

# **Minutes**

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

Regular Meeting ~ 2:00 pm.  
Thursday, April 28, 2021

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 2:02 pm. and asked for the Roll Call.

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

Absent For Roll Call: Ms. Sandy Forstrom.

Also in Attendance: Mr. Allan Neimayer, Mrs. Jennifer Tuttle and Mrs. Jennifer Tuttle 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. Hearing none, she asked for a motion.

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

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

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

**No:** None.

***Motion carried.***

Mr. Duffee pointed out the word “not” needs to be inserted after ‘would’ on Page 5 Paragraph 3 of the last line.

Chairperson Taylor asked Staff to present the first case.

### **Case #BZA-2022-05 ~ Property Owner/Applicant: Evans Family Ranch ~ Location: 11168 Musselman Rd., Bethel Twp. ~ Request: Conditional Use approval under Section 711 for a 100 unit campground.**

Mr. Allan Neimayer, Senior Planner, stated that the subject property is located is 11168 Musselman Rd. and consists of 91.09 acres. The property is currently zoned A-1 (Agricultural District). The Applicant would like to develop approximately 23 acres (south of Musselman Rd.) for a 100 unit campground. Mr. Neimayer referenced the Applicant’s narrative: “To start out the campground will be dry camping only. Motor Home, tent, pop, fifth wheel or pull type campers. At this time there will be no amenities. We have services available on call that can dump and fill water, with access off of Musselman Rd, and within the campground. It will have an entrance and an exit off of Musselman Rd that are preexisting. The closest camp sites to the nearest neighbor will be 2,000 ft. away. It will have grass areas on the north and east side of properties for children to play. Camp sizes are pull-through 80 ft. by 30 ft.; 6 rows of 16 sites per row equaling 96 total spots, with 30 feet road in-between. Possible expansion will include full hook up service on some or all sites. This will take time.”

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Mr. Neimayer stated that in addition to our local zoning, campgrounds fall under the State Department of Health for review and approval, the layout, drainage, sanitation, safety etc. Mr. Neimayer added that there was a records request when notices went out to the surround property owners. That information is in your packet, as well as a comment letter from the County Engineer's Office regarding storm water and access. They indicate there is only one access point whereas the Applicant indicates there are two access points. Mr. Neimayer stated that there is also a comment letter from Mike Barnhart, 11000 Musselman Rd.

Chairperson Taylor asked what impact the possible expansion in the future has on the decision we make today. Will they need to come back if they expand? Mr. Neimayer responded yes.

Mr. Smith asked if they submitted a site plan for proposed amenities. Mr. Neimayer responded there are no amenities proposed at this time. Mr. Smith then asked how they would add these amenities. Mr. Neimayer explained there is no requirement to add amenities by zoning code. Chairperson Taylor asked if they add those later would they need to come back in front of the Board. Mr. Neimayer responded yes.

Mr. Smith stated according to our regulations campers have a 60-day time limit on the site.

Hearing no further questions for Staff, Chairperson Taylor opened this portion of the public hearing at 2:12 pm. and asked if anyone would like to speak in favor of the case.

Chad Watkins, Applicant, 464 Greensward Dr. Tipp City, OH, was sworn in. Mr. Watkins stated this property is split in half but we only plan on using the southern portion. This is only for dry camping. There will be no amenities. We have services that will provide waste removal and water. I spoke with Tom Binder from the County Engineer's Office for the traffic study as well as someone from Choice One in Sydney, OH. Whatever needs done we will have done. And the kid's area will be a green area, all grass. As far as noise, we have security we provide and as well as a quiet time. We want to be good neighbors for our agricultural tourism.

Mr. Smith asked what the main attraction is. Mr. Watkins responded our main attraction is across the road on 571 Milton-Carlisle Rd. We plan on opening a general store, full of what we grow on our land as well as a pumpkin patch, corn maze and different activities. We will offer ranch tours for people to see where their food comes from. Agricultural tourism type activities.

Chairperson Taylor asked so this is part of a bigger plan. Mr. Watkins responded were trying to do an event center/ wedding venue.

Chairperson Taylor asked if there are any plans to develop the kid's area. Mr. Watkins responded eventually maybe a swing set.

Chairperson Taylor asked where this is in relation to the airport. Mr. Watkins responded it is about a quarter to half a mile up the road.

Mr. Hazlett asked what the property is currently being used for. Mr. Watkins responded right now this is just gravel. We cannot grow anything there and cannot put any cattle there. The prior owners had green houses and containers placed in that area. The roads in there are packed down.

Mr. Duffee asked is the proposed general store in the township or in the City of New Carlisle. Mr. Watkins responded it is in the township. Mr. Duffee then asked the Applicant to describe what he means about potable water and waste disposal. Mr. Watkins explained we use the waste disposal

company (Mr. Clean. We will provide his name and number to the campers and it will be their responsibility to make those arrangements. Mr. Duffee asked about the potable water. Mr. Watkins explained where the well hydrant is located for potable water. Mr. Duffee asked if migrant laborers will be staying at the camp site. Mr. Watkins replied, they will need to have a camper. We do have migrant worker housing but not on this property.

Mr. Duffee stated campers have 60 days to stay at the site. How you intend to monitor that? Mr. Watkins responded we will have a general store on another parcel where check in and out will be located. A lot of the traffic will not be on Musselman road, we have a service road that goes through our property.

Victor Evans, 9737 New Carlisle Pike, Owner of Evans Family Ranch LLC was sworn in. Mr. Evans explained Mr. Clean has potable water onboard. They dump and fill at the same time. Mr. Duffee asked so it will still be up to the individual camper to set it up. Mr. Evans replied, they come regularly because they service our tanks and portable pots. Mr. Duffee asked if portable pots will be on this parcel. Mr. Evans replied, no but if that will make everyone feel better we can make those available.

Mr. Evans followed up on the earlier question on how we would monitor check in and check out. Everyone would check in at the general store off of Milton-Carlisle Rd. The traffic will come through our land, using our gravel road, and come across Musselman Rd. into the campground.

Mr. Duffee asked if the Applicant has plans to build a permanent structure on the property for a guard/security. Mr. Evans responded no. Mr. Duffee then asked what their plans are for lighting. Mr. Evans replied, we have no plans at the moment.

Chairperson Taylor asked how they plan to manage the trash and maintenance of the camp sites for 60 days. Mr. Evans explained there will be rules and procedures provided at check in. We also have full time maintenance people and we take good care of our properties. We also spoke about putting in a trash dumpster.

Mr. Smith asked will they have access to the pond. Mr. Evans responded yes. It is a catch and release pond.

Chairperson Taylor asked about trees and buffers. Mr. Evans responded it is a possibility to create more green space. This is all based on what finances are available. We wanted to start out offering dry camping.

Mr. Duffee asked about the roads, will they be blacktop, gravel or cement? Mr. Evans responded the roads are already packed gravel from being there for so many years. For the rest we will do what we need to do. Mr. Duffee asked about ideas for cement padding for the camper parking. Mr. Evans replied, not at this time, maybe in the future. Mr. Duffee asked and you will put in dumpsters for trash. Mr. Evans responded yes.

Mr. Duffee asked what their projection will be for camping this season. Mr. Evans responded family members and friends have spoken of needing places to camp. Mr. Duffee then asked about advertisement. Mr. Evans responded if we promote this the right way and treat them right, show them the hospitality and where there food comes from, we think that will be enough for people to return. Mr. Watkins added we will also advertise on social media.

Mr. Duffee asked, what is your timeline to have this available for rentals. Mr. Evans replied, whenever it is possible. Summer is coming. So hopefully this summer we will be ready for dry camping.

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Mr. Smith asked about limestone and crushed gravel in the camping area? Mr. Evans responded everything within that area is all gravel and has been for 30 years.

Mr. Duffee asked about lighting. Mr. Evans responded it is quiet time after 10 pm. Mr. Duffee asked how do you monitor that. Mr. Evans explained we have security that works for us now. Mr. Duffee asked about signage on Musselman road for the camp ground. Mr. Evans responded we have been talking about signage on SR 235 and Musselman Road.

With no further questions for the Owner or Applicant, Chairperson Taylor asked if there was anyone else in favor of the Conditional Use request that wished to speak. There were none. She then asked if there was anyone in opposition to the Conditional Use request.

Larry Tate, 10900 Musselman Rd., was sworn in. Mr. Tate explained I have lived here 40-50 years. The Studebakers have always been our neighbor and have done well. We applaud Mr. Evans for his plans but there are so many questions involved. Were in the country, dark and quiet how we like it. This does not sound like a thought out plan or how it effects his neighbors. The pond has runoff with pesticides and with the junk yard next door it will affect our water with the ground runoff. The proposed kids' area is the land for the resident Canadian geese. Wondering about an EPA study for that. Also the wetland area is owned by my neighbor. They are worried about campers wondering through there as well as environmental impact and the noise. The access points concern me as well.

Mike Barnhart, 11000 Musselman Rd., was sworn in. Mr. Barnhart asked about the north side of the lot. Mr. Evans has only shown plans for the south side of the lot. What will happen to the north area if this is rezoned? Mr. Neimayer explained, we are only talking about the south side of the parcel. We are not talking about the north side. It will remain A-1 will agricultural type uses.

Chairperson Taylor asked about size of the property. Mr. Neimayer explained the property, 91 acres, is on both sides of the road. The proposed campground site is on the south side of the road. Chairperson Taylor asked, if we approve this Conditional Use request could they use the north side as well. Mr. Neimayer explained it depends on how the motion is worded. I would expect the Board to tie the campground site to the south side only. Mr. Hazlett added we can identify the south side of the parcel as to what we are acting on. Chairperson Taylor then asked if they wanted to develop the north side of the parcel they would need to come back for another Conditional Use approval. Mr. Neimayer responded yes.

Susan Liller, 10923 Musselman Rd., was sworn in. Ms. Liller explained I met with Mr. Evans and Mr. Watkins and felt really good about it. I am not saying I am in favor because I still have some fears and concerns. I live on the two acres next to the proposed kids' area. I am concerned about the ½ acre woods we planted. It is home to rabbit nests, owls, wood peckers and occasionally a hawk. I am concerned about people going into those woods and disturbing that natural habitat. Ms. Liller asked if this gets approved and they would want to do something different would they need to come back? Chairperson Taylor confirmed. Ms. Liller stated the unknown is worrying me. If bath and shower houses started to be built would that need additional approval? Mr. Neimayer responded yes. Ms. Liller asked, what if they add a bunch of porta pots. Mr. Neimayer explained most of the sanitation review/approval comes from the State Health department. Our local Health Department does an annual inspection to see if they are compliant with the State's approval. Ms. Liller asked if this does not get approved do they have other plans for the property. Chairperson Taylor stated we will get that question answered for you.

Trudi Langston 10881 Musselman Rd was sworn in. Ms. Langston explained, we've been here for generations. Our main concern is our woods that back up to this proposed camp ground. What will keep the campers out of our woods and cutting down trees for their wood? My brother woks for Evans so we do have some communication with them. We just want to know what is going to keep people out of our woods.

David Barnhart, 1535 Vicki Lane Lebanon, OH 45036, was sworn in. Mr. Barnhart explained I grew up in the house across the street from the proposed campground. My dad still resides there. I am concerned about the five foot wide lots. To me this seems like a cheap way of making money out of land that nothing can be built on it. This will have a significant impact on the entire road not just these houses. The property values will decrease with a campground across the street. Mr. Barnhart adds, I do not see a grass area being a buffer. There needs to be large pine trees that will block the view as oppose to walking out of your front door and seeing a campground. This seems to be thrown together and this will have a tremendous impact. Musselman Rd. is in terrible condition. When you start factoring in 20,000 pound trailers it will not hold up. I am also concerned about the fishing pond for kids. Mr. Barnhart stated it sounds like Mr. Evans wants to build a Young's Jersey Dairy or Meadow View Gardens but to me those are day trips. I am not going to go camp in an open field.

Chris Morris, 590 Quick Rd., was sworn in. Mr. Morris explained I am not for or against the campground. The pond is spring fed. There are not any contaminates in the pond. If there were they would have shown up on our ground water testing. We do not want people to be miss understood. Chairperson Taylor asked if they have fencing. Mr. Morris responded yes we have fencing. The state regulates that. Mr. Morris added what he does on his property is up to him. I am right next door and I do not care.

Rhonda Ledford, 9663 Milton-Carlisle Rd. was sworn in. Mrs. Ledford explained I am not for or against it. If this is what Mr. Evans wants to do that is fine with me. I do not live next door to this property. However I do live next door to other property he owns. He put up a beautiful fence. He cleans the dirt off the road from his trucks. Everything he has done that I have seen has been top quality. Mr. Evans donated a piece of his property to Bethel Township for a cemetery and fenced it off beautifully. I am born and raised in New Carlisle and with everything he has done for the area has enhanced it tremendously.

Mike Barnhart ,11000 Musselman Rd., was sworn in. Mr. Barnhart explained I am opposed to the Conditional Use request. I have been here 71 years. The Board needs to visit the site and review the issues that surround it and on the site. Mr. Barnhart explained some of the main issues he has. Number one being the infrastructure. Do we as neighbors want yet another failed campground? Another concern being the pond. Everybody calls it a pond but it is a gravel pit. Been operating as a cement factory. Mr. Barnhart stated there is surface water that runs through the property and out the back then drains into the low lands. That is putting it on your neighbor. It is not a good thing. The New Carlisle auto parts, that area is draining this direction and drains into the wetlands. More pollution is not needed in this area. Mr. Barnhart explained, The New Carlisle land fill was under review and found Studebakers, and they tested 235 and they found that carcinogens were flowing south. I spoke with the Ohio EPA testing guy out of Dayton and he told me what was going on and he assured me as long as nothing changes my property will never see those carcinogens. There have been three solutions to solving that problem: digging it up and fix it, halfway between cheap and expensive try to contain it, and not fix it.

Mr. Barnhart then spoke of another problem – seasonal worker's facility. He stated the Studebakers made a pact with the federal government to allow him to put that in. The federal government paid for it and he had to operate it under their rules for 10 years and then it goes back to him. They mandated

a waste treatment plant on that facility. When they started that plant up when it is running I can hear it from my house. Since October of last year it has not run. No inspection from any local agency. My assumption is its dumping into the other side. We have had issues with surface water in our neighborhood. When we built I had no water in our backyard, but we do now because the county allowed Studebaker to change the flow of the water across the field so it flows down, changes that are made that effects the run off and comes down through the fields into my backyard. There are solutions for this, discussed over the years, but no one has stepped up to the plate. The verbal agreement Studebakers needed to put in a retention pond. Who will maintain the retention pond and slow the flow of water. All these things will impact the neighborhood. Just know that I do not want to live in the middle of an amusement park. I believe there are better sites that Mr. Evans owns where he could do this. Chairperson Taylor stated change is difficult I understand that. Mr. Barnhart stated I do not believe this would have a positive economic impact.

Dale Kibler, 11020 Musselman Rd., was sworn in. Mr. Kibler explained I am opposed to this. I am not sure what is going to happen to it. I am worried about the water shed.

Steven Pavon, 10824 Musselman Rd., was sworn in. Mr. Pavon explained I moved here in 1999. Right behind the Kimber's and Barnhart's properties, that area floods. Mr. Pavon spoke of flooding issues. From the recent storm I had six inches of water in my crawl space. If he could stop the flooding with the project, I would be in favor.

Chairperson Taylor asked if there was anyone else to speak in opposition to the request. There was none.

### **Executive Session**

Motion by Mr. Hazlett, seconded by Mr. Smith, to go into Executive Session and to include Mr. Neimayer and Mrs. Tuttle.

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

**No:** None.

***Motion carried.***

**Time Out: 3:26 pm. Time In: 4:03 pm.**

Chairperson Taylor addressed the Applicant. From the testimony presented the Board would like you to consider Tabling this case. We will send you a written copy of the questions and asked that you provide us with written responses for the next Board meeting – May 26, 2022.

Mr. Evans, to the concerns, we appreciate all those concerns, we want to be good neighbors to everyone. We were sure there were no environmental issues. We are not in this to make anyone's lives miserable, just to enhance the community. For the record, we did get the water tested. We will test it again and if pesticides or carcinogens are in the water we will stop it.

Chairperson Taylor closed this portion of the hearing at 4:09 pm. and asked for a motion.

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

### **Action on Case #BZA-2022-05 ~ Property Owner/Applicant: Evans Family Ranch ~ Location: 11168 Musselman Rd., Bethel Twp. ~ Request: Conditional Use approval under Section 711 for a 100 unit campground.**

Motion by Mr. Hazlett, seconded by Mr. Smith, to **Table** this case until the May 26, 2022 meeting to allow the Applicant to provide written responses to questions from the Board (a written copy will be provided to the Applicant by Staff).

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

**No:** None.

***Motion carried.***

Chairperson Taylor asked Staff to present the next case.

### **Case #BZA-2022-006 ~ Property Owner/Applicant: Ismael Cabrera ~ Location: 850 McAdams Dr., Bethel Twp. ~ Request: Variance to Section 204 to reduce the minimum side yard setback for an accessory structure from 6 ft. 2 ft.**

Mr. Neimayer stated the subject property is located at 850 McAdams Dr. in Bethel Township and consists of 0.21± acres. The property is currently zoned R-2A (Medium-Density Single-Family Residence District). The Applicant has filed this variance request to reduce the minimum side yard setback for an accessory structure from 6 ft. to 2 ft. The property is serviced by public water and sanitary sewer.

Mr. Smith asked for the total square footage of the sheds. Mr. Neimayer responded 1,500 sq. ft. is the maximum for accessory structures. Mr. Smith asked what the size of the shed is. Mr. Neimayer responded it is a 10 ft. by 24 ft. (240 sq. ft.) shed.

Hearing no further questions for Staff, Chairperson Taylor opened the public portion of the public hearing at 4:14 pm. and asked if the Applicant wished to speak.

Juan Cabrera, Applicant, 109 Corey St., was sworn in. Mr. Cabrera stated that we got the shed for our mowing equipment. It is for our side business and there was not enough room in the garage. We have had this shed here for about two years and did not know we could not have it until the neighbor was complaining. We hope to keep it in that location. The neighbor has sold his house and is no longer there. The shed is about two feet from the property line. We did not understand it is bigger than we were allowed to have. We ask so we can keep it. We have no other place to put it.

Chairperson Taylor asked if it is used for storage and not a vehicle. The Applicant responded it is only used for storage.

Mr. Hazlett asked if there is room in the backyard to relocate. The Applicant responded it was pre-built when we bought it. To move it in the backyard would be a lot of work.

Mr. Duffee asked what is behind the shed in question. The Applicant responded it is a wood shed.

Mr. Hazlett asked if the Applicant moved the shed to the backyard, how many feet from the property line does he need to be. Mr. Neimayer replied 5 feet.

Mr. Hazlett asked where the runoff is. The Applicant responded from the houses.

Chairperson Taylor asked if there was anyone else who wished to speak in favor of the request. There were none. She then asked if there was anyone in opposition to the variance request and would like to speak.

Rhonda Ledford, Bethel Township Coordinator, was sworn in. Mrs. Ledford stated I am an employee of Bethel Township and our fear is if you allow this to happen now it will continue to happen. We already have problems in Park Lane. This is on a main drag. As soon as people start seeing the shed it will begin to happen all over Park Lane. He is not the resident of the home and he is using his brother's home as storage for their business. There are storage facilities across the street. We would rather him not be allowed to have this here.

Ismael Cabrera, property owner, stated we bought this house together and we are both the owners of the shed as well. We are in this together. We have a partnership business. Chairperson Taylor asked when this complaint was filed have you thought of any other options? Ismael Cabrera responded we do not do this full time. We have full time jobs. This is just to help us pay for bills as a part time business.

Mrs. Tuttle added this may have issues on the building side. Also, as part of zoning code enforcement, a business is not allowed on this property.

With no one else to speak in opposition to the variance request, Chairperson Taylor closed the public portion of the hearing at 4:26 pm. and asked for Board discussion.

Mr. Duffee stated as I understand they are not running the business out of the residence just storing equipment.

Mr. Smith stated according to the picture it looks like he is in violation with the building in the back, the building directly behind this is right on the property line. I would not go along with it being that close to the property line.

Mr. Hazlett stated we have issues with water runoff and other issues from the roof of the building. It is on gravel. It could be picked up and moved. The crowding of the property line is an issue.

Chairperson Taylor stated I do not see another option. We have to do what is best for the neighborhood. I agree when things happen it sets precedence. It is up against a building that is up against a property line. It is a cluttered look. I am not in favor of this.

Mr. Duffee stated for our Findings Of Facts No. 3, the essential character of the neighborhood will be substantially impacted. Chairperson Taylor agreed, this is a substantial request.

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

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

**Action on Case #BZA-2022-006 ~ Property Owner/Applicant: Ismael Cabrera ~ Location: 850 McAdams Dr., Bethel Twp. ~ Request: Variance to Section 204 to reduce the minimum side yard setback for an accessory structure from 6 ft. 2 ft.**

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

**VOTE: Yes** None.

**No:** Mr. Smith, Mr. Hazlett and Mr. Duffee.

***Motion carried.***

Chairperson Taylor asked Staff to present the next case.

**Case #BZA-2022-07 ~ Property Owners/Applicants: Michael & Teresa Workman ~ Location: 11670 Knight Court., Bethel Twp. ~ Request: Variance to Section 802.02.032 to allow an automatic swimming pool cover in place of a fence or wall.**

Mr. Neimayer stated the subject property is located at 11670 Knight Court and consists of 1.2± acres. The property, Lot #27 of the Tall Hickory Estates, Section 3 Subdivision, is currently zoned R-1 (Low Density Single-Family Residence District). The Applicants have filed this variance request to install an automatic swimming pool cover in place of a fence or wall. Mr. Neimayer referenced emails received from Edward & Susan Harm, 11728 Knight Court, and from Barry Garrett, 11559 Knight Court, both in support of the variance request.

Chairperson Taylor stated this was a topic we have discussed at length. Mr. Neimayer explained we have talked about developing new regulations that would allow automatic pool covers. However, with the technology continuing to evolve, we could not find the base requirements to have. Chairperson Taylor explained the reason for the fence or wall is for safety of small children, uncontrolled access into the pool area. If they are doing a pool cover as the safety feature, do you see an issue? Mr. Neimayer responded no. Mrs. Tuttle added our conversation had to do with the weight limit on the cover and different ways of closing it. Chairperson Taylor stated kids can unlock fences. Mr. Smith asked did they submit anything for the pool cover? Mr. Neimayer responded yes, it is in your packet.

Hearing no further questions for Staff, Chairperson Taylor opened this portion of the hearing at 4:44 pm. and asked if anyone would like to speak in favor of the case.

Michael Workman, Applicant, 11670 Knight Court, was sworn in. Mr. Workman stated to answer your question to be STEM rated, you have to be a minimum 480 pounds which is about 2 adults and a child. There is a code that has to be entered and you have to hold down the button until the cover is closed. We looked at a lot of different pool covers and fencing. Fencing is only as good as someone not climbing the fence. So for us, we have the cover for safety. Our neighbor has one and let us walk across it.

Chairperson Taylor asked if there was anyone else to speak in favor of the variance request. Hearing none she then asked if there was anyone who wished to speak in opposition to the variance request. There were none. Chairperson Taylor closed the public portion of the hearing at 4:50 pm. and asked for Board discussion.

Chairperson Taylor reviewed the Findings Of Facts.

Mr. Smith stated I am good with it. We have been through it. Mr. Duffee and Mr. Hazlett both agreed.

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

**Action on Case #BZA-2022-07 ~ Property Owners/Applicants: Michael & Teresa Workman ~ Location: 11670 Knight Court., Bethel Twp. ~ Request: Variance to Section 802.02.032 to allow an automatic swimming pool cover in place of a fence or wall.**

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

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

**No:** None.

***Motion carried.***

Chairperson Taylor asked Staff to present the next case

**Case #BZA-2022-08 ~ Property Owners/Applicants: Bruce & Lucinda Pierce ~ Location: 1048 Westmont Dr., Moorefield Twp. ~ Request: Variance to Section 802.06.03 to reduce the side and rear setbacks from 5 ft. to 1 ft. to construct a 12 ft. by 24 ft. storage shed.**

Mr. Neimayer stated the subject property is located at 1048 Westmont Dr. The property is located at 1048 Westmont Dr. and consists of 0.22± acres. The property, Lot #68 of Northridge Subdivision No. 1, is currently zoned R-2A (Medium-Density Single-Family Residence District). The Applicants have filed this variance request to reduce the side and rear setbacks from 5 ft. to 1 ft. to construct a 12 ft. by 24 ft. storage shed. The property is serviced by public water and sanitary sewer.

Chairperson Taylor asked is there a reason it is all the way in the back. Mr. Neimayer deferred to the Applicant.

Hearing no further questions for Staff, Chairperson Taylor opened this portion of the hearing at 4:55 pm. and asked if anyone would like to speak in favor of the case.

Bruce Pierce, Applicant, 1048 Westmont Dr., was sworn in. Mr. Pierce explained the location of the shed is mainly so we did not waste any of our property space. We have three dogs and we enjoy all of our open space. No utilities going down that lot line. We will square it up as much as we can.

Chairperson Taylor asked, will it fit in-between the trees? The Applicant responded yes. Chairperson Taylor stated I think there are options to keep you off the property line. If we have an option to stay closer to those guidelines that is what we try to do. Mr. Smith added we have these guidelines for a reason. You have a lot of water runoff and we do not want your runoff going onto your neighbor's property. It seems better to us to have you meet the setbacks, and the setbacks are to give you access around the building.

Chairperson Taylor stated I feel like you have other options. The Applicant responded we would lose 480 sq. ft. of our yard space. Mr. Hazlett asked if this would be a permanent structure with a cement pad. The Applicant confirmed.

Chairperson Taylor stated you have the ability to move it. The Applicant responded if I move it 5 ft. from the property lines, I will run into the roots of the tree. I cannot move it to the other side because of the power line.

Mr. Smith asked is there anything you could attempt to do to be inside the regulations that you will be happy with. The Applicant responded this is the only solution I see as far as that goes.

Chairperson Taylor asked if we compromise and meet at three feet. The Applicant agreed.

Chairperson Taylor asked if there was anyone else is in favor of the variance request that would like to speak. There were none. She then asked if there was anyone wished to speak in opposition to the variance request. Hearing none Chairperson Taylor closed the public portion of the hearing at: 5:06 pm. and asked for Board Discussion

Mr. Hazlett stated I am in agreement with the amended distance being three feet from the side and the back property line.

Mr. Smith states I am ok with the three ft. minimum. We want to be close to our regulations.

Mr. Duffee stated I understand the compromise, but I would stick with the five feet on this one.

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

**Action on Case #BZA-2022-08 ~ Property Owners/Applicants: Bruce & Lucinda Pierce ~ Location: 1048 Westmont Dr., Moorefield Twp. ~ Request: Variance to Section 802.06.03 to reduce the side and rear setbacks from 5 ft. to 1 ft. to construct a 12 ft. by 24 ft. storage shed.**

Motion by Mr. Smith, seconded by Mr. Hazlett, to **Approve** a variance reducing the side and rear setbacks from 5 ft. to 3 ft.

**VOTE: Yes:** Mr. Smith and Mr. Hazlett.

**No:** Mr. Duffee.

***Motion carried.***

Chairperson Taylor asked Staff to present the last case.

**Case #BZA-2022-09 ~ Property Owners/Applicants: Ken Weekly ~ Location: 8500 Dayton-Springfield Rd., Mad River Twp. ~ Request: Variance to Section 212 to reduce the rear setback from 60 ft. to 4 ft. to allow for the expansion of an existing auto repair shop.**

Mr. Neimayer stated the subject property is located at 8500 Dayton-Springfield Rd. and consists of 0.58 acres. The property is currently zoned B-3 (General Business District). The Applicant would like to expand the existing auto repair business with a 1,800 sq. addition (see plot plan). Because the adjacent zoning district to the west is A-1, the rear setback requirement is 60 ft. Hence, the Applicant has filed this variance request to reduce the rear setback from 60 ft. to 4 ft. to allow for this expansion. The property is serviced by public water and sanitary sewer.

Chairperson Taylor asked if this is a business. Mr. Neimayer responded yes.

Mr. Hazlett asked if we combined the parcels would he still need a variance. Mr. Neimayer responded yes.

# **Minutes**

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

With no further questions for Staff, Chairperson Taylor opened this portion of the hearing at 5:15 pm. and asked if anyone would like to speak in favor of the case.

Ken Weekley, Applicant, 8500 Dayton-Springfield Rd. was sworn in. Mr. Weekley stated I just want to put an addition on the property. We have been there for 30 years.

Mr. Neimayer reviewed additional parking spaces required by zoning and noted off-street parking needs to be a hard surface. He asked the Applicant if he planned to have hard service. The Applicant responded yes in the future, but for now would like to be gravel. Chairperson Taylor stated so we will need an additional variance to allow for gravel parking area.

With no further questions for the Applicant, Chairperson Taylor asked if there was anyone else who wished to speak in favor of the request. Hearing none she then asked if there was anyone who wanted to speak in opposition to the variance request. There were none. Chairperson Taylor closed the public portion of the hearing at 5:20 pm. and asked for Board Discussion.

Mr. Duffee stated I am familiar with the property there are no alternatives for the addition. It backs up to an additional business area.

Mr. Hazlett stated I like the idea to add the parking area and I am sure he will continue his quest to combined the two parcels.

Mr. Smith stated I am good with it.

Chairperson Taylor asked if Mr. Duffee should abstain for using the auto repair shop. Mr. Duffee responded that he does not believe he has a conflict of interest and therefor will not abstain from the case.

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

**Action on Case #BZA-2022-09 ~ Property Owners/Applicants: Ken Weekly ~ Location: 8500 Dayton-Springfield Rd., Mad River Twp. ~ Request: Variance to Section 212 to reduce the rear setback from 60 ft. to 4 ft. to allow for the expansion of an existing auto repair shop.**

Motion by Mr. Duffee, seconded by Mr. Hazlett to **Approve** the request as presented, and also approve a variance to Section 501.02 to allow for gravel parking area.

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

**No:** None.

***Motion carried.***

# **Minutes**

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

### **Staff Comments**

Mr. Neimayer stated the next scheduled meetings are May 26 and June 23, 2022.

### **Adjournment**

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

**VOTE: Motion carried unanimously.**

The meeting was adjourned at 5:28 pm.

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Mrs. Jerri Taylor, Chairperson