

Minutes

Clark County Rural Zoning Commission

Regular Meeting ~ 9:00am.
Thursday, June 11, 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. Ken Brust, Chairperson of the Clark County Rural Zoning Commission, called the meeting to order at 9:09 am. and asked for the Roll Call.

Present For Roll Call: Mr. Ken Brust, Mr. Wayne Leis, Mr. John Hays, Mr. Bob Jurick, Mr. Larry Spahr and Mr. Pete Lane.

Absent For Roll Call: None.

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

Chairperson Brust explained how the meeting will be held.

Chairperson Brust asked for approval of the minutes.

Approval of the January 16, 2020 Minutes

Motion by Mr. Jurick, seconded Mr. Leis, to **Approve** the minutes as presented.

VOTE: Yes: Mr. Jurick, Mr. Leis, Mr. Jurick, Mr. Spahr and Mr. Lane.

No: None.

Motion Carried.

Rezoning Case #Z-2020-05 ~ Property Owner/ Applicant: Larry Berner/ Agent: Jim Peifer ~ Location: 518 Tremont City Rd., Moorefield 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.

Minutes

Clark County Rural Zoning Commission

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.

The County Planning Commission held a Zoom meeting on June 3, 2020 to hear this rezoning case. Following discussion, the CPC passed a motion recommending to the Rural Zoning Commission that the Applicant's request to rezone the subject property from I-1 to R-1 be Approved.

Mr. Spahr asked, the request is to rezone the 3 acres. Mr. Neimayer responded that is correct.

Mr. Brust asked, this house has been there for decades, paid taxes for decades, but they cannot sell it if they cannot get insurance, is that correct? Mr. Neimayer responded that is correct.

Mr. Hays asked, the land north and south of this property, are they the same owners? Mr. Neimayer responded they are different owners.

Mr. Hays asked what the current use to the north is. Mr. Neimayer responded it is agriculture.

Mr. Jurick asked, can you clarify the mineral extraction to the south. Mr. Neimayer responded, it was approved by the Board of Zoning Appeals as a Conditional Use. It got appealed by the previous owner of the 3 acres and, after a few years, the case was settled out of court. Mr. Jurick asked, is there still approval to do mineral extraction in the south area? Mr. Neimayer responded yes. Mr. Jurick referred to gravel pit operation off of Haddix Rd. and explained some of the issue they have had in that area.

Chairperson Brust opened the public hearing at 9:22 am. and asked if the Applicant would like to speak.

Jim Peifer, 20 S. Limestone St., Attorney representing the owners, was sworn in. Mr. Peifer stated that Larry Berner, Elois Dickerson, Donna Dean together own the subject property. They all have farming background. The gravel company showed interest to start their company there and that was approved by the BZA. That house has already been conveyed to the gravel operator and they own it. The plan is not to extract gravel in the immediate area where the house is. But long term on that property is probably 20-30 years. The use of that property is a permitted Conditional Use in the Agricultural District. The house (at 518 Tremont City Rd.) has been completely remodeled, and there is a lot of interest in this property even with the gravel pit across the street. But you cannot get a bank to make a loan because it is a valid non-conforming use and, if the property has 50% or more damage done to it, it cannot be replaced. And it cannot be insured for the same reasons.

Chairperson Brust asked if anyone wished to speak in opposition of the case. There were none.

Chairperson Brust closed the public hearing at 9:27 am. and asked for Board discussion.

Mr. Spahr asked some questions about the mining for the gravel pit and where the water supply is coming from. Mr. Neimayer responded one of the conditions for the gravel pit is that they are to install monitoring wells. Mr. Brust states, were not discussing the gravel pit were discussing the property to the north.

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

Minutes

Clark County Rural Zoning Commission

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

Motion by Mr. Lane, seconded by Mr. Leis, to **Approve** the Applicant's request as presented.

VOTE: Yes: Mr. Lane, Mr. Leis, Mr. Hays and Mr. Spahr.

No: Mr. Jurick.

Motion Carried.

Staff Comments

No new rezoning cases, but we are still looking at our zoning text amendments we need to have a meeting for.

Adjournment

Motion by Mr. Hays, seconded by Mr. Lane, to **Adjourn**.

VOTE: Motion carried unanimously.

The meeting was adjourned at 9:37 am.

Mr. Ken Brust, Chairperson