

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, July 25, 2019

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 pm. and asked for the Roll Call.

Present For Roll Call: Mrs. Jerri Taylor, Mr. Rick Smith and Ms. Greta Wilt.

Absent For Roll Call: Mr. Paul Hazlett and Ms. Janie Riggs.

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

Approval of the June 27, 2019 Minutes

Motion by Mr. Smith, seconded Ms. Wilt, to **Approve** the minutes as presented.

VOTE: Yes: Mr. Smith, Ms. Wilt and Mrs. Taylor.

No: None.

Motion carried.

Chairperson Taylor explained how the meeting will be conducted. She then asked if any Board members needed to abstain from any of the cases. There was none.

Motion to Remove from Table Case #BZA-2019-19

Motion by Mr. Smith, seconded by Ms. Wilt, to remove Case #BZA-2019-19 from the Table.

VOTE: Yes: Mr. Smith, Ms. Wilt and Mrs. Taylor.

No: None.

Motion carried.

Case #BZA-2019-19 ~ Tabled on 6-27-2019 ~ Property Owners/Applicants: Nathan & Karin VanZant ~ Location: 4319 Springfield-Xenia Rd.; Green Twp. ~ Request: Variance to Section 802.03.01 to allow a carport in the side yard with a 5 ft. side setback instead of the required 15 ft.

Mr. Neimayer explained the Applicant has requested additional time to gather the information required by the Board at the June 27, 2019 meeting. There were no audience members present for this case. Hearing no discussion from the Board, Chairperson Taylor asked for a motion.

Action on Case #BZA-2019-19 ~ Property Owners/Applicants: Nathan & Karin VanZant ~ Location: 4319 Springfield-Xenia Rd.; Green Twp. Request: Variance to Section 802.03.01 to allow a carport in the side yard with a 5 ft. side setback instead of the required 15 ft.

Motion by Mr. Smith, seconded by Ms. Wilt, to Table this case until the August 29, 2019 meeting.

VOTE: Yes: Mr. Smith, Ms. Wilt and Mrs. Taylor.

No: None.

Motion Carried

Case #BZA-2019-25 ~ Property Owner/Applicant: Erik & Jennifer Shears ~ Location: 9158 Milton Carlisle Rd.; Bethel Twp. ~ Request: Variance from Chapter 8, Section 802.03.02 to allow an accessory structure in the front more than 300 ft. from road-right-of-way but less than 5 ft. from the property line.

Mr. Neimayer stated the subject property is located at 9158 Milton-Carlisle Rd. and consists of 1.23 acres. The property is zoned A-1 (Agricultural District). The Applicant would like to construct a 30 ft. by 50 ft. pole barn in the front yard. The minimum side yard setback is five ft. The Applicant would like to reduce this setback "as close as possible", and has therefore filed this variance request. Mr. Neimayer stated Section 802.03.02 allows for an accessory structure to be in the front yard provided the front setback is a least 300 ft. from the road right-of-way. Per Section 802.06.03 Table 8.1, the minimum side yard setback is five ft.

With no questions for Staff, Chairperson Taylor opened the public hearing at 2:06 pm. Chairperson Taylor asked if the Applicant wished to speak at this time.

Eric Shears, Applicant, 9158 Milton-Carlisle Rd., was sworn in. Mr. Shears stated he wanted the pole barn to be in line with the house. It will be more angled to match house and would be closer than five ft. because he wants to use existing walkway. He stated he was not sure of the exact measurements at this point.

Chairperson Taylor asked about drainage. Mr. Shears responded he would put dirt back and gravel for drainage under. Chairperson Taylor asked if he would mow and maintain it. Mr. Shears responded yes.

Mr. Smith asked for the location of the leach field. Mr. Shears responded it was in the rear yard.

Chairperson Taylor asked why it was not feasible to construct the pole barn in the back yard. Mr. Shears responded due to the leach field and the other side of the property is the well. He also stated the proposed placement allows use of the existing driveway.

Ms. Wilt asked if the pole barn could be put on the other side of property. Mr. Shears responded he cannot drive over the well.

Mr. Smith asked for the width of the sidewalk. Mr. Shears responded it was standard width and he preferred not to have to take out the sidewalk.

With no further questions for the Applicant, Chairperson Taylor asked if anyone else wished to speak for the case.

Sean Reid, 9176 Milton Carlisle Road, was sworn in. Mr. Reid stated he was the neighbor and he was okay with the project. He stated it did not feel it had any affects to his property. Mr. Reid stated testimony assured him that drainage will be taken care of.

Ms. Wilt asked if Mr. Reid had any issues with the Applicant digging on a portion of his property for drainage and construction. Mr. Reid responded he had no issues.

Mr. Neimayer stated there was an objection letter from a neighbor: Jeff Eggleston, 9110 Milton-Carlisle Road.

Chairperson Taylor asked if anyone wished to speak against the case. Hearing none, she closed the public hearing at 2:14 pm. and asked for Board discussion.

Chairperson Taylor stated she can see the neighbor (Mr. Eggleston) concern even though it does not directly affect him.

Mr. Smith stated the pole barn will be on an angle so it can be situated close to the sidewalk to be close to maintaining the five ft. setback. He noted the back corner of the pole barn may be less than 5 ft. to the lot line, but still leave enough room to mow.

Chairperson Taylor stated there are well and septic limitations. She noted well and drainage issues. It does limit what owners can do.

Ms. Wilt recommended taking out the sidewalk and moving the pole barn it closer. Mr. Smith stated the Applicant may only gain one ft.

Chairperson Taylor asked if it looked like three or five ft. Mr. Neimayer stated he does not have the exact location for exact measurement. Mr. Smith noted the front would be more than five ft. with the rear being closer.

Ms. Wilt asked for a minimum of three ft. setback from the south property line.

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

Action on Case #BZA-2019-25 ~ Property Owner/Applicant: Erik & Jennifer Shears ~ Location: 9158 Milton Carlisle Rd.; Bethel Twp. Request: Variance from Chapter 8, Section 802.03.02 to allow an accessory structure in the front more than 300 ft. from road-right-of-way but less than 5 ft. from the property line.

Motion by Ms. Wilt, seconded by Mr. Smith, to **Approve** the variance request as presented with a minimum of three ft. setback (from the south property line) at any point.

VOTE: Yes: Ms. Wilt, Mr. Smith and Mrs. Taylor.

No: None.

Motion Carried.

Case #BZA-2019-26~ Property Owner/Applicant: Jon Stafford ~ Location: Snider Road, PID#180-10-00012-000-049; Mad River Twp. ~ Request: Variance from Chapter 5, Section 501.02, to allow a non-gravel surface between and around the buildings of the storage facility.

Mr. Neimayer stated the subject property is located at Snider Rd. and consists of 2.3 acres. The property is zoned B-4 (Heavy Business District). The Applicant plans to develop the property as a self-storage development. The property was recently rezoned from B-3 to B-4S. Because off-street parking areas for non-residential use are to be a paved/hard surface, and a portion of the property is located in a floodplain, the Applicant has filed this variance request to allow for gravel parking area. Section 501.02 states, "All parking areas and adjacent aisles or driveways shall be paved with asphaltic material or cement except for the following specific uses: agricultural uses; parking strictly associated with a single- or two-family residence." The Applicant intends for the entrance drive to be asphalt surface with the remainder of the parking/drive area to be a gravel surface.

With no questions for Staff, Chairperson Taylor opened the public hearing at 2:30 pm. Chairperson Taylor asked if the Applicant wished to speak at this time.

Jon Stafford, Owner/Applicant, 9988 W. Union Rd., was sworn in. Mr. Stafford stated his mini storage facility is RV and boat storage with very little traffic. It is a minimum use of only three to four times a year. He stated that is the market for this location. He noted most mini storage facilities do not use pavement, they use gravel. He stated having gravel also helps with drainage.

Chairperson Taylor asked if money was the reason. Mr. Stafford responded asphalt is more expensive.

Mr. Smith asked about a drainage study. Mr. Stafford responded his engineering firm could answer.

Ms. Wilt noted that dust should not be an issue with the type of items stored, maybe weeds in the gravel.

Chairperson Taylor noted it will look better paved.

Ms. Wilt stated she was not opposed to gravel.

Michael Lentz, 1160 Dublin Rd., Applicant's engineer, was sworn in. Mr. Lentz stated that the drainage goes to the southwest back edge of the subject property. He stated it will match the same design as O'Reilly's Auto Store (located directly south). Mr. Lentz noted that is partly why they want to do the gravel. He noted drainage plans were reviewed and approved by the County Engineer

Chairperson Taylor asked if the drive will be in line with the church. Mr. Lentz responded yes.

With no further questions for the Applicant or his Engineer, Chairperson Taylor asked if anyone else wished to speak for the case. There was none. She then asked if anyone wished to speak against the case. Hearing none, she closed the public hearing at 2:36 pm. and asked for Board discussion.

Mr. Smith stated the applicant is not asking for anything not already existing. He noted similar self storage developments in the area have gravel. He noted the type of storage items not good with asphalt.

Chairperson Taylor stated she had concerns just because someone else did should not be determining factor. She noted it cannot be a convenience to the Applicant.

Ms. Wilt stated she does not see having gravel as a problem in this location. The paved portion on the road will get dust from following out onto roadway.

Chairperson Taylor stated it needs to stay neat and clean and tidy. She noted she felt it seems to be just a convenience.

Mr. Smith stated part of it is, but heavier objects on asphalt breaks it down. He noted for longevity, gravel would work. It will drain better with gravel.

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

Action on Case #BZA-2019-26 ~ Property Owner/Applicant: Jon Stafford ~ Location: Snider Road, PID #180-10-00012-000-049; Mad River Twp. ~ Request: Variance from Chapter 5, Section 501.02, to allow a non-gravel surface between and around the buildings of the storage facility.

Motion by Mr. Smith, seconded by Ms. Wilt, to **Approve** the variance request as presented.

VOTE: Yes: Mr. Smith and Ms. Wilt.

No: Mrs. Taylor.

Motion Carried.

Case #BZA-2019-27~ Property Owner/Applicant: Loren & Susan Parker ~ Location: E. National Road, PID #130-08-00011-000-060; Harmony Twp. ~ Request: Variance from Chapter 2, Section 201, to reduce the frontage from 150 ft. to 60 ft. to allow for a land division.

Mr. Neimayer stated the subject property fronts along E. National Rd. and S. Urbana-Lisbon Rd and consists of 81.24 acres. The property has split zoning: B-3 on the north side of the creek and A-1 on the south side of the creek. A rezoning of a 25+ acre area immediately south of the creek from B-3 to A-1 was approved by the County Commissioners on July 10, 2019 with an effective date of August 9, 2019. The Applicant would like to split the subject property along the creek resulting in the 33.839 acres north of the creek zoned B-3 and the remaining 47.4009 acres south of the creek zoned A-1. Because this 47+ acre parcel would only have 60 ft. frontage on S. Urbana-Lisbon Rd., the Applicant has filed this variance request. Mr. Neimayer reviewed Chapter 2, Section 201 (A-1 Zoning District) requires a minimum frontage of 150 ft. when creating a new parcel agricultural or single-family residential use.

Chairperson Taylor wanted to confirm the land was not landlocked. Mr. Neimayer stated the parcel has approximately 550 ft. frontage along E. National Rd.

With no further questions for Staff, Chairperson Taylor opened the public hearing at 2:45 pm. Chairperson Taylor asked if the Applicant wished to speak at this time.

Mr. Loren Parker, Owner/Applicant, P.O. Box 445 South Vienna, OH, was sworn in.

Mr. Smith asked about the intended use of the A-1 parcel. Mr. Parker responded it has been farmed for eight years. Mr. Smith asked if he was building a house. Mr. Parker responded no.

With no further questions for the Applicant, Chairperson Taylor asked if anyone else wished to speak for the case. There was none. She then asked if anyone wished to speak against the case. Hearing none, she closed the public hearing at 2:49 pm. and asked for Board discussion.

Chairperson Taylor asked if it would be landlocked if not approved. Mr. Neimayer responded no.

Mr. Smith asked if the B-3 zoned property had access. Mr. Neimayer responded there is access from the adjacent parcel, also owned by the Applicant, and in the Village of South Vienna. If a new access is requested, it would have to be approved by ODOT.

Motion for Executive Session

Motion by Mr. Smith, seconded by Ms. Wilt, to go into Executive Session.

VOTE: Yes: Mr. Smith, Ms. Wilt and Mrs. Taylor.

No: None.

Motion Carried.

Time Out 2:53 p.m. Time In 3:06 p.m.

Action on Case #BZA-2019-27~ Property Owner/Applicant: Loren & Susan Parker ~ Location: E. National Road, PID #130-08-00011-000-060; Harmony Twp. ~ Request: Variance from Chapter 2, Section 201, to reduce the frontage from 150 ft. to 60 ft. to allow for a land division.

Motion by Ms. Wilt, seconded by Mrs. Taylor, to **Approve** the variance request as presented.

VOTE: Yes: Ms. Wilt, Mrs. Taylor.

No: Mr. Smith.

Motion Carried.

Case #BZA-2019-28 ~ Property Owner/Applicant: Jeffrey Burks ~ Location: 11924-11926 Lowery Valley Pike; Bethel Twp. ~ Request: Variance from Chapter 8, Section 802.03.02, to allow an accessory structure in the front yard less than 300 ft. from road right-of-way.

Mr. Neimayer stated the subject property is located at 11924 Lower Valley Pike and consists of 2.24 acres. The property is zoned A-1 (Agricultural District) and is used as a two-family dwelling. The Applicant would like to replace the current carport with a new 8 ft. by 15 ft. (120 sq. ft.) utility shed utilizing the existing concrete pad. The new shed will be detached from the dwelling and in the front yard. Because the shed will be less than 300 ft. from the road right-of-way, the Applicant has filed this variance request. Mr. Neimayer reviewed Section 802.03.02 allows for an accessory structure to be in the front yard provided the front setback is at least 300 ft. from the road right-of-way. The shed would be 22 ft. from the west side lot line.

With no questions for Staff, Chairperson Taylor opened the public hearing at 3:12 pm. and asked if the Applicant wished to speak at this time.

Jeffery Burks, Owner/Applicant, 1904 Willowgreen Dr., Beavercreek, OH, was sworn in. Mr. Burks stated because the natural of the layout, there is not a backyard for that unit. He stated he needs a variance no matter where it goes. He stated he would like it on the existing concrete pad, although he does not meet the 300 ft. setback. Mr. Burks noted the trailers down the road have sheds closer to Lower Valley Pike, and his would not be visible due to existing trees. He stated it will have a nice appeal and will match the shed on the other side. Mr. Burks stated he now wants an 8 ft. by 12 ft. storage shed instead of an 8 ft. by 15 ft.

With no further questions for the Applicant, Chairperson Taylor asked if anyone else wished to speak for the case.

Linda Mattila, 11950, Lower Valley Pike, was sworn in. Mrs. Mattila stated the neighbors are here in the audience. She stated the proposed shed is off the road, is smaller than what was there, and does not see any issues.

Chairperson Taylor asked if anyone wished to speak against the case. Hearing none, she closed the public hearing at 3:19 pm. and asked for Board discussion.

Mr. Smith stated the existing carports are bad and the sheds will be an improvement. He stated the carport was not an issue. It will be better looking.

Ms. Wilt noted there were no issues with neighbors.

Chairperson Taylor stated it will enhance the community. She noted the Applicant was not asking for a different location. The concrete pad is already there.

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

Action on Case #BZA-2019-28 ~ Property Owner/Applicant: Jeffrey Burks ~ Location: 11924-11926 Lowery Valley Pike; Bethel Twp. ~ Request: Variance from Chapter 8, Section 802.03.02, to allow an accessory structure in the front yard less than 300 ft. from road right-of-way.

Motion by Mr. Smith, seconded by Ms. Wilt, to *Approve* the variance request as presented.

VOTE: Yes: Mr. Smith, Ms. Wilt and Mrs. Taylor.

No: None.

Motion Carried.

Staff Comments

Mr. Neimayer stated the next scheduled meetings will be on August 29, 2019. He reminded the Board they needed another board member and to let staff know if anyone is interested.

Adjournment

Motion by Mr. Smith, seconded by Ms. Wilt, to **Adjourn.**

VOTE: Motion carried unanimously.

The meeting was adjourned at 3:29 p.m.

Mrs. Jerri Taylor, Chairperson