

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, February 25, 2016

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Mr. Tim Greenwood, Chairperson of the Clark County Board of Zoning Appeals of Clark County Ohio, called the meeting to order at 2:04 pm. and asked for the Roll Call.

Present For Roll Call: Mr. Tim Greenwood, Ms. Janie Riggs, Mrs. Jerri Taylor, Mr. Paul Hazlett and Mr. David Minard.

Absent For Roll Call: Mr. Rick Smith

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

Mr. Neimayer explained that Mr. Minard and Mr. Greenwood are the only members currently on the Board who can vote on the October 29, 2015 and November 19, 2015 minutes. Chairperson Greenwood asked if there are any comments regarding the minutes. Hearing none, he asked for a motion to approve.

Approval of the October 29, 2015 and November 19, 2015 Minutes

Motion by Mr. Minard, seconded by Mr. Greenwood, to **Approve** both sets of the minutes as presented.

VOTE: Yes: Mr. Minard and Mr. Greenwood.

No: None.

Abstain: Ms. Riggs, Mrs. Taylor and Mr. Hazlett.

Motion carried.

Chairperson Greenwood explained how the meeting will be conducted.

Chairperson Greenwood asked for a motion to remove #BZA-2016-01 from the table.

Motion by Mrs. Taylor, seconded by Ms. Riggs, to remove #BZA-2016-01 from the table.

VOTE: Yes: Mrs. Taylor, Ms. Riggs, Mr. Greenwood, Mr. Hazlett and Mr. Minard.

No: None.

Motion carried.

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

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Allan Neimayer, Senior Planner, presented the case. The subject property Owners are Charles & Tammy Leatherman. The property is on W. Aspen Road in Bethel Township, PID #010-05-00025-320-033. This is a request to allow an accessory structure on a property without a primary structure.

Mr. Neimayer explained the property from the aerial view. Chrystal Lakes was plotted off with very narrow lots so these properties have been developed with the buying of adjacent lots with some of them being combined. The Applicant's plot plan shows that the property use to be two separate parcels that now have been combined into one. The Applicant's original proposal was for a 24 foot by 62 foot (1,488 sq. ft.) accessory structure. A question the Board raised at the January BZA meeting was the height of the existing fence being 8 feet, which is greater than what is allowed by zoning. Mr. Neimayer stated the Applicants have provided pictures (slide shown to the Board) indicating that the fence is actually less than 72 inches (6 feet).

Mr. Neimayer suggested the Board should at a couple of things. First, the Applicants are asking approval to construct an accessory structure on the subject property but in reality it would be the main structure. Mr. Neimayer explained that accessory structures are supposed to be in the rear of property behind the principal structure. Mr. Neimayer explained the setbacks from the Residential Crystal Lakes Zoning District.

Second, Nancy Brown, Bethel Township Trustee, had informed Mr. Neimayer that the township has utility lines that run through the far west side of the subject property. She was looking for the easement document. Mr. Neimayer stated the Board should consider whatever structure may be built on the property it should be outside of this easement.

Mr. Neimayer stated the question for the Board is if the variance request is approved what size of structure and what setbacks does the Board feel would be appropriate. He proceeded to show aerial photos of the W. Aspen Road area identifying those properties with accessory structures and their relationship to lot lines. The size of those structures range from 300 square feet to 1,000 square feet. The Applicants' original request is for a 1,480 square feet structure. Mr. Neimayer stated he has not received any other comments but did point out the Bethel Township letter that was presented at the January meeting. Bethel Township is in opposition to the variance for two reasons: one, the structure as proposed would be within their utility easement and two, they feel the size of the structure is too large for this neighborhood.

Mr. Neimayer stated that he would answer questions the Board may have at this time.

Mrs. Taylor asked about those accessory structures there, if they have been grandfathered in. Mr. Neimayer stated that is correct.

Hearing no further questions for Staff, Chairperson Greenwood opened this portion of the public hearing at 2:20 pm. and asked if anyone would like to speak in favor of the case.

Tammy Leatherman, 417 S. Park Drive, Applicant, explained they have lived in their house for twenty-three years. She stated that Mr. Temple was the owner of the subject property and had passed away. His daughter had sold them the property. Mrs. Leatherman told the Board that they are looking for a place to house old trucks and for her to have a shop for her crafts and not have to pay for the storage

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shed they are renting off of SR 235. She said they understand it will increase the property value and the tax value. The plans are to have it professionally built. She stated that they are willing to work with whatever size structure they need.

Chairperson Greenwood stopped the Applicant and said she would be called back up in just a minute.

Chairperson Greenwood asked if the Board had any other questions for Allan.

Ms. Riggs asked for clarification of the variance request. Mr. Neimayer said it is to allow an accessory structure without a primary structure.

Chairperson Greenwood asked that the size is a factor. Mr. Neimayer responded yes, its size and setbacks are for the Board to determine.

Mrs. Taylor asked Staff, did I hear you say that the Applicant had spoken with Nancy Brown since this letter and our last meeting. Mr. Neimayer said no and he is not aware of any communication like that.

Hearing no further questions, Chairperson Greenwood opened this portion of the public hearing at 2:25 pm. and asked if anyone would like to speak in favor of the case.

Mrs. Leatherman stated we were just trying not to pay for the shed and use their own space. Mrs. Leatherman explained about the fence being put up.

Mr. Hazlett asked if the Applicants have been maintaining the subject property. Mrs. Leatherman said yes they have been.

Mr. Hazlett asked if the Applicants have been maintaining the easement. Mrs. Leatherman said yes we have maintained the entire lot. Mrs. Leatherman explained that people are driving through the lot and tearing it up.

Mrs. Taylor asked the Applicant if they would be willing to modify the size of this building and do the best you could with the setbacks. Mrs. Leatherman said absolutely.

Mr. Hazlett asked were you even aware there were under utilities there. Mrs. Leatherman stated she had no idea.

Mrs. Taylor said she was reading the Township's letter in regards to the water run-off. A smaller structure would control that.

Ms. Riggs said that if they construct a 25 foot by 50 foot structure it would be not within that utility easement.

Chairperson Greenwood asked if there any further questions for the Applicant. Hearing none, he asked if there is anyone else here to speak for or against the case. Hearing none, Chairperson Greenwood closed the public hearing at 2:30 pm.

Mrs. Taylor asked Mr. Neimayer will we be making a decision on the size and the setbacks today. Mr. Neimayer responded yes.

Mrs. Taylor asked we could table it and ask the Applicant for new designs. Mr. Neimayer said yes but in doing go suggested giving the Applicant some direction.

Following deliberation among the Board, Chairperson Greenwood asked for a motion.

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

Mr. Minard made a motion, seconded by Mr. Hazlett, to allow the Applicants to construct a 25 foot (depth) by 50 foot (width) accessory structure with the following setbacks: front = 15 feet; east side = 5 feet; rear = 5 feet . This structure would be outside the township's easement.

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

No: None.

Motion carried.

Election of Officers for 2016

Mrs. Taylor asked who was our Vice Chair. Mr. Neimayer stated that it was Don Wallace and he has moved to the County Planning Commission trading places with Ms. Riggs.

Ms. Riggs made a motion, seconded by Mr. Hazlett, for Tim Greenwood as Chairperson and Jerri Taylor as Vice-Chairperson for 2016.

VOTE: Yes: Ms. Riggs, Mr. Hazlett, Mr. Minard, Mr. Greenwood and Mrs. Taylor.

No: None.

Motion carried.

Staff Comments

Mr. Neimayer stated that the next meeting is scheduled for March 24, 2016. Mr. Neimayer asked that the Board sign a thank you card for Jack Spurlock. Mr. Spurlock was appointed February 2007 and served through last year. For 2016 we have no members that come up for re-appointment.

Mr. Neimayer explained the procedure of how the meeting reminders work. Mr. Neimayer stated he cannot stress enough how important it is to have all Board members present. With new members on the Board, Mr. Greenwood said would it be beneficial to schedule a work session. Mr. Neimayer agreed and make the arrangements.

Adjournment

Motion by Mr. Minard, seconded by Ms. Riggs, to Adjourn.

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:51 pm.

Mr. Greenwood, Chairperson

Mr. Thomas A. Hale, Secretary