

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, August 29, 2019

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Mr. Rick Smith, Vice Chairperson of the Clark County Board of Zoning Appeals of Clark County Ohio, called the meeting to order at 2:00 pm. and asked for the Roll Call.

Present For Roll Call: Mr. Paul Hazlett, Ms. Janie Riggs and Mr. Rick Smith.

Absent For Roll Call: Mrs. Jerri Taylor, Ms. Greta Wilt.

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

Approval of the July 25, 2019.

Vice Chairperson Smith noted approval of the July 25, 2019 minutes will be deferred to the next regular meeting due to a lack of eligible voting members.

Vice Chairperson Smith explained how the meeting will be conducted. He then asked if any Board members need to abstain from any of the cases. There was none.

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

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

VOTE: **Yes:** Mr. Hazlett, Ms. Riggs and Mr. Smith.
 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 and July 25, 2019. There were no audience members present for this case. Hearing no discussion from the Board, Vice Chairperson Smith asked for a motion.

Action on 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.

Motion by Mr. Hazlett, seconded Ms. Riggs, to **Table** infinitely to allow the Applicant more time.

VOTE: **Yes:** Mr. Hazlett, Ms. Riggs and Mr. Smith.
 No: None.

Motion Carried.

Case #BZA-2019-29 ~ Property Owners/Applicants: Michael & Ricki Pepin ~ Location: 1984 S. Tecumseh Rd.; Mad River Twp. ~ Request: Variance from Section 201 to reduce the side yard setback from 25 ft. to 10 ft. to construct a 22 ft. by 26 ft. workshop building.

Mr. Neimayer stated the subject property is located at 1984 S. Tecumseh Rd. and consists of 3.01 acres. The property is zoned A-1 (Agricultural District). The Applicants would like to construct a 22 ft. by 26 ft. workshop building (accessory structure) in the side yard. Under Section 802.03.01 of the Zoning Regulations, an accessory structure can be in the side yard if it follows the side yard setback of the principal structure. The least side yard setback under A-1 zoning is 25 ft. Therefore, the Applicants filed this variance request to reduce the side setback from 25 ft. to 10 ft.

Mr. Hazlett asked if there were any issues with septic and well. Mr. Neimayer responded the Health Department has indicated it will be located outside of the protection area.

Mr. Hazlett asked if there were any other structures in side yards in the area. Mr. Neimayer responded there were not any next door.

With no further questions for Staff, Vice Chairperson Smith opened the public hearing at 2:10 pm. Vice Chairperson Smith asked if the Applicant wished to speak at this time.

Michael Pepin, 1984 S Tecumseh Rd, was sworn in. Mr. Pepin explained the full 25 ft. is needed because the septic tank is in side yard. He stated the green area is the drainage area for the farms fields. He stated the very back of the property has a bad grade.

Ms. Riggs asked about the well. Mr. Pepin pointed it out in the front yard.

Mr. Pepin stated there are trees between him and his neighbor that would shield the structure.

With no further questions for the Applicant, Vice Chairperson Smith asked if anyone else wished to speak for the case. There was none. He then asked if anyone wished to speak against the case. Hearing none, he closed the public hearing at 2:13 pm. and asked for Board discussion.

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

Mr. Hazlett stated he did not see an issue and the neighbor provided a statement of no issues. He noted there is a tree barrier between the properties.

Ms. Riggs stated she did not have any issues with the request.

Action on Case #BZA-2019-29 ~ Property Owners/Applicants: Michael & Ricki Pepin ~ Location: 1984 S. Tecumseh Rd.; Mad River Twp. ~ Request: Variance from Section 201 to reduce the side yard setback from 25 ft. to 10 ft. to construct a 22 ft. by 26 ft. workshop building .

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

VOTE: **Yes:** Mr. Hazlett, Ms. Riggs and Mr. Smith.

No: None.

Motion Carried.

Case #BZA-2019-30 ~ Property Owner/Applicant: Jeffrey Burks ~ Location: 11924/11926 Lower Valley Pike; Bethel Twp. ~ Request: Variance from Section 201 to reduce the minimum lot frontage from 150 ft. to 131 ft. to allow for a lot split/attachment.

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). The Applicant's abutting neighbors to the west, Karl & Linda Mattila, 11950 Lower Valley Pike, would like to purchase from the Applicant's subject property a 30 ft. wide by 200 ft. length strip of land to be attached to the Mattila property. This split/attachment, if approved, would increase the Mattila property from 0.37 acres to 0.51 acres. The frontage of the Applicant's subject property, currently 161 ft., would be reduced to 131 ft. Because the minimum lot frontage is 150 ft., the Applicant has filed this variance request. He noted with any lot split, all parcels involved must meet the minimum zoning requirements. Under Section 201 of the county zoning regulations, the minimum lot frontage under A-1 zoning is 150 ft. All nonconforming lot frontages except Applicant. It will swap compliance with neighbors, one nonconforming, one conforming,

Vice Chairperson Smith asked if there was a reason. Mr. Neimayer deferred to the Applicant. He did note the house and structures are close to the property line and this will help improve it.

Mr. Hazlett asked if there were any easement issues or utility issues. Mr. Neimayer responded he was not aware of any.

With no further questions for Staff, Vice Chairperson Smith opened the public hearing at 2:20 pm. Vice Chairperson Smith asked if the Applicant wished to speak at this time.

Mr. Jeffrey Burks, 1904 Willow Green Dr., Beavercreek, was sworn in. Mr. Burks stated the correct address as 11924-11926 address. He stated there is a utility line going down the property. Mr. Neimayer stated an easement would be needed. He noted the survey for the lot split process should pick up the utilities.

Mr. Burks stated his neighbor has been maintaining the proposed area. He stated he doesn't need it and he is going to sell the duplex and wanted to give them the option to buy it first.

Linda Matila, 11950 Lower Valley Pike, was sworn in. She stated the property was vacant for a long time and she has maintained it. She stated Mr. Burks allowed them to continue to maintain. She noted she has a garden and landscaped the area. She stated she didn't understand the easement. Mr. Neimayer explained the easement.

Mr. Hazlett stated it was in everyone's best interest to understand the easement. He stated it is documented and will be in the split process. He stated the utilities were neutral because it was on his land, now it will be on your land and serve his.

Ms. Phonda Funkhouser, 11906 Lower Valley Pike, stated she is the potential new owner of the property with the duplex on it. She stated she is in favor of it. She stated she understands the electric issue and said it wouldn't be a problem.

With no further questions for the Applicant, Vice Chairperson Smith asked if anyone else wished to speak for the case. There was none. He then asked if anyone wished to speak against the case. Hearing none, he closed the public hearing at 2:29 pm. and asked for Board discussion.

Mr. Hazlett stated he did not have any issues.

Ms. Riggs stated the Board doesn't typically create any nonconforming, but this is consistent with the neighborhood.

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

Action on Case #BZA-2019-30 ~ Property Owner/Applicant: Jeffrey Burks ~ Location: 11924/11926 Lower Valley Pike; Bethel Twp. ~ Request: Variance from Section 201 to reduce the minimum lot frontage from 150 ft. to 131 ft. to allow for a lot split/attachment.

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

VOTE: **Yes:** Mr. Hazlett, Ms. Riggs and Mr. Smith.

No: None.

Motion Carried.

Staff Comments

Mr. Neimayer stated the next scheduled meetings will be on September 26 and October 24, 2019.

Mr. Neimayer passed out information on the annual planning conference in December.

Adjournment

Motion by Ms. Riggs, seconded by Mr. Hazlett, to **Adjourn.**

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:35 p.m.

Mr. Rick Smith, Vice Chairperson