

Minutes

Clark County Planning Commission

Regular Meeting ~ 2:00 p.m.
Wednesday, February 1, 2017

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Chairperson Jo Anderson of the Clark County Planning Commission called the meeting to order at 2:00 pm. and asked for the Roll Call.

Present For Roll Call: Ms. Jo Anderson, Mr. Jim Burkhardt, Ms. Louise Maurer, Mr. David Minard, Mrs. Charlene Roberge, Mr. Mark Scholl, Mrs. Elaine Stevenson, and Commissioner McGlothlin.

Absent For Roll Call: Commissioner Lohnes, Commissioner Wilt and Mr. Don Wallace.

Chairperson Anderson stated because there are not enough eligible voting members present to act on the December 7, 2016 minutes that action will be deferred to the next regular meeting.

Chairperson Anderson asked if there are any comments regarding the January 4, 2017 minutes. Hearing none, she asked for a motion.

Approval of the January 4, 2017 Minutes

Motion by Mrs. Roberge, seconded by Mr. Scholl, to **Approve** the minutes as presented.

VOTE: Yes: Mrs. Roberge, Mr. Scholl, Mr. Burkhardt, Mr. Minard, Ms. Maurer and Commissioner McGlothlin.

No: None.

Abstain: Ms. Anderson and Mrs. Stevenson.

Motion carried.

Lotsplit Waiver #LV-2017-01 ~ Property Owner/Applicant: John M. Maurer ~ Location: 355 E. Jackson Rd.; Green Township ~ Waiver from Subdivision Regulations Section 3.65 (1) (d) (2) to allow use of an existing lane instead of the required 10 ft. driveway and 2 ft. berm.

Chairperson Anderson asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located at 355 E. Jackson Rd. in Green Township and is zoned A-1 (Agricultural District). He said the property consists of 77+ acres with an existing house siting 1,400+ ft. south of the centerline of E. Jackson Rd. Mr. Neimayer explained that the Applicant would like to split off the house site using the clustered lotsplit process. He stated a new home would be built in place of the existing house, which will be torn down due to its age and condition. Because a minimum of two lots are required for a clustered lotsplit, the Applicant is proposing Tract A of 1.407 acres and Tract B of 2.060 acres. The Applicant is requesting a Lot Split Waiver to Section 3.65, Paragraph 1, d, 2) seeking relief from lane requirements.

Mr. Neimayer stated no records were found for a septic and leach field system for the existing house and, according to the county auditor's records, the house was built in 1909.

Mr. Neimayer explained that there was another drive on the proposed drive leading to 379 E. Jackson Rd. He stated he did not know why the property did not have direct access off of E. Jackson. He explained to the Board that parcel was not part of the proposed cluster split.

Mr. Neimayer gave the Board a brief overview of cluster lots. The goal behind clustered lotsplits was and is to preserve farmland in Clark County. He said it provides a means to develop the back land that remains from the standard lotsplit and is not suitable for farming. He explained the standards for clustered lotsplits as follows: Min. frontage for each lot is 10 ft.; Max. number of lots sharing one common driveway is four. (Section 3.65, Paragraph 1, d, 2) Driveway standards: min. width is 10 ft. with a 2 ft. berm on each side; crushed gravel or paved surface, and Access point, driveway approach, culvert and apron shall meet the specifications and requirements of the County Engineer or ODOT as applicable. He further explained access to clustered lots is by a common drive and not a public street. The deed for each clustered lot must include specific language regarding shared responsibility and each property owner's obligation to shared maintenance of the drive. Mr. Neimayer stated when the clustered lotsplit process was adopted in 2001, the thought of its application towards an existing farm house was unthinkable. He said the Applicant is aware of the common drive requirements that would be applied to the existing drive that services the house site established in 1909. Staff recommends the Applicant's request be approved as presented.

Chairperson Anderson asked if the Board had questions for Mr. Neimayer.

Commissioner McGlothlin asked if anyone lived in the current house. Mr. Neimayer answered no.

Mrs. Stevenson asked which site was going to be used for building the new house. Mr. Neimayer answered Tract B.

Mrs. Roberge asked Mr. Neimayer to clarify why the applicant needed a waiver. Mr. Neimayer stated the County Engineer's Office does not want to approve the drive without it being upgraded in accordance with current lotsplit requirements.

Mrs. Stevenson asked Mr. Neimayer if the County Engineer's Department was afraid that approval would set a precedent. Mr. Neimayer stated he was not sure.

Mrs. Roberge asked if Staff was recommending approval. Mr. Neimayer answered yes.

Mr. Scholl stated he visited the property and felt the drive was well designed and maintained. He stated he felt the drive was approximately 13 ft. wide at Jackson Road. Mr. Scholl stated he measured the entire width of Jackson Road and it was only 19 ft. and cars travel it at 50 mph. Mr. Scholl stated the current lane at 13 to 15 ft. with traffic at 25 mph would support the lots and farm.

Ms. Maurer asked why the County Engineer's Department objected.

Tom Bender, Clark County Engineer's Department, stated that Mr. Scholl was correct in stating it was a decent drive. Mr. Bender stated the County Engineer's Department is concerned because the mechanism to subdivide lots is there and it could be sold to different owners in the future. Mr. Bender acknowledged it was one family in this case, but noted the property could be sold in the future. He stated the County Engineer's Department's concern is to meet the standards put in place: slight crown and new stone. Mr. Bender stated is not a hardship, it is maintenance. He stated maintenance would have to be done in the future. Mr. Bender stated there would have to be an agreement to split the drive maintenance cost, but there is a need to start with the engineering standards. Mr. Bender noted that typically the cluster lotsplit was for a new lot and not existing lots.

Mrs. Stevenson stated cluster lots can be an issue in determining how to maintain the drives and how the deed will reflect it.

Mrs. Roberge asked if the maintenance of the drive is clearly noted on the deeds. Mr. Neimayer stated yes.

Chairperson Anderson asked if there were any drainage concerns or line of sight issues. Mr. Bender answered no.

Commissioner McGlothin stated he understood a new cluster lot would require the drive standards, but he stated the drive is currently there and has been for years. He asked if it could be grandfathered in. Mr. Bender stated the County Engineer's Department does not want to set a precedent. He stated the department felt the Applicant needs to meet the current drive standards because of concerns for future owners.

Mrs. Stevenson asked if there could be any cluster lots added after the approval. Mr. Neimayer answered no. Mr. Scholl stated new drives would have to be installed for additional cluster lots.

Mr. Bender stated he felt this case was not the best use of a cluster lot. He stated the County Engineer's office felt the Applicant should have asked for a variance from the BZA.

Mr. Scholl asked Mr. Neimayer about a previous case, 672 Lake Road, and why it went the variance for depth to width reduction and frontage instead of cluster lot. Mr. Neimayer stated the Applicant chose to seek the variance so he could split off the acreage to sell the house and preserve and continue to farm the land.

Mr. James Peifer, attorney for Applicant, 20 S. Limestone St. stated the surveyor directed his client to do the cluster lot split. Mr. Peifer stated the Subdivision Regulations state the County Planning Commission staff approves (lotsplits) and he felt it should be evaluated on a case by case basis. Mr. Peifer stated it would not be setting a precedent. He stated it is two lots with the same drive so he could create a lot for his daughter. Mr. Peifer stated the intent is to take down the old farm house and build a new house for his daughter. Mr. Peifer stated his client was willing to put a no build restriction on the other lot.

Commissioner McGlothin asked if that meant building on Tract B and a restriction on Tract A. Mr. Peifer stated yes.

Mr. John Maurer, Applicant, passed a photo of the current driveway to the Board members.

Mr. Peifer told the Board it would be a considerable cost for his client to upgrade the drive. Mr. Peifer stated his client could have asked for a variance, but the surveyor directed him in the cluster lot direction.

Mrs. Roberge stated she had no problem with the cluster lots other than the language on the deeds because the farm equipment may tear up the common drive more than the other vehicles. She asked if it could be written to put more of the burden on the farmer. Mr. Peifer stated his client would have that incorporated into the agreement.

Commissioner McGlothin asked if this case could have been a separate lot split. Mr. Peifer stated yes, but the surveyor directed his client to the cluster lot split instead.

Mrs. Stevenson stated she had the same concerns as Mrs. Roberge. She stated she was concerned about when the land is sold in the future and the language on the deeds. She questioned how it would be defined. Mr. Peifer stated it would be an easement. Mr. Peifer stated the cluster lots were a better option than three access points off of Jackson Road. He stated his client had a significant amount of money in it already and wanted to start building in April. Mr. Peifer stated he felt it was the County Planning Commission's role to approve the waiver request and not the County Engineer's Department.

Hearing no further questions or comments from the Board, Chairperson Anderson asked for a motion.

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Motion by Mrs. Roberge, seconded by Mrs. Stevenson, to **Approval** the Applicant's request with an easement and maintenance agreement setup that the farmer is responsible for the majority or all of the drive maintenance indefinitely.

VOTE: Yes: Mrs. Roberge, Mrs. Stevenson, Mr. Burkhardt., Mr. Minard, Mr. Scholl, Ms. Maurer and Commissioner McGlothlin.

No: None.

Motion carried.

Mr. Peifer stated his client had no issues with the request whether it be encumbered on all or the farmer.

Re-elect Elaine Stevenson as Vice-Chairperson for 2017

Motion by Mrs. Roberge, seconded by Ms. Anderson, to re-elect Elaine Stevenson as Vice-Chairperson for 2017.

VOTE: Yes: Mrs. Roberge, Ms. Anderson, Mr. Scholl, Mr. Burkhardt, Mr. Minard, Mrs. Elaine Stevenson, Ms. Maurer and Commissioner McGlothlin.

No: None.

Motion carried.

Staff Comments

Mr. Neimayer stated the next scheduled meeting is Wednesday, March 1, 2017, but there are no cases to be heard. He told the Board there would be a meeting on Wednesday, April 5, 2017.

Mr. Neimayer reminded the Board about the first round of Connect Clark County Public Workshops was to begin in February. Mr. Neimayer encouraged the Board to stay up-to-date with the comprehensive plan updates using the website.

Mr. Neimayer stated he had received information about a proposed transmission line extension by American Transmission Systems, Inc. (First Energy Co.) in Moorefield Twp. He stated there was no

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local voting on the proposed line, but First Energy Co. is required to inform the County Planning Commission.

Mr. Neimayer stated that planning staff would be giving a presentation on the keeping of animals. He also stated that the Technical Review Committee would give a short presentation on cluster lots at the April meeting.

Adjournment

Motion by Mrs. Roberge, seconded by Mr. Burkhardt, to adjourn.

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:55 pm.

Ms. Jo Anderson, Chairperson

Mr. Thomas A. Hale, Secretary