

# **Minutes**

## **Clark County Planning Commission**

Regular Meeting ~ 2:00 pm.  
Wednesday, June 3, 2020

Springview Government Center  
3130 East Main Street  
Springfield, Ohio 45505

This Meeting is being held through Zoom due to the COVID-19 rules & regulations

Mr. Mark Scholl, Chairperson of the Clark County Planning Commission, called the meeting to order at 2:06 pm. and asked for the Roll Call.

Present For Roll Call: Mr. Dave Stickney, Commissioner Rick Lohnes, Mr. Jay Kitchen, Commissioner Lowell McGlothlin, Mrs. Charlene Roberge, Mr. Mark Scholl, Mrs. Jo Anderson, Mr. Ken Knight, Commissioner Melanie Wilt, Ms. Louise Maurer, and Mr. Don Wallace

Absent For Roll Call: None.

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

### **Approval of the January 8, 2020 Minutes**

Motion by Mrs. Roberge, seconded by Mr. Stickney, to **Approve** the minutes as presented.

**VOTE: Yes:** Mrs. Roberge, Mr. Stickney, Commissioner Lohnes, Commissioner McGlothlin, Mr. Scholl, Mrs. Anderson, Commissioner Wilt, Ms. Maurer, Mr. Knight, and Mr. Kitchen

**No:** None.

***Motion carried.***

### **Approval of the February 5, 2020 Minutes**

Motion by Commissioner Wilt, seconded by Commissioner McGlothlin, to **Approve** the minutes as presented.

**VOTE: Yes:** Commissioner Wilt, Commissioner McGlothlin, Mr. Knight, Mr. Scholl, Mrs. Anderson, Mr. Stickney, Mr. Wallace, Commissioner Lohnes, and Mr. Kitchen

**No:**

***Motion carried.***

Chairperson Scholl asked staff to present the case

**Rezoning Case #Z-2020-05 ~ Property Owner/Applicant: Larry Berner ~ Location: 518 Tremont City Rd., Moorfield Twp. ~ Request to rezone 3.0 acres from I-1 to R-1 for an existing single-family home.**

Mr. Allan Neimayer, Senior Planner, stated that the subject property is an existing single-family residence located at 518 Tremont City Rd. and consists of 3.0 acres. The property is currently zoned I-1 (Industrial District). The Applicant would like to rezone the property to R-1 (Rural Residence District).

The Agent's narrative (see attachment) talks about rezoning to I-1S (Industrial District Specific Use). After further discussion with Staff, it was determined that rezoning to I-1S would not resolve the issue at hand. The use of the Specific Use designation in this rezoning case requires a permitted use in the underlying zoning district, and residential use is not a permitted use in the I-1 District. Therefore, the rezoning request was changed to R-1 zoning.

Mr. Neimayer presented slides to review the zoning and land use history of the subject property and surrounding area. He noted the original zoning map for Moorefield Township was adopted on November 3, 1959 identifying the northwest section of the township, north of SR 334 and west of Urbana Rd. as M-2 (Second Industrial District). The updated zoning map for Moorefield Township, adopted on May 31, 1984, identified this northwest section as I-1 (Industrial District). Zoning for the subject property has remained I-1 to the present time. Mr. Neimayer stated the comprehensive plans from 1960, 1980 and the current 2018 plan all identify the recommended land use for this northwest section of Moorefield Township as industrial.

Mr. Neimayer stated the zoning and recommended land use for the subject property and surrounding area has been industrial since the 1950's. In the case of the subject property, it was assumed that its land use would have transitioned from residential to an industrial use. He also stated that on July 28, 2016, the Board of Zoning Appeals approved a Conditional Use for a sand and gravel mining operation on property directly to the south at 525 Tremont City Road. If this rezoning request were to be approved, the property would be surrounded by I-1 zoning. Therefore, Staff recommends the Applicant's request be denied.

Commissioner McGlothlin asked, the main purpose for rezoning is the finance with the bank? Mr. Neimayer responded that is correct.

Commissioner Lohnes asked, is there one or two houses on this property? Mr. Neimayer responded one. Commissioner Lohnes then asked, and no plan for another? Mr. Neimayer responded that is correct. Commissioner McGlothlin stated Google Maps shows two residences on the property. Mr. Neimayer responded, there is a barn and a house. Mr. Scholl stated the property is all on the north side of Tremont City Rd.

Mrs. Roberge asked, so they are trying to refinance and sell. This house has been there forever, how can we deny it just because it is industrial around it. From a realtor standpoint, leaving it zoned I-1 leaves wide range of options open. Mr. Neimayer replied, I understand that but from planning perspective I cannot recommend that. Mrs. Roberge replied, okay.

Mr. Stickney stated, I agree with Mrs. Roberge. This house was there long before zoning was. That should have been grandfathered in at the time. If they went through the process of a public hearing, apparently the people that owned it at that time did not deny it in an Industrial (District). Mrs. Roberge replied, back then communication was not that good. They may not have known.

Mrs. Anderson adds, why would we not align current zoning with current use since that is the request knowing that in the future when this area changes that this might be requested to go back to Industrial zoning.

Commissioner McGlothlin asked is there a buyer for this property? Mrs. Roberge stated, according to the county records this changed hands back in February, so why are we doing this? Mr. Neimayer responded, the reason it changed hands in February was because it was part of a lawsuit following up from that Conditional Use request from 2016. To solve that legal matter, Mr. Burner acquired this property, and now wants to sell it for single family use.

Mrs. Roberge stated, so he wants to sell and knows he is going to have a problem. Mr. Neimayer responded, I will defer that to Mr. James Peifer (Attorney for the Applicant).

Jim Peifer, 20 S. Limestone St., Attorney for the Applicant, stated the house was built in the 1930s. It was always used in connection with farming. The property surrounding this property on all sides, besides the south, they have all been in agricultural use. The gravel operation will co-exist with agricultural use for a number of years. They have to designate how much they mine every year. It is a Conditional Use, but it is mainly being use for agricultural. And the uses to the west are agricultural. What happened here was the farm to the north was purchased by another buyer and being rented to people since the 1960s. The house was subsequently sold in 1989 to a couple and they remodeled the house, but they had no idea that A) the house was non-conforming and B) even though non-conforming is a use that is permitted, that if you had a fire or some kind of destructive act that destroyed more than 50 percent of the structure, you could not rebuild it. And that is substance of the problem. It is not only financing it is insurance. So what we are saying is logically it should stay a single-family until it is converted. If you look, there is very little industrial development. West of Old SR68 between the railroad and the new SR68 it is mostly agricultural. Bottom line it does not make any sense to cause the house to deteriorate and be torn down. There are several buyers interested in this house all for residential purposes. Someone was under contract and they were told by their banker and by the insurance company that they cannot get insurance and they cannot get approved for the loan.

Mr. Scholl states, I agree with what Mrs. Anderson said. That this 3-acre lot looks like it should be rezoned to residential and then the surrounding area remains I-1 (Industrial Use). If this ground ever changes to I-1 the surrounding owners would head for the hills. I do not think it would be a big issue to rezone that back but I cannot see how we turn these peoples down when this house has been there forever. It was part of the big farm. If anything, when this was split off, this issue should have been brought up then. I think it is a legitimate request.

Ms. Maurer added, I agree with that. And since the buyer understands all of this, and if they want to buy it they should be able to. Mr. Peifer stated, the buyer is aware of that.

With no further discussion, Chairperson Scholl asked for a motion.

Motion by Mrs. Roberge, seconded by Commissioner McGlothlin, to **Approve** as presented.

**VOTE: Yes:** Mrs. Roberge, Commissioner McGlothlin, Commissioner Lohnes, Ms. Maurer, Mr. Knight, Mr. Scholl, Mrs. Anderson, Mr. Stickney, Mr. Wallace, Commissioner Wilt, and Mr. Kitchen

**No:** None.

***Motion carried.***

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## **Clark County Planning Commission**

Pond Zoning; Concerns of Technical Review Committee. Mr. Neimayer and Mr. Jereme Best, Clark Soil & Water Conservation District, discussed some concerns with pond zoning and designing of ponds for property owners. At issue was providing NRCS guidance on pond design without a liability to the county.

Thoroughfare Plan; Concerns of Technical Review Committee. Mr. Neimayer presented some slides to discuss a concern with the Thoroughfare Plan. At issue was how to enforce the Thoroughfare Plan right-of-way, and hence zoning setback requirements, in densely built up areas such as Medway or at Plattsburg Rd. and SR 54.

### **Staff Comments**

Mr. Neimayer stated the next scheduled meetings are July 1 and August 5, 2020.

### **Adjournment**

Motion by Mrs. Roberge, seconded by Commissioner McGlothin, to **Adjourn**.

**VOTE: Motion carried unanimously.**

The meeting was adjourned at 3:20 pm.

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Mr. Mark Scholl, Chairperson