

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, January 28, 2016

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Mr. Rick Smith, Acting 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: Mrs. Janie Riggs, Mr. Rick Smith and Mrs. Jerri Taylor.

Absent For Roll Call: Mr. Tim Greenwood, Mr. Paul Hazlett and Mr. David Minard.

Also in Attendance: Mr. Allan Neimayer, Mrs. Anette Ulery, Ms. Kristie West and Mr. Ethan Harris of Clark County Community Development, and other interested persons.

Mr. Neimayer stated that there were not enough Board members present and eligible to vote on the October 29, 2015 or November 19, 2015 minutes. Therefore, approval of those minutes would be deferred until the next regular meeting.

Acting Chairperson Smith explained how the meeting will be conducted.

Case #BZA-2016-01 ~ Property Owner/Applicant: Charles & Tammy Leatherman ~ Location W. Aspen Road PID #010-05-00025-320-033 ~ Bethel Township

Chairperson Smith asked Mr. Neimayer for the Staff Report.

Mr. Allan Neimayer, Senior Planner presented the case. The request is a Variance to Chapter 8 section B, 3 to allow an accessory structure on a parcel without a primary structure. The property is located in the far south end of the Crystal Lakes subdivision in the west part of Bethel Township. The Applicants live across the street at the corner lot of W. Aspen Road and S. Park Drive. The subject property use to be two lots. After discussing their request with Staff, the Applicants combined these parcels into one and intend on building the proposed pole barn in the center of the property.

Mr. Neimayer stated in the packet is a copy of the Applicants plot plan. Mr. Neimayer explained that there is a fence issue that was not in the original application that the Board will need to address. It is an eight foot privacy fence. The maximum height of a fence allowed by zoning is six feet. Mr. Neimayer reviewed setback requirements for the R-CL Zoning District. Mr. Neimayer received a call from Nancy Brown, Bethel Township Trustee, saying that there is a Township utility easement on the subject property. This easement is 20 feet in width from the west property line. Mr. Neimayer spoke with the Applicant on this matter and indicated they need to reduce the size of the structure. Mr. Neimayer is waiting to get information on easement from the Township so we can get it documented properly.

Mr. Neimayer advised the Board to table this Application until we get the information back from the Township. The Applicant is here if the Board has any questions. Mr. Neimayer stated any questions for staff he would be glad to answer.

Mrs. Taylor asked how close to the edge of the easement can the barn go. Mr. Neimayer stated they could go right up to that easement.

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Mrs. Taylor stated that none of the setbacks are in compliant. So we have other variances to look at. Mr. Neimayer explained that they are asking for an accessory structure. What they have proposed would meet those setbacks for an accessory structure.

Mrs. Riggs said when she passed that property today that there was already a privacy fence already installed. Mr. Neimayer stated as he said before the Board needs to address the eight foot fence.

Mrs. Taylor is asking why the zoning has decided that it should be a 6 foot fence would be the norm or the height. What factors were used in that decision making? Mr. Neimayer said he could not answer that question. That particular section of the zoning regulations was adopted in the mid 1990's and he did not know why.

Hearing no further questions, Acting Chairperson Smith opened this portion of the public hearing at 2:14 pm. and asked if anyone would like to speak in favor of the case.

Mrs. Leatherman stated the previous owner, Mrs. Temples, had requested that they put the fence up and they were not aware of the zoning regulations. The fence is still in a movable position. Mrs. Leatherman stated they have lived there 23 years and plan to continue to live there. She also purchased the property next to it. What they are wanted to do is have a pole barn to store their hobby's. Mrs. Leatherman said they are willing to reduce it if they have too. The plan is to have it built with area contractors. She stated that there are other large pole barns in the Crystal Lakes area. She stated that this is for personal use not business.

Mrs. Taylor asked the Applicant if necessary would you be willing to put a smaller structure in there. Mrs. Leatherman said absolutely, whatever perimeters you would allow us would be our goal.

Acting Chairperson Smith asked if anyone would like to speak in opposition of the case.

Mr. Ed Downs, 10790 Lower Valley Pike, Medway, stated that he had a long discussion with the Township Trustees at their Tuesday night meeting. Mr. Downs stated that he wanted to re-enforce what the letters that were sent to the Board said. One of the reasons is the size of the structures and how it affects the easement of the township property next to it. Mr. Downs said that the eight foot fence was put there because of the Fire House that can be pretty noisy.

Acting Chairperson Smith closed this portion of the public hearing at 2:22 pm. and asked for discussion among the Board. Hearing no further questions or comments from the Board, he asked for a motion.

Action to Table #BZA-2016-01 ~ Property Owners/Applicants: Charles & Tammy Leatherman ~ Location W. Aspen Road PID 010-05-00025-320-033 ~ Bethel Township

Motion by Mrs. Taylor, seconded by Mrs. Riggs, to **Table** Application #BZA-2016-01 to get documentation on the Township's easement on the subject property.

VOTE: Yes: Mrs. Taylor, Mrs. Riggs and Mr. Smith.

No: None.

Motion carried.

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Staff Presentation

Mr. Neimayer introduced a presentation on signage. Mr. Ethan Harris, Planning Intern, presented a PowerPoint presentation on signage. Discussion followed.

Staff Comments

Mr. Neimayer stated the next scheduled meeting is Thursday, February 25, 2016.

Adjournment

Motion by Mrs. Taylor, seconded by Mrs. Riggs, to Adjourn.

VOTE: Motion carried unanimously.

The meeting was adjourned at 3:08 pm.

Mr. Rick Smith, Acting Chairperson

Mr. Thomas A. Hale, Secretary