

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, September 26, 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 2:00 pm. and asked for the Roll Call.

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

Absent For Roll Call: None.

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

Approval of the July 25, 2019 Minutes

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

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

No: None.

Abstain: Mr. Hazlett and Ms. Riggs.

Motion Carried.

Approval of the August 29, 2019 Minutes

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

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

No: None.

Abstain: Mrs. Taylor and Ms. Wilt.

Motion Carried.

Chairperson Taylor explained how the meeting would be held. She then asked for the staff to present the case.

Case #BZA-2019-31 ~ Property Owners/Applicants: Gearold & Marsha Hook ~ Location: 217 N. Park Dr., Bethel Twp. ~ Request: Variance from Section 802.01 to allow an accessory structure without a principal structure.

Mr. Allan Neimayer, Senior Planner, stated the subject property is located at 217 N. Park Dr. and consists of 0.27 acres. The property is zoned R-CL (Residential-Crystal Lakes). The Applicants would like to construct a storage shed (accessory structure) without having a primary structure. They intend to build a new home on the property within three to five years. The purpose of the storage shed is for storage of tools for maintaining the property and recreational items such as fishing poles, tackle, grill and canopy. Zoning Regulations Section 802.01 allows an accessory building or use to a permitted building or use. However, by definition, an accessory building or use "is subordinate to and serves the principal building or principal use", and "is located on the same zoning lot as the principal building or principal use served ..." Hence, without a principal building there cannot be an accessory building.

Chairperson Taylor asked if all four lots equaled 0.27 acres. Mr. Neimayer responded that was correct. He showed the map of the original lots and current lots.

Mr. Hazlett asked what area was owned by the Crystal Lakes Property Owners Association. Mr. Neimayer showed the area around the lakes as the Crystal Lakes Property Owners Association property. He stated in addition they also own parcels throughout the Crystal Lakes subdivision. Mr. Hazlett asked about the encroachment. Mr. Neimayer responded some land use activity has occurred over property lines. Mr. Hazlett asked about a house on property. Mr. Neimayer stated the dwelling is no longer on parcel.

Mrs. Tuttle noted the camper on the dwelling is not considered a dwelling (by zoning regulations) and the Applicants verified that no one is living in the camper.

With no further questions for Staff, Chairperson Taylor opened the public hearing at 2:10 p.m. and asked if the Applicants wished to speak at this time.

Marsha Hook, Applicant, 10886 Lower Valley Pike, was sworn in. Mrs. Hook stated she bought the lots and wants to build a house at some point. She stated she was fixing up the house down the road first. She stated she did not know a zoning permit was required for the shed. She stated she stores fishing stuff in the shed.

Chairperson Taylor asked for the size. Ms. Hook responded it is a 10 ft. by 18 ft. wood shed.

Chairperson Taylor asked about the property lines. Mr. Neimayer responded the Applicants need to combine the lots into one parcel. He stated the setbacks for the shed would be determined based a house location. Mr. Neimayer stated the setbacks (for a principal building) as 25 ft. front, 15 ft. each side and 25 ft. rear.

Mr. Hazlett asked for the area where it sits. Mr. Neimayer showed the shed on the map.

Mr. Hazlett asked if the plan is to build a home and asked if there was a timeline and size of the home. Ms. Hook responded it would be in the future.

Ms. Wilt asked if the camper was in compliance. Mrs. Tuttle explained that a camper can be stored on the lot, just not used as a dwelling or hooked to utilities.

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.

Bonnie Luis, 802 Lakeshore Dr., Board of Trustees of the Crystal Lakes Property Owners Association, was sworn in. Ms. Luis stated Crystal Lakes was established in 1925 with 28 acres, 19 acres is water. She noted anything not platted is owned by the Crystal Lakes Property Owners Association in addition to some specific parcels. Ms. Luis noted from 1950 to 1978 it had its own zoning regulations. From 1978 to 2014 Crystal Lakes was under Clark County zoning. She stated everything needed a variance. So in 2014 the Crystal Lakes (zoning) District (R-CL) was created in the Clark County Zoning Regulations. Ms. Luis stated they need to deal with the encroachment. She stated the subject property was purchased in 2014 with a burned out house that was demolished. She stated the Applicants need a survey of the land to make sure there is not an encroachment. She felt the Applicants have enough land for a house and shed, but need to survey the land to make sure it is in line with zoning.

Chairperson Taylor asked if the need for a survey and encroachment is the main concern. Ms. Luis responded she understood the need for a shed, but the Applicants need the property line surveyed.

Chairperson Taylor asked the Applicant if there is a well. Ms. Hook responded the well is capped off. Chairperson Taylor informed the Applicant that she needs to know what is on the property and how much room is needed for well and the house.

Mr. Hazlett asked if the existing shed is on skids. Ms. Hook responded it is on a foundation.

Ms. Hook stated a survey can be expensive, sometimes \$1,500 .

Hearing no further comments, Chairperson Taylor closed the public hearing at 2:28 pm. and asked for Board discussion.

Mr. Hazlett asked if it would help to combine the parcels. Mr. Neimayer responded yes, combining the lots into one parcel will help. Mr. Hazlett asked if that required a survey. Mr. Neimayer responded no, but it is in the Applicants best interest to find the property lines.

Chairperson Taylor asked what would happen if they board voted no. Mrs. Tuttle explained the shed would have to be removed.

Motion for Executive Session

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

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

No: None.

Time Out at 2:31 p.m.

Time In at: 2:48 p.m.

Mrs. Taylor noted that Janie Riggs is abstaining from this case and noted she forgot to make it clear in the beginning of the meeting.

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

Action on Case #BZA-2019-31 ~ Property Owners/Applicants: Gearold & Marsha Hook ~ Location: 217 N. Park Dr., Bethel Twp. ~ Request: Variance from Section 802.01 to allow an accessory structure without a principal structure.

Motion by Mr. Hazlett, seconded by Mr. Smith to ***Table*** Case #BZA-2019-31 to the next meeting to allow the Applicants to address the following items: 1) combine the four existing lots into one parcel; 2) move all items as necessary so that they are within "combined" property lot lines, and no encroachment on property of the Crystal Lakes Property Owners Association, and provide photos to document compliance; and 3) submit a plot plan of the "combined" property that shows the footprint location of the shed, the future house, and any other structure that is planned to be built.

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

No: None.

Abstain: Ms. Riggs.

Motion Carried.

Mr. Hazlett explained the Board is trying to work with the Applicants and the Crystal Lakes Property Owners Association. He stated the Applicants can use the existing lines and but move everything within the Applicants' property lines and combine the parcels. He stated it is still advised to get a survey.

Staff Comments

Mr. Neimayer stated the next scheduled meetings will be on October 24 and November 21 (3rd Thursday), 2019.

Mr. Neimayer passed out information on the annual planning conference in December. He noted the County will reimburse board members if they attend.

Chairperson Taylor reminded Board Members that someone who abstains should go to the audience.

Adjournment

Motion by Mr. Smith, seconded by Mr. Hazlett, to **Adjourn.**

VOTE: Motion carried unanimously.

The meeting was adjourned at 3:04 p.m.

Mrs. Jerri Taylor, Chairperson