

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, May 26, 2022

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, Mr. Tom Duffee and Mrs. Sandy Forstrom.

Absent For Roll Call: None.

Also in Attendance: Mrs. Jennifer Tuttle and Mrs. Rachel Ricketts of Clark County Community Development.

Chairperson Taylor explained how the meeting will be conducted.

Chairperson Taylor noted Approval of the April 28, 2022 minutes will be deferred to the June meeting.

Chairperson Taylor asked Staff to present the first case

Case #BZA-2022-11 ~ Property Owners/Applicants: Casey & Sara Leslie ~ Location: 7720 Milton Carlisle Rd., Bethel Twp. ~ Request: Variances to Section 802.06.03 to increase the total allowable sq. ft. for accessory structures from 3,000 sq. ft. to 4,500 sq. ft.

Mrs. Tuttle stated that the subject property is located at 7720 Milton-Carlisle Rd. and consists of 1.92 acres. The property, Lot #8 of Valley View Estates Subdivision, is currently zoned R-1 (Rural Residence District). The Applicants would like to construct a 72 ft. by 52 ft. (3,744 sq. ft.) pole barn, plus possible future accessory structures. The maximum size of accessory structures for property between one and less than two acres is 3,000 sq. ft. Hence, the Applicants have filed this variance request to increase the maximum size allowed to 4,500 sq. ft.

Mrs. Tuttle explained there was a discovery following the notification process. Residents were calling concerned the proposed barn would be used for a business. The Applicant confirmed the intent for the barn is a mixed use: part home occupation and part home use. Mrs. Tuttle explained there are three sections of the home occupation conditional use that the Applicant cannot meet. Therefore, the variance request needs to be amended to include those three items. She explained the Applicant indicated there would be no more than four non-residents and no more than four commercial vehicles.

Mrs. Tuttle explained the amended request is something that also needs a Conditional Use approval. The Applicant did file for the Conditional Use on May 17, 2022 but it was past our deadline so it will be on the agenda for the Board's June meeting. When public notices went out it did not include the home construction use or the additional variance requests.

Chairperson Taylor stated I would say until this conditional use is presented I would say we table this. Other Board members unanimously agreed.

Mrs. Tuttle asked if the Board would like to hear from the residents in the audience.

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Chairperson Taylor asked if the Conditional Use case will be on next month's agenda. Mrs. Tuttle confirmed. Chairperson Taylor then asked will we look at the conditional use first and then look at the variance case? Mrs. Tuttle responded that is the best way to handle the additional requests.

Chairperson Taylor states, I don't think we need to hear from the public at this time.

Mrs. Tuttle stated proper notification will go out that states the Applicants are asking for a Conditional Use for a home occupation as well as the additional variance requests.

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

Action on Case #BZA-2022-11 ~ Property Owners/Applicants: Casey & Sara Leslie ~ Location: 7720 Milton Carlisle Rd., Bethel Twp. ~ Request: Variances to Section 802.06.03 to increase the total allowable sq. ft. for accessory structures from 3,000 sq. ft. to 4,500 sq. ft.

Motion by Mr. Hazlett, seconded by Mr. Smith, to **Table** this case until June 23, 2022 to send out proper notifications for the Conditional Use and for the amended variance requests.

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

No: None.

Motion carried.

Chairperson Taylor asked Staff to present the next case.

Case #BZA-2022-12 ~ Property Owner: Jerry Suver ~ Applicants: Jamie & Alisha Suver ~ Location: 4812 Lehigh Dr., Moorefield Twp. ~ Request: Variance to section 204 to reduce the side setback from 6 ft. to 3 ft. for a 14 ft. carport partially in the side yard.

Mrs. Tuttle stated that the subject property is located at 4812 Lehigh Dr. and consists of 0.20± acres. The property, Lot #1338 of the Northridge Subdivision No. 5, is currently zoned R-2A (Medium Density Single-Family Residence District). A zoning complaint was made regarding a carport installed without prior zoning approval. The carport, 14 ft. by 36 ft., is approximately three ft. from the side lot line. Because the carport is partially in the side yard, per zoning regulations the required minimum side yard setback is 6 ft. Hence, the Applicants have filed this variance request to reduce the side yard setback from 6 ft. to 3 ft.

Mrs. Tuttle stated a new comment letter did not make it into the packet regarding questions about a semi-truck being parked under the carport or on the property. That just came into the office on May 25, 2022. Mrs. Tuttle handed out a copy to the Board.

Chairperson Taylor asked the size of the lot. Mrs. Tuttle responded 0.20± acres.

Mrs. Forstrom asked if the carport is already built. Mrs. Tuttle responded yes and with no permit.

Chairperson Taylor asked is there a cement structure or gravel under the carport. Mrs. Tuttle responded I believe it is part of the driveway.

Mr. Smith asked the distance from the carport to the house. Mrs. Tuttle responded the Applicant has applied for permits for zoning, but not sure of the building.

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Chairperson Taylor asked what is the distance requirement between structures. Mrs. Tuttle states for zoning there are no requirements between structures, but for the building department there may be.

Mrs. Forstrom asked if it is too close for building code would the zoning be canceled. Mrs. Tuttle replied it could because the Ohio Residential Code will dictate, yes it could make this irrelevant.

Hearing no further questions for Staff, Chairperson Taylor opened this portion of the hearing at 2:15 pm. and asked if anyone would like to speak in favor of the case.

Jamie Suver, Applicant, 4812 Lehigh Dr., was sworn in. Mr. Suver explained we have this carport up and we did have a semi-truck parked there that has since been removed. We want it to keep the cars out of the elements, safe and off the road.

Chairperson Taylor stated the lot looks pretty cluttered and I am not sure how attractive that is for the rest of the neighborhood. What are your thoughts? The Applicant responded we have a lot of vehicles and keeping them under shelter would really clean up the street.

Mr. Smith asked did you put up the back structure in the corner too? The Applicant responded no. That is the garage and it was there previously. Mr. Smith then asked do you know how close that is to property line? The Applicant responded I have no idea. Mr. Smith stated it looks like it lines up with the carport. The Applicant explained I would say that in between the garage and carport there is a space about a foot or so.

Mrs. Forstrom asked is there a business being run back there and is that why a semi-truck was there? The Applicant explained no, I work as a truck driver full-time and take the truck home sometime to clean it. The trucks are located elsewhere now. Mrs. Forstrom asked do you know the height and size of the carport? The Applicant responded 14 ft. by 32 ft. by 14 ft. Mrs. Forstrom then asked how would you control storm water or ice coming down the roof. The Applicant responded it does have an overhang and, since our driveway is at a slight angle, any water that hits it goes down the front. Mrs. Forstrom asked if we had a large storm, sheets of ice and snow will not land in the neighbor's property? The Applicant responded no. The Applicant added we did leave enough room to able to mow and keep it clean.

Mr. Duffee stated that is a metal supported structure. Is that fabric over the metal? The Applicant responded that is just a temporary tarp. Mr. Duffee asked what is underneath the tarp? The Applicant responded nothing. Mr. Duffee and Mrs. Forstrom asked what is the building material. Is the whole thing metal? The Applicant responded it is all metal. Mrs. Forstrom asked then why would you put a tarp on the top? The Applicant responded it is not on the top. We have a tarp on the front and back to keep the rain from blowing in.

Mr. Hazlett stated the appearance is like a hoop building. It looks like a fabric building, but it is not fabric. The Applicant restated it is a metal building and I have tarps on it but those can be taken down. Mr. Hazlett stated so it is a metal carport with canvas drapes. The Applicant responded yes. The Applicant added we did try to choose a good color to match the house.

Mr. Hazlett asked what is the base? The Applicant responded it is a concrete driveway and it is anchored. Mr. Hazlett asked how much space is there between the carport and the house? The Applicant responded about one foot as advised by the construction company that built the carport.

Mr. Hazlett asked the existing garage in the back, are the walls in line. The Applicant responded close. Mr. Hazlett asked do you know how close the measurement is to the property line. The

Applicant responded about three feet. Mr. Hazlett asked how long has the garage in the back been there? The Applicant responded probably since the house was built.

With no further questions for the Applicant, Chairperson Taylor asked if there was anyone else who wished to speak in favor of the variance request. There were none. Chairperson Taylor then asked if there was anyone who wished to speak in opposition to the variance request.

Patricia Wagner, lives at 2036 Providence Ave., owns 4800 Lehigh Dr., was sworn in. Mrs. Wagner stated the carport is an eye sore and a fire hazard. If any of the other structures catch on fire, it could spread to other houses. He has had a lot of traffic coming and going, mostly lawnmowers and snow blowers. He had a semi-truck parked in the carport and very rarely did I see it leave. Mrs. Wagner provided the Board with pictures of the structure. She continued on May 10th I had to go to the sheriff's department because a trailer and ladder were in my yard. My late-mother used to live in this house and had multiple run-ins with this gentleman. He was very rude to her and would park on her lawn. He would monopolize the street. He has not put any of his cars into the carport to get them off the street. He parks in front of my house and the neighbors' houses. If he cannot keep his things in his area and instead encroaches on other people's areas, that is not beneficial to anyone in the neighborhood.

Mrs. Hazlett asked which house is hers. Mrs. Wagner pointed out the house she owns next door to the Applicant.

Mr. Duffee asked if there are renters on her property. Mrs. Wagner responded no, but I am getting ready to paint and it will be difficult to sell the house with that eyesore next door. I have had people come look at the property, but they are not happy with the business being run in the back and the semi-truck being parked in the carport. The cars in the street block my property, so the renters will not have ample space for their family or company to park in front of their house. If he is wanting this carport to put his cars in, he is not doing it.

Gary Turner, 1565 Bellefontaine Ohio, was sworn in. Mr. Turner stated my mom called me a lot about all the cars parked in front of her house. She called the sheriff but I do not know what ever became of it. She felt like they did not respect her because of her age. My thing is it is too close and devalues the property. It should not be allowed to be so close to the property line.

William Post, 4741 Lehigh Dr., was sworn in. Mr. Post explained when he moved to Springfield 36 years ago he selected Northridge as a place to live and raise my family. I found it to be a good residential neighborhood as shown by the spacing in between the houses. They were not sitting right on top of each other. I live a few houses down from the residence requesting the zoning variance, and this is not a carport. I am opposed to this variance request for the following reasons. One, it will create a crowding affect to the adjacent houses, which I believe will affect property values. Can you imagine what Northridge would look like if the houses were all within three feet the property line? No one would want to live there because that is not a desirable community. Such a large, unsightly structure would undoubtedly have a negative impact on property values. When I decide to sell my house in the next four to five years, my house will be effected by this. As Mrs. Wagner said, no one looking to buy a home will because of the structure's effect on the community. The carport is not utilized as a carport. The cars are still in the street and three of the four cars are not even parked in front of your own house. I have not seen a semi-truck recently, but I do believe there is a small business being run in the garage. Why is there a need for a 14 ft. wide 36 ft. long and most likely 20 ft. tall carport that is enclosed? I know change in any neighborhood is inevitable, but the crowding of adjacent properties should not be allowed. I spoke with some neighbors about this and they all

expressed their shared concerns about the property values decreasing. I believe Jane Goulding sent an email.

Alisha Suver, Applicant, 4812 Lehigh Dr., was sworn in. Mrs. Suver stated at one point we did side work of repairing small engines, but we are no longer doing that. Like he said before, he is a full-time truck driver now and so we do not have time to run a business. I understand you are not supposed to run a small business in Northridge, so we decided not to do that.

Mrs. Suver stated, the reason for the carport is for her elderly father who comes in from out of state. He brings his camper and parks there. When he does visit us, we like to grant him some level of privacy. There are multiple business owners on our block alone. The house two doors down from 4800 Lehigh Dr. runs a small business as well. They do not have a big carport, but there are a lot of hardworking, business-like people in the neighborhood. The neighborhood has changed and I agree on that aspect, but this in no way diminishes property values. The house to the north of us and across the street has had no issues with the carport. So, these are the only neighbors who seem to have a really big issue with this. As for the three feet from the property line, there is a fence directly on the property line. So, if this were such a hindrance, it would not be there.

Mr. Smith stated looking at the photograph provided by Mrs. Wagner, it does not look like this side of the carport is sitting on the driveway. What is supporting that on this side? Mr. Suver explained, there are stakes holding it down. Mr. Smith asked but there is no concrete or anything there? Mrs. Suver responded there will be. That is the next phase of our plan. Then we can solve the problem of the cars on the road. Mr. Suver added the carport has never been used. Since this is all new to us, we do not know if we need to get it approved or something. Mrs. Suver stated we shut down the business, so it has never been used for business purposes. It is for my elderly father-in-law to have some privacy.

Mr. Duffee asked if the garage is used to store cars overnight. Mrs. Suver responded no. We do not really use the garage because we would like the cars to be a little closer. The garage is a little far back. The Applicant added we use the garage to store personal items. Mrs. Suver explained, the carport shelters the car from the weather elements, especially with having a baby.

Mr. Duffee asked is that a two-car garage? Mrs. Suver responded it is a two-car garage, but it helps with keeping the children out of the weather too. The Applicant explained how they get around and into the garage from their house. Mrs. Suver explained the reason it is so tall is for my father-in-law. We had a bit of a "go big or go home" sort of mentality.

Hearing no further comments, Chairperson Taylor closed the public portion of the hearing at 2:34 pm. and asked for Board Discussion.

Mr. Hazlett asked for a broader picture of the neighborhood. He asked are we aware of any other structures like this in the neighborhood? Mrs. Tuttle responded in Northridge 1,500 sq. ft. is the maximum. There are a lot of two-car garages and some owners add additional structures. So, it is not uncommon. There are public utilities, so they do not have to worry about a well or septic. I could not say if any other exist like this. Mrs. Tuttle added if the intent is to add more of a drive for the concrete, there is a new zoning code that says they cannot go any closer than five feet to the property line, which would require a variance.

Chairperson Taylor reviewed the findings of facts. I do think it is a substantial request and I do feel like it alters the look of the neighborhood and surrounding homes. It cannot be alleviated by any other method because there is no other place on the property. It looks cluttered and if I were a neighbor, I

would think it detracts from my property. I think it is an eyesore and I am not sure if it is a necessary structure.

Mr. Hazlett stated I do not feel it fits the overall scheme of the neighborhood. I think they would be better off adding onto the existing garage.

Ms. Forstrom stated I think it is a substantial request and it does change the character of the neighborhood.

Mr. Duffee explained I think we have faced several times in the past that homeowners desire functional use of their property and it may not be in line with the character or it is not permitted. Those property owners are restricted where they live. This just does not fit the property or the neighborhood.

Mr. Smith explained, one issue I have is the access to the backyard in case of a fire. If there was an emergency at the pool, the EMS would have trouble getting to the backyard. I do not think the aesthetic is proper for that location, and the other garage is in violation, but that was grandfathered in.

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

Action on Case #BZA-2022-12 ~ Property Owner: Jerry Suver ~ Applicants: Jamie & Alisha Suver ~ Location: 4812 Lehigh Dr., Moorefield Twp. ~ Request: Variance to section 204 to reduce the side setback from 6 ft. to 3 ft. for a 14 ft. carport partially in the side yard

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

VOTE: Yes: None.

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

Motion defeated. The variance request is therefore denied.

Chairperson Taylor asked Staff to present the next case.

Case #BZA-2022-13 ~ Property Owners/Applicants: Tom & Tammy Schliep ~ Location: 1972 Erika Dr., Moorefield Twp. ~ Request: Variance to Section 802.02.031, A to reduce the setback for a 24 ft. diameter above ground swimming pool from 10 ft. to 6 ft.

Mrs. Tuttle stated that the subject property is located at 1972 Erika Dr. and consists of 0.23 acres. The property, Lot #2233 of the Northridge Subdivision No. 30-A, is currently zoned PD-M (Planned Development-Mixed Use District). The Applicants would like to install a 24 ft. diameter above ground swimming pool in the rear yard. Due to the depth of the rear yard, the pool will not maintain both 10 ft. setback distances from the house and the rear lot line. Hence, the Applicants have filed this variance request to reduce one of the 10 ft. setback requirement to 6 ft. Mrs. Tuttle stated part of the swimming pool is over the deck which will get redone. Chairperson Taylor asked, where will it be located? Mrs. Tuttle explained the red area shown is where the pool will go. The deck will be removed and they will rework it around the pool.

Chairperson Taylor asked what the outcome of the shed and fence was. Mrs. Tuttle responded those were approved. Chairperson then asked if we allowed the fence to be six feet. Mrs. Tuttle responded yes, and I will note that part of the fence is four feet. Chairperson Taylor asked if the accessory

structure was approved. Mrs. Tuttle responded yes, it was for being in the front yard because it was a corner lot.

Mrs. Forstrom asked if they move the pool closer to the house can they meet the ten feet in the back? Mrs. Tuttle responded there is no way they can move it to meet both of the ten foot requirements.

Chairperson Taylor stated a smaller pool still would not meet the requirements. It would have to be fairly small to meet the requirements. Mrs. Tuttle confirmed.

Mr. Smith stated it is ten feet away on the side. Mrs. Tuttle explained it does appear to be according to where the Applicant wants to place it. So, it is just reducing it from the house and from the rear. I worked with the Applicant and this is from the GIS mapping system. I had the Applicant measure to be accurate and he is here and can give updates on those measurements.

Mr. Hazlett asked is there any way of getting a broader picture so we can see the rear neighbor? Mrs. Tuttle responded I cannot get a broader picture, but there is one neighbor, a single-family home. Mr. Hazlett then asked if we were to insist that it be ten feet from the side and back of the house, it would be three feet away from the house. Mrs. Tuttle confirmed.

Chairperson Taylor asked what is the thought behind the ten feet from the house regulation. Mrs. Tuttle responded safety. People walking out of the home will not fall into the pool. Ten feet is also a safe measurement that a lot of codes use. Chairperson Taylor clarified, you cannot step into or fall into an above-ground pool, correct. Mrs. Tuttle responded correct.

Mr. Smith asked what the squared-off white line was. Mrs. Tuttle responded that is part of the deck currently there.

Hearing no further questions for Staff, Chairperson Taylor opened this portion of the hearing at 2:46 pm. and asked if anyone would like to speak in favor of the case.

Tom Schliep, Applicant, 1972 Erica Dr., was sworn in. Mr. Schliep stated the only thing we are asking for is for the variance all the way around. I am only four feet off, or two feet on either side. That puts us at eight feet all around. It is not close to any doors, and there is no way for anyone to fall in.

Mrs. Forstrom asked will you rebuild the deck around the pool? The Applicant responded when the pool is put in, we will reattach the deck to the pool. I tore the deck completely off as of now.

With no further questions for the Applicant, Chairperson Taylor asked if there was anyone else who wished 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 2:49 pm. and asked for Board Discussion.

Mr. Smith stated, I appreciate that the Applicant is trying to get the approval and work out the problems before he did this. I can see he is between a rock and a hard spot. I am personally inclined to grant him the variance because he is trying to be right on the safety and keep a buffer between the pool and back tree line.

Mr. Duffee stated it is a reasonable request.

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Mrs. Forstrom agreed that it is reasonable. I do not think it is substantial and it will not alter the look of the neighborhood. It will not affect the delivery of governmental services. There really is no other place to put it, so I will agree with it.

Chairperson Taylor stated, it appears to be a well-kept property and that is a reasonable spot to use for the pool. It will not be too close to the home and it will be attached by the deck. I am inclined towards an approval as well.

Mr. Hazlett agreed.

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

Action on Case #BZA-2022-13 ~ Property Owners/Applicants: Tom & Tammy Schliep ~ Location: 1972 Erika Dr., Moorefield Twp. ~ Request: Variance to Section 802.02.031, A to reduce the setback for a 24 ft. diameter above ground swimming pool from 10 ft. to 6 ft.

Motion by Mr. Hazlett, seconded by Mrs. Forstrom, to **Approve** the request as presented.

VOTE: Yes: Mr. Hazlett, Mrs. Forstrom, Mr. Smith, Mr. Duffee.

No: None.

Motion carried.

Chairperson Taylor asked Staff to present the next case.

Case #BZA-2022-014 ~ Property Owners/Applicants: Neil & Jennifer Moherman ~ Location: 4530 Echo Hills Ave., Mad River Twp. ~ Request: Variance to Section 802.02.032 to allow a swimming pool safety cover/horizontal fence in lieu of a vertical fence or wall.

Mrs. Tuttle stated that the subject property is located at 4530 Echo Hills Ave. and consists of 1.45± acres. The property, Lot # 43 of the Echo Hills Subdivision Section 3, is currently zoned R-1 (Rural Residence District). The Applicants are requesting a variance to Section 802.02.032 to allow a swimming pool safety cover/horizontal fence, in lieu of a vertical fence or wall, for an inground swimming pool. This case was initiated from a code enforcement complaint. The following information provided by the Applicants was included in the Staff Report.

The Applicants have installed the following:

- Coverstar CS300HD
- Charcoal in color
- Pool Cover Track: Top Track System
- Pool Cover Control Switch: Standard Touch Pad
- Coverstar automatic cover systems have been tested and meet the safety standards outlined in ASTM F1346-91. These guidelines were created to reduce the risk of drowning by inhibiting pool access to children under five years of age.

How Safe Are Automatic Pool Covers?

- Coverstar automatic pool covers create an impenetrable barrier to prevent children, pets, or any other unwanted animals or guests from entering your pool unattended. While pool covers are the best way to add an additional layer of protection around your swimming pool, they are not a substitute for proper pool safety or adult supervision.

- Pool covers are often more reliable than other safety equipment, like fences, because they create a barrier that directly seals your pool off. Even with a fence, if someone is able to get in the pool area, a pool cover will prevent them from entering the pool without your permission.
- There's no need to worry about unwanted access to your pool because the control switch requires a key to unlock the cover plate or a four-digit code to gain access. Coverstar offers the best protection available to keep your loved ones safe.

Additional information on the inclusion of pool safety covers in zoning regulations:

- The regulations regarding pool barriers differ by municipality and are subject to change. However, a partnership between the International Code Council (ICC) and the Association of Pool & Spa Professionals (APSP) developed a set of swimming pool-related building codes called the International Swimming Pool and Spa Code (ISPSC) that many municipalities, and entire states in some cases, are adopting.
- The 2015 version allows for an auto cover in lieu of a fence for all inground pools and spas.

Chairperson Taylor asked does the fence have to cover the property or just around the pool. Mrs. Tuttle responded code will allow either, but the fence must be four feet tall.

Mr. Hazlett asked is the property surrounded by a fence already. Mrs. Tuttle responded it is not. Mr. Hazlett then asked are there any other pool covers of this nature in the neighborhood? Mrs. Tuttle explained I believe there is not, but we have approved some like this recently. Mr. Hazlett asked are there any other residences that have in-ground pools. Mrs. Tuttle responded there are. They are either fitting requirements or have not been turned in otherwise.

Hearing no further questions for Staff, Chairperson Taylor opened this portion of the hearing at 2:56 pm. and asked if anyone would like to speak in favor of the case.

Jennifer Moherman, Applicant, 4530 Echo Hills Ave., was sworn in. Mrs. Moherman explained we put the pool in in 2020 and into 2021. There were no supplies to build a fence. We tried to get contractors during the build, but could not due to COVID-19. During that time, I was pulling out wildlife such as frogs, mice, snakes, etc. from my pool, and by mid-build, the option for this cover came up. Since I knew we could not get a fence, we spent \$12,000 and got the cover. I understand this still does not follow the requirements, but since we have had the cover, there has not been a critter in the pool and I am very confident in the safety of this cover. You cannot pull or push the cover open. There is a code you must put in and you must continue pushing the open/close button. The pool is not very visible from the street, and only about four houses can see the pool. We have motion detecting, night vision cameras that watch the pool and will alert us if a ball rolls by. I feel this is safer. We do not leave it open unless we are actively using it. My grandmother could even stand on it.

Chairperson Taylor asked what the weight limit for the cover is. The Applicant responded 500 lbs. per sq. ft. It does meet industry standards and has been approved by multiple states.

Chairperson Taylor asked if anyone else wished 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 3:00 pm. and asked for Board Discussion.

Chairperson Taylor stated we have gone through this several times with the pool covers and it goes back and forth. A child could climb a four foot fence. I think this does not alter the look of the neighborhood, whereas a fence would. I do not believe the request is substantial and it could be

alleviated by putting up a fence, but this Board has had this discussion and the satire of both. In the past, we thought a pool cover was a safe, reasonable request.

Mr. Hazlett stated I had asked if there was already a fence around the property and I remembered there was a case once where people nearby requested we approve the pool cover because they did not want fences to hinder the view. I have to agree, I am in favor of it.

Mrs. Forstrom stated I am very concerned as my thoughts always go to the worst case scenario. What if you forget to close it? A four foot fence is a little deterrent, but that is my fear. I will be opposed for that reason.

Mr. Duffee stated it is my fear as well. However, someone could leave the gate open to a fence. The covers seem to meet industry standards. I just hope in ten years, we will think we made the right decision. I will support the variance request.

Mr. Smith stated we have seen technology change over the years, and I think we are moving into a time where liability is an issue. I have seen plenty of pools in Clark County with no fence, no covers, but the fact is, they are trying to do the right thing. The cover they are showing us seems to be a Cadillac type of deal to me. I think it is a good step and Clark County needs to start recognizing this.

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

Action on Case #BZA-2022-014 ~ Property Owners/Applicants: Neil & Jennifer Moherman ~ Location: 4530 Echo Hills Ave., Mad River Twp. ~ Request: Variance to Section 802.02.032 to allow a swimming pool safety cover/horizontal fence in lieu of a vertical fence or wall.

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

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

No: Mrs. Forstrom.

Motion carried.

Chairperson Taylor asked Staff to present the last case.

Motion by Mr. Smith, seconded by Mrs. Forstrom, to remove Case #BZA-2022-05 from Table.

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

No: None.

Case #BZA-2022-05 ~ Property Owner/Applicant: Evans Family Ranch ~ Location: 11168 Musselman Rd., Bethel Twp. ~ Request: Conditional Use under Section 711 for a 96 unit campground.

Mrs. Tuttle stated that the subject property is located is 11168 Musselman Road 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 96 unit campground. Mrs. Tuttle stated in the future there may be expansion with other services, but for now, they are only focusing on dry camping. Mrs. Tuttle described the idea of the campsite layout. As discussed last month, all permitting by the Ohio Department of Health must be completed and approved.

Mrs. Tuttle stated that Applicant was asked some questions and they have since answered those questions. Mrs. Tuttle read the Applicant's answers to the Board (see attachment). Mrs. Tuttle stated that the report of the pond water sample was included in the packet provided to the Board.

Chairperson Taylor stated this was originally a nursery. That is why there was a concern about the pond, or more specifically, the run-off from the fields and anything they used on the fields.

Mr. Smith asked is this something that would need to be permitted by the state yearly. Mrs. Tuttle responded once the state approves the campground, they turn it over to the Clark County Combined Health District who will then check the grounds at least once a year, potentially more, for compliance.

Mrs. Forstrom asked do they need to meet those regulations even with dry camping. Mrs. Tuttle responded they will need to meet the regulations, but since there are no facilities on the grounds, they have nothing to meet right now. They do not have to have bathrooms, unless there are requirements at state level. Mrs. Forstrom asked about dust and erosion. Mrs. Tuttle responded they would have to watch that.

Chairperson Taylor asked if they want to take this campground from a dry campground and add amenities, does that come back before the Board again. Mrs. Tuttle responded yes.

Hearing no further questions for Staff, Chairperson Taylor opened this portion of the hearing at 3:18 pm. and asked if anyone would like to speak in favor of the case.

Chad Watkins, Applicant, 10201 New Carlisle Pike, was sworn in. Mr. Watkins stated we had our first meeting last month and came back with answers to the Board's questions. We had the pond water tested before we even started, however the results were delayed. We have now included them in the packet this time. We do have a trash dumpster and an agreement with Waste Management to take care of that. We would like to move forward with the campground with no amenities at this time.

Chairperson Taylor stated I am glad the water test shows no contaminates. When I look at this, as a homeowner in the county, one of my biggest concern is in regards to the the homeowners in the area. How do you maintain people and children in the property and noise? How does this affect the homeowners in the neighborhood? Trash and contamination were easy fixes. But posting a sign does not keep everyone off the property. Mr. Watkins responded across the United States there are fences around some campgrounds while others do not have fences. As mentioned in a previous case today, children can jump fences. We cannot fix that even if we put up fences and trees. One of the camp rules is to maintain low noise levels. Otherwise, you will be removed and banned from the campground.

Mrs. Forstrom asked if campers could set off fireworks onsite. The Applicant responded no. Mrs. Forstrom then asked if the road was paved or graveled. The Applicant responded it is all graveled lots including parking. Mrs. Forstrom asked regarding the dumpster, do you plan on enclosing the dumpster by three sides as per regulation. The Applicant responded if that is what is needed we can do that. Is there a certain size they need to be? Mrs. Forstrom responded six feet. She then asked is there going to be a management office onsite. The Applicant responded there is a check-in on the other side, with an office on that land. Mrs. Forstrom asked how many employees will be there. The Applicant responded anywhere from 3-30 employees will be in the office during business hours. Mrs. Forstrom asked about security lighting. The Applicant explained we do have a paid security officer, periodically. There is a posted number for campers to reach this officer if needed. Mrs. Forstrom asked if there will be directional signs. The Applicant responded yes.

Mrs. Forstrom stated I know there is a road there, but would landscaping still be required. The Applicant responded there are trees planted right now. Mrs. Forstrom asked if the grassy area is for the play area. Will there be swing sets? The Applicant responded it will be a very basic play area. It could have swing sets or a volleyball net. Mrs. Forstrom asked about porta potties. The Applicant responded since this is a dry campsite there are no porta potties.

Mr. Duffee stated I am confused about the security contract. The Applicant explained we have a paid, off-duty officer who patrols during the night so people are not getting into the property. He would be checking the campgrounds to make sure nothing is happening. Mr. Duffee asked about the employment strategy. Will he be there every night? The Applicant responded no. It varies weekly and depends on the hours. Mr. Duffee asked if the officer only works once a week. The Applicant responded he is checking the property and it also depends on need. Mr. Duffee asked if the officer would have his own office. The Applicant explained the officer will not work in the office. He will be in a self-provided vehicle during his shift, which varies. Mr. Duffee asked does he have a firearm. The Applicant responded he is an off-duty sheriff and yes he does have a firearm. Mr. Duffee asked is this required for him to have. The Applicant responded yes it is part of his job to have a firearm. Mr. Duffee asked if he has radio capabilities. The Applicant responded yes.

Ed Evans, Owner, 9737 New Carlisle Pike, was sworn in. Mr. Evans added, the officer also has radio capabilities with the police department. Jeff Turner, the officer, is a licensed police officer and can have contact with any police department. His hours will increase as the demand increases. We hire Clark County sheriff deputies to be onsite.

Mr. Duffee asked when Clark County sheriff deputies are hired are they in uniform. Mr. Evans responded yes. Mr. Duffee asked if Mr. Turner is also in uniform. Mr. Evans responded no, but his car is marked up so people will know who he is.

Mr. Duffee asked are there any plans for lighting to be installed? Mr. Evans responded in the future, but the whole thing is a work in progress. There will not be lighting in the beginning.

Chairperson Taylor asked if there will be access to electricity for campers. Mr. Evans explained since this is dry-camping, campers will need to provide generators for power.

Mr. Evans stated regarding the neighbors if you want a 20 ft. high fence, we can build a 20 ft. high fence. We have been allowing you to get on your mother's ground from our property. The fence will block that pathway, which will not allow them onto your mother's ground. We are trying to be as cooperative as we can. I think we are making this a bigger deal than what this will actually be. There will be a limit and it will not be a trash dump. Have we ever trashed your community? No we have not.

Chairperson Taylor asked refresh my memory, what other things will you be doing in this area. The Applicant responded there are no more hoop houses here. They have moved so we can still produce vegetables for the community. The general store is down the street, which is all within our property.

Chairperson Taylor asked do you have any other plans for other entertainment. The Applicant explained the planned uses at Evans Family Ranch property at 11140 Milton-Carlisle Rd. There will be a pumpkin patch, corn maze, and two firework shows on July 1st and 9th respectively. Chairperson Taylor asked where are you with those other parts. The Applicant explained we have a lot of kids games up as well as the general store that sells flowers and produce. We have the permit required for the store and are rezoning with that (for non-agricultural use). The Applicant explained there is a

wedding event center and a car repair garage (on another Evans Family Ranch property to the south that is also under the rezoning process).

Mrs. Forstrom asked if the pond was for fishing. The Applicant responded it is a catch and release pond. Mrs. Forstrom asked if there are trees in the parking area. The Applicant responded not now as it is all gravel. However, it could happen in the future. Mrs. Tuttle stated they will need to follow up with a variance for the gravel parking as well. The Applicant added the pond is a natural spring fed pond.

Mr. Hazlett stated your intent is to have an attraction for people and have them utilize the store and tour the farm. The campground is more of an addition on top of those previously listed items that will allow for an overnight stay. The Applicant explained we want to show people where their food is coming from.

With no further questions for the Applicant or Owner, Chairperson Taylor asked if there was anyone else who wished to speak in favor of the variance request. Hearing none Chairperson Taylor then asked if there was anyone who wished to speak in opposition to the variance request.

Susan Liller, 1029 Musselman Rd., was sworn in. Ms. Liller explained I live on the corner of the road with two acres. This half-acre is all natural wildlife which we created over 40 years ago. There are owls, woodpeckers and other natural wildlife. Our concern is with this being a play area. I used to camp all of the time and my sister and I would hike into the woods. Then we would find a fence and decide to head back. I am not asking for a 20 ft. wall privacy fence. No trespassing signs do not work. I would like something for honest people to understand that they have reached the end of the property and to head back. There is a right-of-way in the deed for us to be able to get into our property. So, I envision the Evans' to put a fence up on their side of the right-of-way to keep honest people and children in the campsite area. Planting trees on the east side could be planted as a barrier for the people there. As for the roads between the office and campground, there is not a lot of gravel there. It is mostly mud. I know you made a limit, but 96 camp spots is not a low limit. Does quiet time include no generators? I am worried about the noise of all those generators running. Those are my concerns.

Mr. Hazlett asked as for the fence you are looking for, would you be satisfied with something as simple as a chest high cattle fence? Ms. Liller responded yes.

Larry Tate, 10900 Musselman Rd., was sworn in. Mr. Tate stated I have been camping before and many people use golf carts. Will there be an issue with golf carts going up and down Musselman Rd.? Mrs. Tuttle stated the Board will ask the Applicant in rebuttal. Mr. Tate stated not only is the road between the office and campsite mud instead of gravel, but Musselman Rd. itself is a muddy mess year-round because of Studebaker's machinery. I am also concerned about the generators. In summertime they use air conditioning and in wintertime they use heating. I understand you want to help the community, but is there no other site for you to do this.

Chairperson Taylor asked, if some of these issues were addressed, such as the fencing and installing electricity instead of using generators, how would feel about the campsite being there. Mr. Tate responded no. I would be looking at it all day. Chairperson Taylor stated, if this had a buffer area would you still not want this. Mr. Tate responded no, there are not trees. Chairperson Taylor clarified I am not talking about trees on the property. I am talking about the wooded area. Mr. Tate responded those are freshly grown trees. Chairperson Taylor stated there is a buffer area. I am just trying to find solutions. Mrs. Forstrom asked are there trees across from Musselman Rd. from their property. Mr. Tate responded no. My house is here and it faces south. There are no trees. This is grass and these

are freshly grown trees. Chairperson Taylor asked if they were to put up fencing, trees and beautiful landscaping, then it would look better, correct. Mr. Tate responded it takes trees years to grow. Chairperson Taylor responded it would be a start. I realize we buy our homes in the county because we want to see country life. But change is inevitable. I am dealing with it in my area. I was not happy, but I could not stop it. If we look into how they can enhance what they do or make something better for the neighborhood, I want to find solutions and possibilities. I know it is not what you want to hear, but I want to look into solutions. Mr. Tate responded if the campground is going to be there, then those solutions would be better. Chairperson Taylor stated I have been through that area and I know it is unsightly. Mr. Tate responded there are worse things to look at.

Trudi Langston, 417 Falcon Dr., was sworn in. Mrs. Langston stated I live in town but this is my mother's property next to Ms. Liller. I applaud you (Owner, Applicant) for what you are doing on Milton-Carlisle Rd. But my concern is even if you have a fence, people will want to camp in the pasture. Chairperson Taylor asked would a fence and/or landscaping help alleviate that problem. Mrs. Langston responded people would still want to camp over here. Mr. Smith added the Applicant stated that they are not going to be that close to the property line. According to the Applicant's plan, that area is not designated for camping. If it does happen, then you would have to call the owner, call their security officer, and make the complaint at that time. You cannot stop this just because it might happen.

The Applicant stated we already fight hunters coming onto our property. Mr. Smith asked what do you do about them. The Applicant explained that they call their security.

Ms. Liller stated you did not ask me the question, but I wanted to answer it anyway. If these things were addressed, I would no longer be against it. I am not sure I would be for it, but I will not be against it.

With no one else to speak in opposition, Chairperson Taylor called the Applicant (Mr. Watkins) and Owner (Mr. Evans) back to the podium for a rebuttal.

Mr. Hazlett stated it seems like the residents would be willing to go along with this if we could put up something as simple as a fence. Are you willing to go that way? Mr. Evans responded absolutely. Maybe even something decorative, not like barb-wire or cattle fence. We can do a board fence to make it beautiful, or we could do a wooden picket fence. We can only dig trees in the fall or spring, so we bought trees from Studebakers. We are working to get more stone and recycle stone. It is a work in progress. We thought it would be nice to get some agricultural tourism. Nobody wanted big housing developments and we did not go that way. We are trying to keep it agriculture.

Chairperson Taylor stated, we have heard testimony from the last time you were here that what you do with your properties are very well done. We talked about getting more gravel to keep out the dust, fencing and/or landscaping to create a better buffer zone from those homes to preserve those areas and wildlife. They asked about another site and golf carts being allowed there. However, I am more concerned about the generators. I know what those can be like. Is it possible to put electricity onsite to eliminate the need for generators, as well as put a limit on motorized vehicles? Is there a possibility for another site? Mr. Evans explained we plan to allow people to use their motorized vehicles to get around the campsite. They should not take the golf carts or slow moving vehicles onto Musselman Rd. Chairperson Taylor stated I think they are talking more about controlling the craziness of the campers. Mr. Evans responded that is why we have officers come in every now and then. We can tell them to stay on the property, but we cannot control where people go.

Chairperson Taylor asked again have you looked into other sites. Why does this one seem to be the best? Mr. Evans explained this is not high dollar farm land. Anywhere else we would be annihilating perfectly good farm ground.

Chairperson Taylor asked is it possible to start with electricity even without the full amenities. Mr. Evans responded that is a lot of money. Mr. Watkins explained we would need to run it from across the road. I looked into electric, water and sewers and it was \$100 per foot. That is a half a million dollar investment. Mr. Evans stated we looked into it and it was \$17,000 for 1,800 ft. just to run the line. It is not cheap. On the generator issue, you may be mistaken about the generator that runs your house. For my generator, you have to be within a few feet of it to hear it. There are also fans to keep cool and keep the noise down. It is a real low hum. The campers will be pretty far away from the homes. If you are worried about kids, there is going to be kids. If you are worried about equipment, we do not have to have equipment. We can leave it as a hay field. We can have people park on the other end if we have to. The trees are grown up around the junkyard. Two families from New York just toured the property and we showed them what farming is about. If they need to park by the junkyard, that is fine. We just want to keep everyone happy.

Chairperson Taylor stated I appreciate you answering residents' questions and concerns. Explaining your plan it really does help.

Hearing no further comments, Chairperson Taylor closed the public portion of the hearing at 4:06 pm. and asked for Board Discussion.

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

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

No: None.

Motion carried.

Time Out: 4:06 pm.; Time In: 4:28 pm.

Chairperson Taylor stated that we have looked at this very closely for two sessions now. We all know that progress and change is investible. We have looked at this property extensively. The property has no value or no real use and we feel strongly as a Board that taking good farmland for commercial use is not a good decision. If we approve a campground in this area, why not use land that is un-usable. Why not make it better. We heard testimony last month about Mr. Evans and how his projects have always gone well, as well as his integrity.

Chairperson Taylor asked for a motion.

Action on Case #BZA-2022-05 ~ Property Owner/Applicant: Evans Family Ranch ~ Location: 11168 Musselman Rd., Bethel Twp. ~ Request: Conditional Use under Section 711 for a 96 unit campground.

Motion by Mr. Hazlett, seconded by Mr. Smith, to **Approve** the Conditional Use request subject to the following conditions:

1. Enforcement of the Applicant's responses to the Board's 12 questions (reference Board's May 5, 2022 letter to the Applicant).

Minutes

Clark County Board of Zoning Appeals

2. Landscaping and/or fencing (no solid fence) on the east side and across the south side of the property.
3. Applicant, in working with the Planning Staff, to use Section 805.02.031 on the type of landscaping and/or fencing.

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

No: None.

Motion carried.

Staff Comments

Mrs. Tuttle stated the next scheduled meetings are June 23 and July 28, 2022.

Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 4:39 pm.

Mrs. Jerri Taylor, Chairperson