. ~ Request: Variance to Chapter 2, Section B) to reduce the side setback from 15 ft. to 5 ft. and rear setback from 60 ft. to 33 ft. for a 30 ft. by 40 ft. detached garage in the side yard.**

Mr. Neimayer stated the subject property is located at 5411 Old Clifton Rd and consists of 0.68 acres. The property is zoned R-1 (Rural Residence District). The Applicant would like to construct a 30 ft. by 40 ft. detached garage in the side yard. Due to setback issues associated with the locations of the house and the septic/leach field area, the Applicant has filed this variance request.

Mr. Neimayer reviewed Zoning Regulations, Chapter 8, Section B, 6, a): a detached accessory structure may be located in the side yard if it meets the side yard requirements of the underlying zoning district. The subject property is zoned R-1, which as a side-least width of 15 ft., side-sum of both width of 50 ft., and a rear setback of 60 ft. (Chapter 2, Section B, Footnote #2). The Applicant is requesting a variance to reduce the side-least width from 15 ft. to 5 ft. and the rear setback from 60 ft. to 33 ft. Applicant will put in an access to new structure. Mr. Neimayer pointed out the leach field is in the rear yard.

With no questions for Mr. Neimayer, Chairperson Taylor opened the public hearing at 2:40 pm.

Chairperson Taylor asked if any audience members wished to speak on this case.

Mark Summers, Applicant, 5411 Old Clifton Rd., was sworn in. Mr. Summers stated he wanted a 30 ft. x 40 ft. garage in side yard. He stated it is the only place in the yard to put it. He stated he talked to his neighbors and they are okay with the project.

Mr. Hazlett asked how long the Applicant lived at the property. Mr. Summers responded 14 years.

Mr. Smith asked for the distance between the house and garage. Mr. Summers responded 18 ft. He explained he needed a place to keep stuff; things need to be locked up.

Chairperson Taylor asked if anyone wished to speak in favor of the case.

Mr. James Carlson, 5294 Springfield-Jamestown Rd., was sworn in. Mr. Carlson stated he is a neighbor and owns the property to the north and west. He noted the west is farmland and to the north is a 5 acre lot. He

noted it could be a building lot, but the area next to the proposed building is low so he did not see an issue. He recommended approval.

Chairperson Taylor asked if anyone else wished to speak on the request. Hearing none, she closed the public hearing at 2:44 pm. at asked for Board discussion.

Mr. Hazlett asked if there were contour issues. Mr. Neimayer responded no.

Chairperson Taylor stated the Applicant had no other option other than the front yard. She stated there is not a rear yard. She noted there are no other structures on the property.

Ms. Wilt noted there are no issues with the surrounding property owners.

Ms. Riggs asked if the house had a variance. Mr. Neimayer stated he was not aware of any. He noted R-1 zoning requires a 60 ft. rear setback, so this is legal nonconforming.

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

**Action on Case #BZA-2019-07 ~ Property Owner/Applicant: Mark Summers ~ Location: 5411 Old Clifton Rd.; Green Twp. ~ Request: Variance to Chapter 2, Section B) to reduce the side setback from 15 ft. to 5 ft. and rear setback from 60 ft. to 33 ft. for a 30 ft. by 40 ft. detached garage in the side yard.**

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

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

**No:** None.

***Motion Carried.***

**Case #BZA-2019-08 ~ Property Owner: Lori Monst, Applicant: Donald Monst ~ Location: 0 Wood St., PID #130-08-00003-100-015; Harmony Twp. ~ Request: Variance to Chapter 8, Section B, 3) to allow an accessory structure on a lot without a primary structure.**

Mr. Neimayer stated the subject property is located on Wood St., PID #130-08-00003-100-015, and consists of 0.22 acres. The property is zoned R-2 (Low Density Single-Family Residence District). The Applicant would like to construct a 30 ft. by 40 ft. pole barn to store personal equipment. As this would be an accessory structure on a parcel without a primary structure (on the same lot), the Applicant has filed this variance request.

By Zoning Regulations definition, an accessory structure requires a primary structure on the same lot. The Applicant's home is located at 10593 Plattsburg Rd., PID #130-08-00003-100-008 – a separate lot from the subject property. Both lots are part of the Plat of Plattsburg (New Book 3, Page 21) recorded in August 1853. Wood St. separates the lots, does not follow right-of-way that was established. He noted the small lots cannot be attached because Wood Street is still a public right-of-way.

Mr. Smith asked for the width of the lot. Mr. Neimayer responded 78 ft. in width and depth of 119 ft. Mr. Smith asked if the Applicant was putting the structure on the middle of property. Mr. Neimayer responded yes.

With no further questions for Mr. Neimayer, Chairperson Taylor opened the public hearing at 2:55 pm.

Chairperson Taylor asked if any audience member wished to speak on this case.

Don Monst, Applicant, 10593 Plattsburg Rd., was sworn in. Mr. Monst stated there are two yard barns on the property now and they will be removed when the new structure goes up. He stated he had been cleaning up the

property and working on the house. He noted the house is old, following apart, and therefore needed space for tools and vehicles.

Mr. Smith asked if the new structure would be in the middle. Mr. Monst responded yes, about 25 ft. of each side, and approximately 40 front and back.

Mr. Hazlett asked if Harmony Township maintained the street. Mr. Monst responded yes, they plow it.

Mr. Smith asked about access. Mr. Monst responded it would be off of Wood St.

Chairperson Taylor asked if anyone wished to speak for or against the case. Hearing none, she closed the public hearing at 2:58 pm. at asked for Board discussion.

Mr. Hazlett asked if there are any issues with well or septic. Mr. Neimayer responded there are no records.

Mr. Smith stated he was fine with the location and the Applicant is cleaning up the lot. Mr. Smith felt it will improve the neighborhood.

Ms. Wilt stated she was going to recommended combining lots, but realizes you cannot do that.

Mr. Hazlett stated he did not see any issues and it will not hinder the neighborhood.

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

**Action on Case #BZA-2019-08 ~ Property Owner: Lori Monst, Applicant: Donald Monst ~ Location: 0 Wood St., PID #130-08-00003-100-015; Harmony Twp. ~ Request: Variance to Chapter 8, Section B, 3) to allow an accessory structure on a lot without a primary structure.**

Motion by Ms. Wilt, seconded by Mr. Smith, to **Approve** the variance request as presented as long as the other structures are removed.

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

**No:** None.

***Motion Carried.***

**Case #BZA-2019-09 ~ Property Owner: Ronald Burns ~ Applicant: One Stop Signs representing Casey's Marketing Company~ Location: 3387 S. Dayton-Lakeview Rd.; Bethel Twp. ~ Request: Variance to Chapter 6, Section B, 3, a, b, c & e to allow two free standing signs instead of one; to allow one pole sign at 113.35 sq. ft. and one wall sign at 106.65 sq. ft. both over the maximum 100 sq. ft. allowed; to allow for 377.16 sq. ft. of overall signage instead of the maximum 300 sq. ft. allowed; and to allow one freestanding sign at 6 ft. from the property line instead the required 30 ft. and 4 ft. from the right-of-way instead of the required 12 ft.**

Mr. Neimayer stated the subject property is located at 3387 S. Dayton-Lakeview Rd. and consists of 3.797 acres. The property is zoned B-3 (General Business District). Casey's Marketing Company is planning for a new Casey's General Store at the subject property. One Stop Signs represents Casey's for signage associated with this new development. One Stop Signs has filed a variance application requesting several variances to the sign regulations, as identified in the staff report and attached signage exhibits.

Mr. Neimayer reviewed Zoning Regulations Chapter 6, Section B: 3. On-Premise Signs, Defined: Free standing, building mounted, or ground signs identifying or advertising commercial or industrial uses on the premises. If the signs are located within the Planned Commercial Development District or are erected pursuant to a Conditional Use, the location of said signs must be in strict compliance with the Development Plan or Conditional Use

requirements, in addition to any restrictions imposed herein; a) No more than one free standing or ground sign shall be provided for each business use, and in no case shall a lot containing more than three free standing or ground signs; b) No free standing, ground, or building mounted sign shall have a surface area of greater than one hundred (100) square feet per side; c) No business, industry, or use shall maintain a gross sign area exceeding three hundred (300) square feet on the premises; e) Free standing or ground signs shall not be located closer than twelve (12) feet to any existing or proposed street right-of-way, and not closer than thirty (30) feet to any adjoining lot line.

Mr. Smith asked for clarification on the right-of-way line and if ODOT had any issues with signs to close to the right-of-way. Mr. Neimayer pointed it out and stated there were no concerns.

Ms. Riggs asked about storm water. Mr. Neimayer stated Casey's representatives are working on storm water management with the County Engineer's Department. Ms. Riggs stated there is a bit of grade change and the area ponds water. Mr. Neimayer mentioned portions of SR 235 were closed due to heavy water in the past. He explained Casey's has been working to help clean up the issues.

With no further questions for Mr. Neimayer, Chairperson Taylor opened the public hearing at 3:11 pm.

Chairperson Taylor asked if any audience member wished to speak on this case.

Justin Scalf, One Stop Signs, 2502 SR 131, Goshen, was sworn in. Mr. Scalf stated he was working on behalf of Casey's General Store. He noted the property owner was also present. Mr. Scalf started with Sign 6 and Sign 5, the ground signs. He noted the reason so large is to maintain visibility for commercial trucks. He stated navigation around the site is important for safety. He noted the overgrown brush on the property next door is an obstacle, so the size, height and scale is a factor. He noted Sign 5 is about 12 ft. over the zoning limit, noting it is not significant. He noted the overall signage cap is 300 sq. ft. and Casey's is proposing 377 sq. ft. total. He explained that Casey's would like to leave canopy size signs as is. He further explained Sign 1a is 106 sq. ft., but was needed for direction.

Ms. Riggs asked about a navigation and traffic flow in and out of the property. Mr. Scalf responded he did not have the expertise for traffic and flow, only signs.

Chairperson Taylor asked if all the signage was necessary. Mr. Scalf responded branding; it is what the client wants.

Mr. Hazlett asked for the height of Sign 5. Mrs. Tuttle responded 35 ft.

Ms. Taylor: asked for the total sq. ft. of signage. Mr. Scalf responded they were 77 sq. ft. over.

Chairperson Taylor asked if anyone wished to speak in favor of the case.

Ronald Burns, current Property Owner, 1129 Kiser Lake Rd., was sworn in. Mr. Burns stated he owns businesses in Clark county and surrounding areas. He stated he owns the bowling alley behind Casey's. He noted he was born and raised in Donnelsville and knows the area, including the flooding and the efforts to fix. He explained Casey's project started 2 years ago and Casey's has invested a lot to make it work. He noted it will be a positive for the neighborhood. Mr. Burns noted he felt there were sight issues with signage because of the offset of the state road (SR 235). He stated he didn't even know until the survey what exactly he owned. He explained that traffic studies have been done and all have agreed it will work. He noted there is an oil line, Standard Oil, that was put in the '40s or '50s and there is offset from it as well. He noted Casey's will pay to bring sanitary sewer to the site and will go under that line. He explained a lot of work has happened to bring it together. Mr. Burns noted there has always been a challenge for signage on the property and noted 77 sq. ft. is not a large request. He said it is needed for safety. He added the flooding issues have been resolved. He asked the Board for approval. Casey's has studied to know where to put the signs, does not want to second guess them. Mr. Burns mentioned a turn lane near the side (off of Gerlaugh Rd.) with truck exit was going to be required.

Chairperson Taylor noted there were no remaining audience members to speak. Therefore she closed the public hearing at 3:35 pm. at asked for Board discussion.

Mr. Hazlett stated it would not be feasible to change the company's logo to meet the zoning criteria. He noted 77 sq. ft. overage is not much over the maximum allowed by zoning regulations and felt there was no reason to deny the variance request..

Ms. Wilt noted the truck exit sign needs to be visible for safety. She stated she had no problem with additional freestanding sign or additional sq. ft.

Mr. Hazlett stated a lot of times safety is the main reason for signage and appears that is the issue here.

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

**Action on Case #BZA-2019-09~ Property Owner: Ronald Burns ~ Applicant: One Stop Signs representing Casey's Marketing Company ~ Location: 3387 S. Dayton-Lakeview Rd.; Bethel Twp. ~ Request: Variance to Chapter 6, Section B, 3, a, b, c & e to allow two free standing signs instead of one; to allow one pole sign at 113.35 sq. ft. and one wall sign at 106.65 sq. ft. both over the maximum 100 sq. ft. allowed; to allow for 377.16 sq. ft. of overall signage instead of the maximum 300 sq. ft. allowed; and to allow one freestanding sign at 6 ft. from the property line instead the required 30 ft. and 4 ft. from the right-of-way instead of the required 12 ft.**

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

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

**No:** None.

***Motion Carried.***

### **Staff Comments**

Mr. Neimayer stated the next scheduled meetings will be on May 23 and June 27, 2019.

Mr. Neimayer reminded the Board the new zoning format was in effect and the proposed amendments will go to Rural Zoning in May.

Ms. Riggs asked why the auto pool covers were not included in the proposed amendments. Mr. Neimayer explained that the Land Use Regulations Committee, although they are in favor of automatic pool covers, removed it at this time because there was no language prepared pertaining to property safety requirements on automatic pool covers.

### **Adjournment**

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

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

The meeting was adjourned at 3:53 p.m.

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Mrs. Jerri Taylor, Chairperson

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Mr. Thomas A. Hale, Secretary