

Minutes

Clark County Rural Zoning Commission

Regular Meeting ~ 9:00 am.
Thursday, July 14, 2022

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Ken Brust, Chairperson of the Clark County Rural Zoning Commission, called the meeting to order at 9:00 pm. and asked for the Roll Call.

Present For Roll Call: Mr. Ken Brust, Mr. Wayne Leis, Mr. Matt Taylor, Mr. Bob Jurick and Mr. Pete Lane.

Absent For Roll Call: Mr. Larry Spahr.

Also in Attendance: Mr. Allan Neimayer and Mrs. Rachel Ricketts of Clark County Community & Economic Development.

Approval of the June 9, 2022 Minutes

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

VOTE: Yes: Mr. Leis, Mr. Taylor, Mr. Jurick and Mr. Brust.

No: None.

Motion Carried.

Chairperson Brust explained how the meeting will be held.

Mr. Taylor will be a full-voting member for this meeting.

Motion to Remove Case #Z-2022-05 from the Table

Motion by Mr. Taylor, seconded by Mr. Jurick, to remove Case #Z-2022-05 from the **Table**.

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

No: None.

Motion Carried.

Chairperson Brust asked Staff to present the next case.

Rezoning Case #Z-2022-05 ~ Property Owner: Evans Family Ranch ~ Applicant: Chad Watkins ~ Location: 571 Milton-Carlisle Rd., Bethel Twp. ~ Request: rezone from A-1 to B-2 (Community Business District) to convert two existing buildings for a wedding venue and auto repair shop with continued agricultural uses.

Mr. Allan Neimayer, Senior Planner, gave a summary of the case. The subject property, located at 571 Milton-Carlisle Rd. and consists of 93.74 acres, is currently zoned A-1 (Agricultural District). The Applicant would like to convert two existing buildings for commercial use: 1) an existing barn into a wedding venue; and 2) an existing building into a 4-bay auto repair shop. To accommodate these two uses, the Applicant has requested to rezone the property from A-1 to B-2 (Community Business District) although the majority of the property will continue to be used for agricultural uses. Rezoning the property to B-2 would have no impact on continued agricultural uses being the property is over 5.0 acres and per Ohio law agricultural use is therefore exempt from local zoning regulations.

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Mr. Neimayer reviewed the ownership and rights to use the shared access drive off of Milton-Carlisle Rd. He then reviewed the proposed plot plan identifying the two existing buildings for the proposed commercial uses and their respective parking areas. Staff's recommendation is to rezone to B-2S for only the two identified buildings and two requested uses.

Mr. Neimayer stated that Jennifer Tuttle did a site visit, with permission from the Applicant, and was able to provide pictures of the access drive coming in and out onto Milton Carlisle Road. See case file for photos.

Mr. Neimayer then reviewed the possible lot split discussed at the June RZC meeting. Per discussion the intent was to keep the commercial activity to its own parcel as opposed to whole 90+ acres. The Applicant can comment on that possible lot split.

Chairperson Brust opened the public portion of the meeting at 9:08 am. and asked if the Applicant would like to speak.

Property Owner Ed Evans, 9737 New Carlisle Pike, and Applicant Chad Watkins, 10201 New Carlisle Pike, were both sworn in. Mr. Watkins explained we looked at splitting the parcel, but it does not make sense. There are wells and irrigation and they all have different wells to split up its going to create a whole other avenue of issues. We want to use just for those two buildings. Nothing else will go in there.

Mr. Evans explained the only thing that is there are hoop houses that are in gravel. The rest is used for storing equipment, wrap hay bales, where we mix feed for cattle. There is no other good use for that. Those are the only two building we would use. From my understanding, if we wanted to do something else, we would have to come back. Mr. Evans stated we have enough activity as it is. As far as the wedding venue the activity will be outside of the fence. The wedding traffic will be on the outside as you come South towards the barn. The only thing inside of the fencing taking place is the automotive shop.

Chairperson Brust asked one issue that was most concerning is the noise at night coming from the wedding barn. Mr. Evans replied the events will be inside the barn.

Mr. Jurick stated I do not agree with changing the farmland into a business zoning. You mentioned the issue with utilities. Giving that you own that land, how you would adjust the proposal to accommodate that diagram (possible lot split). The reason you said you did not like the modified proposal was because of the septic. Mr. Watkins replied it is because of the wells. You cannot move the wells that are already in the ground. The pumps are feeding another parcel. Mr. Jurick asked could you expand it to cover the wells. Mr. Watkins replied the wells are on that parcel. Mr. Jurick asked do the wells feed other parts of the parcel. Mr. Watkins responded yes. Mr. Jurick asked could you put wells on another parcel. Mr. Watkins explains why the splitting of the parcel with the wells would not be an option. Digging another well and a pump would cost a lot of money. Mr. Evans explained the Studebakers put a meter on everything. We have nearly 15 different meters on that land. To move utilities would just be an insane cost.

Mr. Evans I am giving you my word this is all we will use it for. These structures are already here. It is something to help us make a ranch payment at the end of the year, and remain agricultural. This is not a get rich quick scheme. It is something to take the pressure off the cattle company and pressure off the vegetable production.

Mr. Jurick stated to clarify it is a cost issue. It can technically be done, but it is a cost issue. Mr. Evans responded it would be a big cost to rearranging the utilities. Looking at running 1,800 feet of

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electric was thousands of dollar. We have multiple meters in that area. Mr. Watkins added those pumps alone are thousands of dollars.

With no more questions for the Owner or Applicant, Chairperson Brust asked if anyone else wished to speak in favor of the rezoning.

Scott Griffith, 719 Colony Trail, was sworn in. Mr. Griffith explained I am a neighbor of the Evans Family Ranch and a member of the community. I am a member of the Rotary Club. I also used to own the local Lees Chicken franchise. I am here to tell you as to witness the way they operate. If they tell you they will do something they will do it. They just held a fundraiser for the rotary and we had a big tent on one of their fields. We raised funds for community projects. At the end of the event it remained a field. Changing utilities is a lot of expense to change a zoning. I would just say if they say they are doing wedding venue then that is what they will do.

With no one else to speak in favor of the rezoning change, Chairperson Brust asked if anyone wished to speak in opposition to the rezoning change.

Felix Shanahan, 1111 Milton Carlisle Rd., was sworn in. Mr. Shanahan explained that since we have been here a lot has happened. I think it is nice in theory and these efforts that are being made, we are in the fox hole, the epicenter of Dolly Wood transition. This is a zoning meeting so talking business and agricultural. The tent is not gone, it is still there. This stuff is here to stay. In three to four months so much has changed. Every weekend it is something with hundreds of people. I hear if this is what they say it is going to be it will be, but I have doubt in that. The lot split is too much money, but yet money is being spent everywhere else. This is not good for me, but it is good for business. This is going to continue to grow. Five to ten years later and it is a chop shop, and before you know it, this whole area is business. That is problematic to us. I would like to speak to the easement. I thought there had to be some agreement. But through that easement right, what if we wanted to put a football field down there. I should have some say of the access coming out of my home.

The body shop is not a small Valvoline. There are large doors and bays. I am concerned where all this stuff is going to go. Mr. Shanahan then reviewed some pictures he took. Pictures include vehicles outside my front door, 4-wheelers going up and down the road. And the music is right outside my door. Mr. Shanahan stated I own that access. And it is being used daily. I want to be a good neighbor when they are farming. Now I am thinking no. They can dig a new driveway. I know this will get bigger and louder. The litter when I am mowing the grass and there is trash everywhere. Ed Evans Farms is responsible for all my problems is how I feel now. Had we known what this was going to be we would have given ourselves more land for a larger barrier. My daughter is going to be living here and the siblings have the same plans.

Mr. Lane asked if the trash is still there. Mr. Shanahan stated no I do not know who picked it up. Mr. Lane asked about the traffic going in and from the farm. Mr. Shanahan responded I support agriculture. Never 30 semi-trucks a day going up and down there. I am not saying there is 30 now. Just with the business there is going to be more.

Mr. Jurick asked about the possible lot split. Would that solve the problem? Mr. Shanahan I do not know if it would solve the problem but they are opening and closing his gate. But you add this and you have two events going on at the same time, it can get crazy. I liked it because this group was compromising. But it was not satisfactory to them.

Kaitlyn Shanahan, 11157 Milton-Carlisle Rd., was sworn in. Ms. Shanahan explained I do not have a whole lot to add, just that it greatly affects me more so than it does my parents. She pointed out where she lives.

Chairperson Brust asked if there was anyone else from the audience who would like to speak in opposition to this request. Hearing none, he gave the Owner and Applicant has a chance for rebuttal.

Owner Ed Evans and Applicant Chad Watkins. Mr. Evans stated Ohio Edison/AES is the power coming. The event he (Mr. Shanahan) is talking about was the 4th of July. We bring in officers to control the area for the safety of the community. If you see the land, we do not leave trash. The 4-wheelers coming in and out are the gates are our workers checking on our jobs. The easement is permission to cross someone's land. If that is a concern I will fence up that property. Very soon if we get this rezoning taken care of, the ag use of the shared lane will come to a halt because we will use a different existing access point to the east on Milton-Carlisle Rd. north of the airport. I had no idea we had adversity between us. I did not know this existed. Mr. Watkins stated the events he (Mr. Shanahan) was talking about were not even on this parcel. Mr. Evans stated the tent is not down because when I called John from the tent and awning company he had to focus his work at the fairgrounds.

Chairperson Brust states we are looking at the garage and wedding event. Any other change would require them coming back.

Chairperson Brust closed the public portion of the hearing at 9:40 am. and asked for a motion.

Action on Rezoning Case #Z-2022-05 ~ Property Owner: Evans Family Ranch ~ Applicant: Chad Watkins ~ Location: 571 Milton-Carlisle Rd., Bethel Twp. ~ Request: rezone from A-1 to B-2 (Community Business District) to convert two existing buildings for a wedding venue and auto repair shop with continued agricultural uses.

Motion by Mr. Lane, seconded by Mr. Leis, to **Approve** as presented: from A-1 to B-2S (Community Business District, Specific Use) for a wedding/event venue and auto repair shop at the two buildings specified in the application, with continued agricultural uses.

VOTE: Yes: Mr. Lane, Mr. Leis and Mr. Taylor.

No: Mr. Jurick.

Motion Carried.

Chairperson Brust asked Staff to present the next case.

Rezoning Case #Z-2022-07 ~ Property Owners/Applicants: Adan & Veronica Saucedo ~ Location: 6042 Nagley Rd., Madison Twp. ~ Request: rezone from A-1 to PD-R to allow for a second single-family residential dwelling.

Mr. Neimayer stated that the subject property is located at 6042 Nagley Rd. and consist of 5.80 acres. The property is currently zoned A-1 (Agricultural District). The Applicants would like to construct a 2nd dwelling on the parcel. Section 808.10 states: "Except for an Accessory Dwelling Unit, only one (1) single-family dwelling shall be permitted on a parcel of land in the A-1, AE, AR, R-1, R-2, R-2A, R-2B or R-CI Zoning District". Hence the Applicant has filed this rezoning request to rezone the subject property from A-1 to PD-R (Planned District-Residential) to allow for two dwellings on the same parcel.

Prior to November 2020, zoning regulations required an in-law suite to be part of the main dwelling. In response to recent trends to the in-law suite subject, in 2020 the zoning regulations were amended giving property owners the option to have an in-law suite within an accessory structure, separate from the main dwelling. Section 802.02.062 allows for the construction of one Accessory Dwelling Unit on

the same parcel with a maximum size of 600 sq. ft. The size limitation is to maintain the character of the neighborhood and protect the existing land use – single-family residential.

Mr. Neimayer then reviewed two prior rezoning cases with similarity to this one. First case: the rezoning request was filed following up on a zoning code complaint. What originally started as a detached garage changed to a 2nd dwelling. The Applicant therefore requested a proper zoning district as construction was mostly completed. Second case: the 2nd dwelling was existing prior to the adoption of zoning regulations, hence a legal non-conforming use. The Applicant requested rezoning to allow an addition to be made to the 2nd dwelling. Both of these two cases were approved.

The structure in question at 6042 Nagley Rd. was originally presented for an Agricultural Use Exemption, which was approved on October 12, 2021. A zoning complaint was made in April 2022 that this structure was being built as a house and not an agricultural structure. Staff arranged for a site inspection on May 4, 2022 and observed the following: the size of the structure is larger than indicated on the Agricultural Use Exemption request; installation of rough water and sanitary lines; wood floor-system inconsistent for raising animals; wall-framing that appears to be sized to accept thermal insulation; lack of an over-sized livestock door; rough openings are reflective of a dwelling. Following this site visit, zoning and building code enforcement letters were sent to the property owner. The Agricultural Use Exemption was revoked on May 11, 2022.

Mr. Neimayer reviewed the intent of PD-R District and showed the Creekside Condos as an example. The comprehensive land use plan identifies this area of Madison Township as Rural / Agriculture. The existing land use is single-family residential and agriculture.

Staff recommends the Applicant's request to rezone the subject property from A-1 to PD-R be denied. The rezoning request is not consistent with the purpose and intent of the A-1 zoning district, nor of the Comprehensive Land Use Plan. The Clark County Planning Commission met on July 6, 2022 and recommends the Applicant's rezoning request be denied.

Chairperson Brust asked about the Fletcher Chapel Road case. He stated that we do not want to set a precedent. Are we being consistent? Mr. Neimayer stated in that case the construction was mostly completed and the Applicant was trying to get the property in the right zoning district. A denial of that case was an option. Chairperson Brust stated I just want to make sure as we present this there are mitigating issues which have caused problems.

Mr. Leis asked so we do not have this issue again, does a building permit come into question since we approve it as a barn. Mr. Neimayer responded no because they had an Agricultural Use Exemption. Under state law with an Agricultural Use Exemption you are exempt from building code. On the approved Agricultural Use Exemption, it was indicated that the structure was not to be used as a dwelling. If this rezoning request is approved, they will also need to get building department approval.

Mr. Lane asked what is to the south of the property. Mr. Neimayer replied, farmland.

Chairperson Brust asked are they out of compliance. Mr. Neimayer explained setback requirements under the PD-R District.

Mr. Leis asked what the recourse is if the rezoning request is denied. What happens to the structure? Mr. Neimayer stated the case is forwarded to the County Commissioners for final decision. If they follow the recommendation of the Rural Zoning Commission and deny it, the structure cannot be used as a dwelling, but can be used as an accessory structure.

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Hearing no further questions for Staff, Chairperson Brust opened the public hearing at 10:02 am. and asked if the Applicant would like to speak.

Veronica Santos, Applicant, 6042 Nagley Road was sworn in. Ms. Santos explained that we come out on the weekends when it is nice weather. It is more of a family reunion place. We wanted a bathroom. It is not a living area. We come maybe two weekends out of the month. Ms. Santos explained that if you do consider it a dwelling and those prior cases were approved because the dwelling was already built, I do not see that is fair. I think you should consider it not as a dwelling. It is more of a man's cave and it is inside the property lines. I do not see how this would be a problem for the neighbors.

Mr. Jurick asked if it is not going to be a dwelling would this application be void. Mr. Neimayer stated that Adan Saucedo (husband) informed Staff that the structure was to be used as a dwelling. Ms. Santos asked what makes it considered a dwelling. Mr. Neimayer read the zoning definition of a dwelling. Discussion followed on the difference between an accessory structure and a dwelling. Mr. Neimayer stated there needs to be a proper zoning certificate indicating how the structure will be used. Mr. Jurick then asked when an accessory structure becomes a dwelling. Mr. Neimayer responded when it meets the zoning definition criteria.

Mr. Jurick asked the Applicant if this would be more like a garage with a sink and restroom or some place to accommodate people. The Applicant responded no we do not even live here. It is simply a space to have family gatherings. Open space with a sink and a bathroom.

Mr. Jurick asked again does this need to be rezoned. What conditions do they need to meet to have this be an accessory structure? Mr. Neimayer responded during the site visit it was indicated to Staff that it was to be used as a dwelling. Mr. Jurick then asked if this rezoning request is denied, could they redefine what they want. Mr. Neimayer responded yes.

Mr. Lane asked the Applicant since you do not live on the property, does someone rent out the existing house. The Applicant responded it is a country home. Our home is in Columbus, Ohio.

With no further questions for the Applicant, Chairperson Brust asked if there was anyone else in favor of the rezoning request that would like to speak. Hearing none, he then asked if there was anyone was in opposition to the rezoning request that would like to speak.

Mike Garringer, Russ White and Ryan Florence, Madison Township Trustees, were present. Mr. Garringer spoke on behalf of the Trustees. The Trustees oppose the rezoning request to allow a second dwelling stating there is not enough road frontage available.

Elizabeth White, 6058 Nagley Rd., was sworn in. Mrs. White stated in September they put a septic system in. I have a lot of concerns if they add another structure 300 feet ran back from the house next to the woods. She stated they are not living there. They butt up to my wood line. If this is allowed to stand, the structure needs to be torn down. They have already deceived the county and zoning.

Martin Spears, 6745 Dolly Varden Rd., was sworn in. Mr. Spears stated I am a retired farmer and retired Trustee. I have dealt with a few of these. My farmland is in farmland preservation. My son farms all the land. Zoning rules are meant to rule out this problem. You are opening a can of worms. I do not have enough frontage so let me just rezone it. No one should be allowed to build a house inside another house. They requested an agricultural building, but it was not. They got caught and now want to rezone it. We request this should be denied and the existing building should be removed from this property.

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Ivy Darnell, 6080 Nagley Rd., was sworn in. Ms. Darnell explained we are concerned about the behavior. They are related to that parcel. Ms. Darnell points out where they shoot at. I hear the music and there is nothing the sheriff can do because there is no sound ordinance. When they are shooting, we cannot walk into our back yard. They are unloading clips one after another. This goes on all hours of the night. The partying is so excessive.

James Mosier, 6121 Nagley Rd., was sworn in. Mr. Mosier said they state they are only here on the weekends, and there was another resident that partied. The gun shooting is very frequent. I cannot go into the woods to shoot. I am a gun owner. I do not have a problem with guns.

Jennifer Harbage, 6759 Old Springfield Rd., was sworn in. Mrs. Harbage stated I am here to attest what has previously been said. I live a few miles away and we still here the noise and guns. We already have criminal activity. This adds to the anxiety and stress. There is also a resident who runs a daycare out of her home. She is constantly keeping the children inside.

Chairperson Brust asked if there was anyone else from the audience who would like to speak in opposition to this request. Hearing none, he gave the Applicant has a chance for rebuttal.

Applicant stated the guns and noise do not happen inside my property lines.

Mr. Leis asked the Applicant are people shooting guns on her property. The Applicant responded no.

Mr. Lane asked if the Applicant is related to the other property owner. The Applicant responded yes, it is my brother-in-law.

With no further questions for the Applicant, Chairperson Brust closed the public portion of the hearing at 10:38 am. and asked for a motion.

Action on Rezoning Case #Z-2022-07 ~ Property Owners/Applicants: Adan & Veronica Saucedo ~ Location: 6042 Nagley Rd., Madison Twp. ~ Request: rezone from A-1 to PD-R to allow for a second single-family residential dwelling.

Motion by Mr. Lane, seconded by Mr. Jurick, to **Approve** the rezoning request as presented.

VOTE: Yes: None.

No: Mr. Lane, Mr. Jurick, Mr. Leis and Mr. Taylor.

Motion Carried.

Proposed Zoning Text Amendment: fencing for keeping of animals.

Mr. Neimayer explained this language was included in the early drafts of the 2020 comprehensive text amendments but in error was not included in the final draft that was approved.

Proposed Comprehensive Zoning Map Amendment: Willow Rd. & Willow Chase Dr.

Mr. Neimayer reviewed the rezoning history from 1989 thru the 1990's. He explained that under R-4 zoning single-family residential is not a permitted use, but that is the existing land use. This zoning amendment therefore is to get the properties in the correct zoning district.

Proposed Zoning Text Amendment: Agritourism.

Mr. Neimayer gave an overview of this draft and asked for Board feedback. This draft is based on local zoning authority regarding agritourism as provided in the Ohio Revised Code.

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Due to time, Mr. Neimayer stated these proposed amendments will be put on the August Agenda.

Staff Comments

Next scheduled meetings: August 11 & September 15, 2022.

Adjournment

Motion by Mr. Leis, seconded by Mr. Taylor, to **Adjourn.**

VOTE: Motion carried unanimously.

The meeting was adjourned at 11:00 am.

Mr. Ken Brust, Chairperson