

Minutes

Clark County Rural Zoning Commission

Regular Meeting ~ 9:00 am.
Thursday, August 11, 2022

Springview Government Center
3130 East Main Street
Springfield, Ohio 45503

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, Larry Spahr and Mr. Pete Lane.

Absent For Roll Call: Mr. Jurick.

Also in Attendance: Mr. Allan Neimayer, Mrs. Jennifer Tuttle, Mrs. Rachel Ricketts and Hannah Adams of Clark County Community & Economic Development.

Approval of the July 14, 2022 Minutes

Motion by Mr. Leis, seconded by Mr. Lane, to **Approve** the minutes with the correction on Page 4: the motion made to rezone from A-1 to B-2S.

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

No: None.

Motion carried

Chairperson Brust asked Staff to present the first case.

Rezoning Case #Z-2022-08 ~ Property Owner/Applicant: Anne Demmy ~ Location: 3920 Fairfield Pike, Mad River Twp. ~ Request: to rezone parcel from O-1 to A-1 to covert an existing building to a single-family residence.

Mr. Allan Neimayer, Senior Planner, stated the subject property is located at 3920 Fairfield Pike and consist of 1.31 acres. The property is currently zoned O-1 (Office District). The Applicant would like to rezone the property to A-1 (Agricultural District) to convert the existing building to a single-family residence. Mr. Neimayer stated this existing building use to be a government office but was transferred to Dan Demmy in March of 2003. It was never rezoned for the proper office use until the property was transferred to Mr. Demmy who then received rezoning approval in September of 2003. Anne Demmy, current property owner, would like to convert the building to a single-family residence. The surrounding land is zoned A-1 (Agricultural Use). Mr. Neimayer reviewed the difference in setbacks for the A-1 and R-1 zoning districts. Staff recommends the Applicant's request to rezone the subject property from O-1 to A-1 be approved as presented. The Clark County Planning Commission met on August 3, 2022 and following review and discussion they recommend the rezoning request be approved as presented.

Mr. Lane asked does the existing structure meet both the R-1 and A-1 minimum setbacks. Mr. Neimayer responded yes.

Hearing no further the questions for Staff, Chairperson Brust opened the public portion of the hearing at 9:05am and asked if the Applicant would like to speak.

Minutes

Clark County Rural Zoning Commission

Anne Demmy, Owner/Applicant, 4795 S. Tecumseh Rd. was sworn in. Mrs. Demmy stated she is mostly surrounded by Enon Sand and Gravel. She submitted two letters in support of the rezoning. One from the co-owner of the neighboring property (Mrs. Demmy is also co-owner) and one from Dennis Garrison of Enon Sand & Gravel.

Mr. Leis asked the Applicant if she prefers an R-1 zoning or an A-1 zoning. Mrs. Demmy responded she would prefer A-1 zoning. Chairperson Brust added everything around you is A-1. The simplest thing to do would be to maintain it as A-1 as long as it is meeting setback requirements. Mrs. Demmy responded that is what I would prefer.

With no one else in the audience to speak on this rezoning case, Chairperson Brust closed the public portion of the hearing at 9:08 am.

Chairperson Brust states, we have a request for a rezoning from O-1 to A-1 to convert an existing building to a single-family residence. Chairperson Brust asked for a motion on rezoning case #Z-2022-08.

Action on Rezoning Case #Z-2022-08 ~ Property Owner/Applicant: Anne Demmy ~ Location: 3920 Fairfield Pike, Mad River Twp. ~ Request: to rezone parcel from O-1 to A-1 to convert an existing building to a single-family residence.

Motion by Mr. Spahr, seconded by Mr. Taylor, to **Approve** the rezoning request as presented.

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

No: None.

Motion carried.

Case #ZA-2022-01 ~ Proposed Comprehensive Zoning Text Amendment

Staff requests to initiate the comprehensive zoning text amendment process.

Mr. Neimayer explained the Zoning Text Amendment is to include fencing requirements on a non-agricultural exempt parcel that was in error left out of the final version of the 2020 text amendments. Mr. Neimayer explained this is not adding new language. This language about the fencing has been in the zoning regulations since 1996. In 2013, Staff was directed to change the term 'zoning inspector' to 'zoning administrator'. In 2020, it was changed back to 'zoning inspector' after the County Prosecutor's Office informed Staff that in the Ohio Revised Code the term used is 'zoning inspector'. Mr. Neimayer stated Staff is looking for is a motion to initiate the comprehensive zoning text amendment process to get the fencing requirement back in the zoning regulations. The text amendment is: *Section 102.03.031 The keeping of animals moved to Section 102.03.031 Fencing shall be provided per Section 805 or other approved methods as imposed by the Zoning Inspector.*

Hearing no questions from the Board, Chairperson Brust asked for a motion.

Motion by Mr. Spahr, seconded by Mr. Taylor to **Initiate** the Comprehensive Zoning Text Amendment process as presented by Staff.

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

No: None.

Motion carried

Minutes

Clark County Rural Zoning Commission

Case #Z-2022-09 ~ Proposed Comprehensive Zoning Map Amendment ~ Willow Road and Willow Chase East Section 1; Moorefield Twp.

Staff requests to initiate the comprehensive zoning map amendment process.

Mr. Neimayer explained there are properties on a section of Willow Rd. and on Willow Chase Dr./Willow Gate Dr. that are zoned R-4S (Multi-Family Residence Specific Use), but the actual land use is single-family residence. He explained single-family residence is not a permitted use under R-4 zoning and, therefore, those single-family residences are illegal. Staff became aware of this matter a couple of years ago when a property owner inquired of building a new single-family home on a vacant parcel on Willow Rd. Staff researched the rezoning history of this area of Willow Rd. and Willow Chase Dr./Willow Gate Dr. and did not find any rezoning case that put the subject properties into a proper single-family residence zoning district. Therefore, Staff is asking that the Board to initiate the comprehensive zoning map amendment process to rezone the two Willow Rd. properties to R-1 and to rezone the Willow Chase Dr./Willow Gate Dr. properties to R-2A. Mr. Neimayer stated a detailed letter explaining this zoning matter will be sent to the affected property owners.

Hearing no questions from the Board, Chairperson Brust asked for a motion.

Motion by Mr. Lane, seconded by Mr. Leis, to **Initiate** the comprehensive zoning map amendment process as presented by Staff.

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

No: None.

Staff Comments

Mr. Neimayer informed the Board there is a scheduling conflict with Room 151 on September 15th (regular RZC meeting date). Following discussion, the Board agreed to move the meeting to Tuesday, September 13, 2022 at 9:00 am. Mr. Neimayer stated the October RZC meeting date is October 13, 2022 at 9:00 am.

Mr. Neimayer explained as Hannah Adams was working on Board archive records, she discovered that RZC minutes from 1996 through 1997 are not signed. During that time period, once Board minutes were approved they were signed by Phil Tritle who was the secretary of the Board. Mr. Neimayer explained the minutes need to be signed and asked the Board how they want to proceed. Following discussion the Board agreed to have Mr. Neimayer, as Secretary to the Board, sign the meeting minutes that are missing signatures.

Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 9:22 am.

Mr. Ken Brust, Chairperson