

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm
Thursday, July 23, 2020

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Mrs. Jerri Taylor, Chairperson of the Clark County Board of Zoning Appeals of Clark County Ohio, called the meeting to order at 2:04 pm. and asked for the Roll Call.

Present For Roll Call: Mr. Duffee, Mrs. Taylor, Mr. Hazlett and Mrs. Forstrom.

Absent For Roll Call: Mr. Smith and Ms. Wilt.

Also in Attendance: Mr. Allan Neimayer and Ms. Anette Pequignot of Clark County Community and Economic Development.

Approval of the June 25, 2020 Minutes

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

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

No: None.

Motion Carried.

Chairperson Taylor explained how the meeting would be held.

Motion by Mrs. Forstrom, seconded by Mr. Duffee, to **Untable** Case #BZA-2020-18.

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

No: None.

Motion Carried.

Chairperson Taylor asked Staff to present the first case.

Case #BZA-2020-26 ~ Property Owner: Shuman Farms Inc., Applicant: Matt Shuman ~ Location: PID #220-03-0003-000-014 ~ Request: Variance from Chapter 2, Section 201 to create a new 17+ acre parcel without frontage on a public right-of-way.

Mr. Allan Neimayer, Senior Planner, stated that the subject property is located north of 4222 Grant Rd., PID #220-03-0003-000-014, in Moorefield Twp. and consists of 299.04 acres. The property is zoned A-1 (Agricultural District). The Applicant would like to create a new 17+ acre parcel with plans to construct a new single-family home. Following direction from the Board at the June BZA meeting, the Applicant has provided two alternative lot splits, both having frontage along Grant Rd., for consideration by the Board.

Mr. Hazlett asked, the proposal for the 40 feet, are those structures that will go through someone's yard? Mr. Neimayer responded no, it is part of the land.

Mrs. Forstrom asked, is the building sufficient for fire trucks and emergency vehicles? Mr. Neimayer responded, in my opinion that would be adequate. If we are talking about a subdivision there is a 60 foot Right-of-way but that is not proposed here. There is potential for the 17 acres to be further split by future owners.

Hearing no further questions for Staff, Chairperson Taylor opened the public hearing at 2:12 pm. and asked if the Applicant would like to speak.

Minutes

Clark County Board of Zoning Appeals

Matt Shuman, Applicant, 3617 Heatherwood Ave., was sworn in. Mr. Shuman stated that he is here to present a better case and followed the recommendations from the last meeting.

Mr. Hazlett asked, did you hear Mr. Neimayer when he said the 40 feet would not be adequate if you decided to do a brake up of the lots in there and make it a subdivision? Mr. Shuman responded, yes I am ok with that.

Mr. Duffee asked, what is the debris in the photo? Mr. Shuman responded, it used to be a barn and it burned down. Chairperson Taylor then asked, will you be clearing that out of the way for the easement? Mr. Shuman responded, that will be part of the driveway.

With no further questions for the Applicant, Chairperson Taylor asked if anyone wished to speak in favor of this case. There were none. She then asked if anyone wished to speak in opposition to this case. There were none.

Chairperson Taylor closed the public hearing at 2:15 pm. and asked for Board discussion.

Mr. Hazlett stated, if the family is ok with it then I am ok with it as well.

Chairperson Taylor stated, I would like to see more than 40 feet but the Applicant did as we asked and gave us additional frontage.

Hearing no further discussion from the Board, Chairperson Taylor asked for a motion.

Action on Case #BZA-2020-26 ~ Property Owner: Shuman Farms Inc., Applicant: Matt Shuman ~ Location: PID #220-03-00003-000-014 ~ Request: Variance from Chapter 2, Section 201 to create a new 17+ acre parcel without frontage on a public right-of-way.

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

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

No: None.

Motion Carried.

Chairperson Taylor asked Staff to present the next case.

Case #BZA-2020-28 ~ Property Owners/ Applicants: Chad and Amanda Hobbs ~ Location: 6564 Ravenna Ave., Mad River Twp. ~ Request: Variance from Chapter 8, Section 802.06.03 to reduce the side setback from 5 ft. to 3½ ft. for a 22 ft. by 30 ft. garage.

Mr. Neimayer stated the subject property is located at 6564 Ravenna Ave. and consists of 0.21 acres. The property is R-2A (Medium Density, Single-Family Residence District). The Applicants would like to reduce the side setback from 5 ft. to 3 ½ ft. for a 22 ft. by 30 ft. (660 sq. ft.) garage. Mr. Neimayer referenced a letter from the County Engineer's Office. Also referenced was a resident letter from Douglas Sheets, 4300 Tamara St.

Chairperson Taylor asked, has the garage already been constructed? Mr. Neimayer responded yes.

Chairperson Taylor responded, so they are asking for this after the fact? Mr. Neimayer responded this was initiated from a zoning complaint.

Minutes

Clark County Board of Zoning Appeals

Chairperson Taylor asked, the only thing the County Engineers asked was if they are within their property line? Mr. Neimayer responded, correct. And that there isn't a drainage run off from the roof, and not creating a drainage issue on the adjacent property.

Chairperson Taylor asked, is it within our rights to make sure that this is done and completed? Mr. Neimayer responded you can make that a requirement.

Chairperson Taylor asked, some of the questions the neighbor had, is there anything we need to do? Mr. Neimayer Allan responded, if the variance request is approved, the Applicant will need to follow up with the building department. Mr. Duffee asked is this in the side or rear yard? Mr. Neimayer states, I will defer that question to the Applicant.

With no further questions for Staff, Chairperson Taylor opened the public hearing at 2:26 pm. and asked if the Applicants wished to speak at this time.

Chad Hobbs, Applicant, 6564 Ravenna Avenue, was sworn in. Mr. Hobbs stated that the garage is set back behind the house almost five feet. He added, there is one section behind the garage that is 3.5 feet to the fence line. That is the only section I am close to the fence line. We did call 811 in reference to the digging. The concrete is poured on top. Mr. Hobbs stated the garage was put up before we knew there was a variance process. He added, he spoke to his neighbor on the right and asked him if there were any drainage issues when it rained. There were not.

Chairperson Taylor asked, did you have a building permit? Applicant responded no. Initially I was advised that I did not need a permit, by a Mad river Township Trustees because it was considered a carport. But it is my fault, I should have called zoning. In the areal picture you can see my neighbors back yards both have garages and they are closer than two feet.

With no further questions for the Applicant, Chairperson Taylor asked if anyone wished to speak in favor of this case. There were none.

Chairperson then asked if anyone wished to speak in Opposition to the Case. Hearing none, she closed the public hearing at 2:31 pm. and asked for Board discussion.

Mr. Hazlett states, the neighbor Mr. Sheet's concerns fall under the building department and is not the concern of the BZA. And the neighbor closest to him is ok with it.

Mrs. Forstrom adds, I am glad to hear there are gutters on the structure so there will be no run off onto the neighbor's property. She added, since it is already built I would say just follow up with permits.

Mr. Duffee stated, we are talking about 18 inches. I think we can live with that. I am concerned what the County Engineers said about the lot line, maybe have a survey to make sure of setbacks.

Chairperson Taylor agreed. She stated, our County Engineer asked to have a survey done and look at the lot lines. The surrounding property owners have structures in the area that are squeezed in. Looking at the property I would be hard pressed to say there would be a better place for this garage. I would say part of our approval would be looking at that lot line.

Hearing no further discussion from the Board, Chairperson Taylor asked for a motion.

Minutes

Clark County Board of Zoning Appeals

Action on Case #BZA-2020-28 ~ Property Owners/ Applicants: Chad and Amanda Hobbs ~ Location: 6564 Ravenna Ave., Mad River Twp. ~ Request: Variance from Chapter 8, Section 802.06.03 to reduce the side setback from 5 ft. to 3½ ft. for a 22 ft. by 30 ft. garage.

Motion by Mr. Duffee, seconded by Mr. Hazlett, to **Approve** the request as presented conditioned upon the Applicant providing Staff with a survey verifying the detached garage is on the subject property.

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

No: None.

Motion Carried.

Chairperson Taylor asked Staff to present the next case.

Case #BZA-2020-29 ~ Property Owner/Applicant: Steven Marks ~ Location: 3437 Rebert Pike; Mad River Twp. ~ Request: Variance from Chapter 2, Section 201 to reduce the side setback from 25 ft. to 3 ft. for an accessory structure.

Mr. Neimayer stated that the subject property is located at 3437 Rebert Pike and consists of 1.19 acres. The property is zoned A-1 (Agricultural District). The Applicant received a variance approval (Case #BZA-2019-32) in October 2019 to reduce the setback from 25 ft. to 6 ft. 4 in. for constructing a new pole barn in the side yard. Because the Applicant would like to increase the size of the pole barn, he is requesting a new variance to reduce the setback to 3 ft. Mr. Neimayer referenced a letter from the County Engineers Office. Their main comment, just like the previous case from last year, is to ensure where that lot line is.

Chairperson Taylor stated, I want to make sure I understand correctly, the Applicant was approved last October and now he wants to increase the size of the pole barn and reduce the setback? Mr. Neimayer responded, yes. Chairperson Taylor added, when we looked at that and approved it there were not many other choices where the pole barn could go. Mrs. Forstrom asked, what was the size of original pole barn? Steven Marks, Applicant, responded 18ft. by 24 ft.

Chairperson Taylor opened the public hearing at 2:46 pm. and asked if the Applicant wished to speak at this time.

Steven Marks, Applicant, 3437 Rebert Pike was sworn in. Mr. Marks stated that he was previously approved for a pole barn. We gave our money to builder that left. So we got taken for that and that is why it has sat stagnant for a while. Our lawyer said it was ok to continuing building and, in that process, we decided to change from a pole barn to a standard garage. And for the record, the farmland behind in us is in the Tecumseh Land Trust which can never be built on. At the previous meeting I brought two of our neighbors whose property touches ours and they both gave their approval. All of our other neighbors are ok with idea as well.

Chairperson Taylor asked, so we are now looking at two-car garage vs. a pole barn is that correct? Mr. Marks responded, correct.

Mr. Hazlett states, I am a little confused. The original proposal we approved was allowing 6 feet from the property line and now it would be 3.5 feet? Mr. Marks responded, yes. I am splitting that difference. I am going 3.5 feet in each direction. That is where the 6 feet difference in the width comes in.

With no further questions for the Applicant, Chairperson Taylor asked if anyone wished to speak in favor of this case, there were none. She then asked if anyone wished to speak against the case. Hearing none she closed the public hearing at 2:50 P.M and asked for Board discussion.

Minutes

Clark County Board of Zoning Appeals

Mr. Hazlett stated, in all honesty, I like the new proposal better. I really do not see a problem with this. In the previous case we went through this very thoroughly. Chairperson Taylor stated, I agree with you. I think this would work well there and I would rather see a garage than a pole barn. Mrs. Forstrom stated, I will defer to rest of the Board and what was discussed in the past. Mr. Duffee adds, I agree.

Hearing no further discussion from the Board, Chairperson Taylor asked for a motion.

Action on Case #BZA-2020-29 ~ Property Owner/Applicant: Steven Marks ~ Location: 3437 Rebert Pike; Mad River Twp. ~ Request: Variance from Chapter 2, Section 201 to reduce the side setback from 25 ft. to 3 ft. for an accessory structure

Motion by Mrs. Forstrom, seconded by Mr. Duffee, to **Approve** as presented.

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

No: None.

Motion Carried.

Chairperson Taylor asked Staff to present the next case. Mr. Neimayer stated the next two cases will be presented together, but the Board needs to act on them separately.

Case #BZA-2020-30 ~ Property Owner/ Applicant: Northeastern Local School District ~ Location: East end of Montego Dr., Moorefield Twp. ~ Request: Conditional Use approval from Chapter 7, Section 730 for the new Kenton Ridge Pre-K through 12 school building.

Case #BZA-2020-31 ~ Property Owner/ Applicant: Northeastern Local School District ~ Location: 4444 Middle Urbana Rd., Moorefield Twp. ~ Request: Variance from Chapter 2, Section 201 to increase maximum height from 35 ft. to 54 ft., and to increase the number of stories from 2 to 3.

Mr. Neimayer stated the subject property is located at the east end of Montego Dr., east of Middle Urbana Rd., and consists of 95+ acres. The property is zoned A-1 (Agricultural District). The Applicant is requesting (1) Conditional Use approval from Chapter 7, section 730 for the new Kenton Ridge pre-K through 12 school building, and (2) a variance from Chapter 2, Section 201 to increase the maximum height from 35 ft. to 54 ft., and to increase the number of stories from 2 to 3. Mr. Neimayer referenced the conditional use criteria. He noted the distance of 323 feet is the shortest distance to the nearest residential area. It is up to the Board if there needs to be additional screening to residential areas.

Mr. Neimayer referenced the County Engineer's Office's letter. A traffic study was submitted for their review. Left turn lanes will be added at the Montego Drive and Middle Urbana Road intersection.

Staff's concern is how the east end of Montego Drive will be handled to accommodate the road's extension in the future. The County Engineer's Office is still reviewing this matter.

Chairperson Taylor asked about the portion that runs along Bosart Road, who owns it and is it farmland? Mr. Neimayer stated, the land is not owned by the school. It is owned by G & L Partnership.

Chairperson Taylor asked, is this residential on Montego Drive? Mr. Neimayer responded it is multi-family. Mrs. Forstrom asked, is there any landscape designs at this time. Mr. Neimayer responded, there is some associated with parking for headlights and that sort of thing and then any areas close to residential areas.

Chairperson Taylor asked to see an overhead picture with the school and surrounding area. Mr. Neimayer responded, there is not one available. Chairperson Taylor asked if there was any landscaping around the

Minutes

Clark County Board of Zoning Appeals

pond and is the pond on the school property. Mr. Neimayer responded, yes. We have the school superintendent here, and there may be more landscaping plans in the future after construction is complete.

With no more questions for Staff, Chairperson Taylor opened the public hearing at 3:09 pm. and asked if Applicant would like to speak.

Mike Ruetschle, Architect with Ruetschle, 1020 Littlewoods Road, Dayton OH, was sworn in. Also, Dr. John Kronour, Superintendent for Northeastern Local School District. 1305 Green Oak Ct., was sworn in.

Mr. Ruetschle stated that this is a large and important project for Northeastern Local Schools. For the first point being on the Conditional use, a lot of time and expense was put forth by the district to cobble together a series of properties by G & L Partnership as well as residents along Bosart to provide a significant amount of ground to house the new building and to keep all the athletic fields in place and to keep Kenton Ridge in place because the students will need to attend there until the new school is ready. This was a very public process. November 2017 the school levy did not pass. But in May of 2018, it did pass with 56% of the voters supporting this project. The second point being the variance process. We want to go from 35 feet height to 54 feet height. The 54 feet being the height of the peak of the 3 story slope for the front. This is the highest case scenario. The back portions of the building are lower in height. Majority of the back is one story with 30 feet in height. The next step up over the three-story roof is 42 feet in height. We are talking about a 19 feet variance for the peak section of that three-story academic core. There was also a point about the impact of residential neighborhoods, and the development directly to the South is the Forest Glen Health campus. The scale of that building is an institutional scale, and I think the scale of our building will fit well with that. It is 1,000 feet to the nearest residents that it would impact.

Dr. John Kronour made a correction on the amount of land they own. He states that they own from Montego out to where it could go. The new school building did not start off being a three-story building, but financially, it was a better option for us. We did a few purchase a few residential properties along Bosart Road. We also worked with the Archdiocese of Cincinnati and G & L properties to continue to use the land and facilities we already had.

Mr. Duffee asked, have the County Commissioners and Township Trustees been informed of the three-story plans. Dr. Kronour responded, we have worked very closely with the Fire Marshall and Chief Forman. Not sure of presenting to other entities. Mr. Neimayer added, this is not the type of case that would go before the County Commissioners. Information on the Conditional Use and Variance cases was provided to the Moorefield Township Trustees. The building department has been working very closely with the school district and their architect on the building plans.

Mr. Hazlett asked Mr. Neimayer, they have touched base with the Fire Marshall but are there any issues with Flight Path? Mr. Neimayer responded no, this is not an FAA requirement so we are not required to send them any information.

With no further questions for the Applicant or Agent, Chairperson Taylor asked if anyone wished to speak in favor of this case.

Laura Brown, 3176 Windy Ridge Drive, was sworn in. Ms. Brown asked the Board to please let them build this. Anything is better than what we have.

Chairperson Taylor then asked if anyone else wished to speak in favor of this case. There was none. She then asked if anyone wished to speak in opposition to this case. There were none. She closed the public hearing at 3:21 pm. and asked for Board discussion.

Chairperson Taylor stated, I think this looks like a nice structure. The center peak is the height that is in question, and I would rather see height than all sprawled out space and taking up farmland. I really do not see any problems. Mr. Duffee and Mrs. Forstrom both agreed. Mr. Hazlett stated, they answered all questions.

Hearing no further discussion from the Board, Chairperson Taylor asked for a motion on the Conditional Use request.

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

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

No: None.

Motion Carried.

Chairperson Taylor then asked for a motion on the Variance request.

Action on Case #BZA-2020-31 ~ Property Owner/ Applicant: Northeastern Local School District ~ Location: 4444 Middle Urbana Rd., Moorefield Twp. ~ Request: Variance from Chapter 2, Section 201 to increase maximum height from 35 ft. to 54 ft., and to increase the number of stories from 2 to 3.

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

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

No: None.

Motion Carried.

Chairperson Taylor asked Staff to present the next case.

Case #BZA-2020-32 ~ Property Owners/Applicants: Jeremiah Miller & Ayla Wroten ~ Location: 24 Weinland Dr., Bethel Twp. ~ Request: Variance from Chapter 8, section 802.02.051 to allow an above ground swimming pool partly in the front yard, and allow a 6 ft. tall fence in the front yard.

Mr. Neimayer stated that the subject property is located at 24 Weinland Drive and consists of 0.24 acres. The property is zoned R-2A (Medium Density Single-Family Residence District). The Applicants have filed this variance request to allow an above ground swimming pool partly in the front yard, and allow a 6 ft. tall fence in the front yard.

Mr. Neimayer referenced letters from the County Engineer's Office and from a neighbor, Dwayne Logan. He also commented on email communication from Nancy Brown, Bethel Township Trustee.

Chairperson Taylor asked for an aerial view that would show more of the neighborhood.

Mr. Hazlett stated that there are two separate variances, the question of it not being fully in the rear yard and the fence. Mrs. Forstrom asked how far away does the fence have to be from the sidewalk? Mr. Neimayer responded, there are no regulations for setbacks on fences, although one foot is recommended.

With no further questions for Staff, Chairperson Taylor opened the public hearing at 3:32 pm. and asked if the Applicant would like to speak

Jeremiah Miller, Applicant, 24 Weinland Drive, was sworn in. Mr. Miller stated he did read the letter from the neighbor, Mr. Logan. We believe that the 6 ft. privacy fence should block some of the noise from the dogs. We also have seven kids and the fence will help hide a lot of their toys as well as secure the pool. The neighbor kids cut our pool liner and it was \$1,100 to fix, so it took us some time to get it replaced. The Health Department did come out and check the pool and they said it was fine.

Chairperson Taylor asked, is the intention to fill the pool and put the fence up by what date? The Applicant responded I would like to have it up before winter.

Mr. Hazlett asked, is there a reason the pool is not completely in the backyard? The Applicant responded we were going to extend the garage at a later time. Mr. Hazlett then asked, are there utilities of any kind that would constitute why the pool is not in the backyard? The Applicant responded no. It was just lack of knowledge. I was not aware that when you are on a corner lot you had two front yards.

Mr. Duffee asked, what are the plans to fill the pool? The Applicant responded, there is water filled up to pump. I actually had it filled and our kids were swimming in it and someone cut the pool line to the filter. So now I have to order a brand new filter. Mr. Duffee then asked, there is a kennel between the garage and fence area, do you want the fenced in area to let the dogs run? The Applicant responded, yes I would like to not have the dogs in a kennel at all. They are very well behaved dogs. The female dog did get knocked up and we are still trying to get rid of the puppies.

Chairperson Taylor asked, is there any chance to move the pool to the rear yard? The Applicant responded, I thought about that as well, but we want to extend the garage and not take down my kids play area. And with the fence I did not see it as being an issue.

Mr. Duffee asked, what type of fence are you going to put up? The Applicant responded, a wood fence so that anyone walking by cannot stick their hand through the fence.

With no further questions for the Applicant, Chairperson Taylor asked if anyone wished to speak in favor of this case. There were none. She then asked if anyone wished to speak in opposition to this case. There were none. Chairperson Taylor closed the public hearing at 3:38 pm. and asked for Board discussion.

Chairperson Taylor stated, I am torn. I would like to see the pool moved back. I am not opposed to the fence, it gives added protection. Mrs. Forstrom adds, the pool can be moved but the fence should be approved. Mr. Duffee adds, we have dealt with the height of fences before and I think four feet would be sufficient. Chairperson Taylor asked, would a four foot be high fence be enough to help with the view or safety? Mr. Duffee responded, a four-foot fence might not keep dogs in.

Mr. Hazlett stated, we could request them to move the pool and solve the problem with the neighbor. If there has to be a fence I have no opposition in it being taller. Chairperson Taylor adds, if on the corner I do not see there being a sight issue. Chairperson Taylor asked Mr. Neimayer, what the Township Trustee's thoughts were. Mr. Neimayer responded, I had email communication with Nancy Brown (Township Trustee) and they have no issue with the proposed six-foot fence.

Chairperson Taylor asks, are we able to say that they are able to finish using the pool where it is this summer, but before the start of pool season next summer it has to be moved? Mr. Neimayer adds, it's not a usual condition but it's something that the Board can do. I am measuring 14 feet from the back of the pool to the back of the garage. The pool could be moved to the yellow line and that would be in the rear yard. Chairperson Taylor adds, we have the ability to change it and make it within some guidelines. Mr. Duffee tells Chairperson Taylor, what you are not seeing are the Kennels that are behind the garage, and in order to move the pool those would need to be taken down. Chairperson Taylor states, he said those kennels would be taken down once he sells the litter of puppies. Mr. Hazlett adds, we could get it closer to compliance by moving it and it might ease some tensions in the area. He adds, I like the suggestion to keep the pool this summer but move it by next summer.

Chairperson Taylor asked Mr. Neimayer, who would do the follow up if we were to put that type of condition on the approval? Mr. Neimayer responded, that would be Staff. We would remind the Applicant of that condition.

Chairperson Taylor re-opened the public hearing at 3:51 pm.

Minutes

Clark County Board of Zoning Appeals

The Applicant explained, I thought that the pool has to be so far away from the structure. Mr. Neimayer responded, the zoning code requires it to be 10 feet away from the primary structure. The garage is an accessory structure. Although from the building/fire code, there would need to be at least a five ft. separation from the garage.

Chairperson Taylor stated, so we are looking at moving it approximately eight feet. Is it worth it? Mr. Hazlett stated, I think it will have to be all or nothing. Chairperson Taylor adds, then it is not in compliance with the garage by not being five feet away from it. Mr. Duffee stated, if the privacy fence is around it no one will see it. Mrs. Forstrom adds, even if no one can see it still has to follow requirements. Chairperson Taylor asks the Board, is it worth having the Applicant drain and move the pool for a maximum of eight feet? Mrs. Forstrom states, I do not think so. Chairperson Taylor agrees. Mr. Hazlett agrees.

Chairperson Taylor closed the public hearing at 3:54 pm. and asked any further discussion from the Board.

Mr. Hazlett stated, I think we need to put a timeline on when the fence needs to be installed if the pool is not going to be moved.

Chairperson Taylor reopens the public hearing at 3:57 pm. and asks the Applicant how long it would take to install the fence. Mr. Miller responded it will take at least a couple of months with cost etc. to get it moved. Chairperson Taylor asked can you do it within that time frame and be compliant? Mr. Miller responded I would be happier with three months.

Chairperson Taylor then asked, if the Applicant does not finish in three months what happens. Mr. Neimayer responded, I would suggest adding it into the motion if the Applicant is having trouble he needs to inform Staff before the end of the agreed time to bring this matter back to the Board for further discussion. Chairperson Taylor states, I think we look at two months with the ability to come back to Staff if circumstances do not allow him to complete in that time.

Chairperson Taylor closed the public hearing at 4:00 pm.

Mrs. Forstrom asked what will happen if the Applicant needs to request additional time? Mr. Neimayer responded the Applicant would have to give reasons why he needs additional time. Mr. Hazlett adds we should allow him to leave the pool where it is unless he does not get the fence up, and then he should have to take the pool down. Mr. Neimayer responded, those are two different issues and that could be challenged. The pool only requires access control.

With no further discussion from the Board, Chairperson Taylor asked for a motion.

Action on Case #BZA-2020-32 ~ Property Owners/Applicants: Jeremiah Miller & Ayla Wroten ~ Location: 24 Weinland Dr., Bethel Twp. ~ Request: Variance from Chapter 8, section 802.02.051 to allow an above ground swimming pool partly in the front yard, and allow a 6 ft. tall fence in the front yard.

Motion by Mr. Hazlett, seconded by Mr. Duffee, to **Approve** the request as presented with the fence to be installed by October 1, 2020 and, should the Applicant need additional time to install the fence, the Applicant must file the request with Planning Staff prior to October 1, 2020 and include documentation on the work that has been done.

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

No: None.

Motion Carried.

Chairperson Taylor asked staff to present the last case.

Minutes

Clark County Board of Zoning Appeals

Case #BZA-2020-33 ~ Owners/ Applicants: Jeffery & Laura Brown ~ Location: 3176 Windy Ridge Dr., Moorefield Twp. ~ Request: Variance from Chapter 8, section 802.02.051.1 to allow an in ground swimming pool partly in the side yard.

Mr. Neimayer stated that the subject property is located at 3176 Windy Ridge Drive and consists of 1.29 acres. The property is zoned R-2A (Medium Density Single-Family Residence District). The Applicant would like to construct an inground swimming pool that would partly be in the side yard. Zoning regulations require all swimming pools to be in the rear yard. Hence, the Applicants have filed this variance request.

Chairperson Taylor opened the public hearing at 4:15 pm. and asked if the Applicant wished to speak.

Laura Brown, Applicant, 3176 Windy Ridge, was sworn in. Mrs. Brown stated that the structure would be about five feet from the deck. The pool location is due to the drain field and the supplemental drain field in the rear yard. Mrs. Brown has spoken to two of three direct neighbors and they approve a 6 ft. wood fence. One neighbor on Anson Place did not answer their door. Another property on Windy Ridge has pool in the side yard.

Chairperson Taylor asked Mr. Neimayer is the sunroom and deck that is attached part of the main dwelling. Mr. Neimayer responded the deck is not. The sunroom would be considered part of the main structure.

Mrs. Forstrom asked about the fence at 6 feet. Mr. Neimayer responded the fence would be permitted.

Mr. Hazlett asked, are there any underground utilities that would be affected? The Applicant responded no all utilities are accessible from the front of the house.

With no further questions for the Applicant, Chairperson Taylor asked if anyone would like to speak in favor of this case.

Jeff Brown, Applicant, 3176 Windy Ridge, was sworn in. Mr. Brown stated we want a pool really bad because it is hot, and we would follow the rules and guidelines.

With no one else to speak in favor of the case, Chairperson Taylor asked if anyone wished to speak in opposition to this case. There were none.

Chairperson Taylor closed the public hearing at 4:24 pm. and asked for Board discussion.

Chairperson Taylor states, I have seen this before and there is no real option in other locations. I think this would be an enhancement for the property. Mrs. Forstrom agreed. Mr. Hazlett adds, I'm fine with it. Mr. Duffee adds, it is well thought out.

Hearing no further discussion, Chairperson Taylor asked for a motion.

Action on Case #BZA-2020-33 ~ Owners/ Applicants: Jeffery & Laura Brown ~ Location: 3176 Windy Ridge Dr., Moorefield Twp. ~ Request: Variance from Chapter 8, section 802.02.051.1 to allow an in ground swimming pool partly in the side yard

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

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

No: None.

Motion Carried.

Minutes

Clark County Board of Zoning Appeals

Staff Comments

Next Scheduled Meeting is August 27, 2020.

Adjournment

Motion by Mr. Duffee, seconded by, Mrs. Forstrom, to **Adjourn.**

VOTE: Motion carried unanimously.

The meeting was adjourned 4:35 pm.

Mrs. Jerri Taylor, Chairperson