

Regular Meeting
Thursday, February 27, 2014

Springview Government Center
3130 E. Main Street
Springfield, Ohio 45505

Mr. Tim Greenwood, Vice- Chairperson of the Board of Zoning Appeals, calls the meeting to order at 2:00 p.m.

Present: Mr. Tim Greenwood, Mr. Jack Spurlock, Mr. Don Wallace and Mr. Dave Minard

Absent: Mr. Rick Smith

Also Present: Mr. Allan Neimayer, Clark County Community Development, and other interested persons.

Vice-Chairperson Greenwood asks if there are any comments regarding the January 2014 minutes. Approval of those minutes will be deferred until the March meeting due to a lack of eligible Board Members to vote on those minutes.

Vice-Chairperson Greenwood explains how the meeting will be held. Everyone will need to sign in that will be speaking. Staff will present the report and the Board will ask questions to the staff. The proponents will be able to speak followed by the opponents. Everyone will be sworn in before they speak. Rebuttal by the Applicant will follow, if desired.

Vice-Chairperson Greenwood asks the Board if anyone needs to abstain. There were none.

Vice-Chairperson Greenwood asks the Staff to present the case.

Mr. Neimayer notes for the record that Mr. Minard will be a full-voting member for this meeting.

[BZA-2014-03: Conditional Use Case ~ Robert & Mary Fannin ~ Located at 5965 Springfield-Xenia Road ~ Mad River Township](#)

Mr. Neimayer explains that the Applicants are requesting a Conditional Use for a Home Occupation, a gunsmith repair shop, to be operated out of an existing accessory structure. Refer to the narrative submitted by the Applicants.

The subject property has been zoned A-1 (Agricultural District) since zoning was adopted in Mad River Township – November 1964. A Home Occupation is a Conditional Use in the A-1 District and subject to the requirements in Chapter 7, Section 118:

Section 118 – Regulations for Home Occupations [eff: 3-29-90]

1. Zoning Districts Where Conditionally Permitted:
A-1; R-1; R-2; R-2A; R-2B; R-3 and R-4.
2. A home occupation shall be conditionally permitted if it complies with the following requirements, and any additional requirements as the Board of Zoning Appeals mandates:

- a) The external appearance of the structure in which the use is conducted shall not be altered, and not more than one (1) sign no larger than two (2) square feet shall be mounted flush to a wall of the structure;
- b) No off premise signs to be provided;
- c) No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
- d) There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street, no more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the use.
- e) No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
- f) No additional parking demand shall be created.
- g) No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer or independent contractor.

Prior to November 1964 when zoning was adopted in Mad River Township, the subject property was used for auto repairs. Upon the adoption of zoning, the auto repair use became a legal, non-conforming use. Per Chapter 1, Section I, 6: Any Non-conforming Use of land which is discontinued, or building or structure left vacant, for a period of two (2) years or more, shall not be resumed. Any subsequent use of the land shall be in conformance with the Zoning Regulations.

Mr. Neimayer stated that there was a letter from Brent and Ida Preston that Staff received in support of this case.

Mr. Robert L. Fannin then presented two additional letters to the Board in support of this case. {Staff received these letters in the mail after this BZA meeting}.

Mr. Neimayer asks if there are any questions for Staff.

Mr. Spurlock asks Mr. Neimayer for the record which accessory structure would be used for the Home Occupation.

Mr. Neimayer pointed out to the Board the structure that will be used.

Vice-Chairperson Greenwood opens this portion of the public hearing at 2:10 pm.

Vice-Chairperson Greenwood asks if there are any proponents wishing to speak.

Mr. Robert L. Fannin, whose address is 5965 Springfield-Xenia Road, stated that when they were looking at this property to buy they told both realtors the only reason that they would be interested in the property was if he could put his business in right then. We were assured that we could do that and there was no problem. Before the ATF issues or transfers a license, they are supposed to check with zoning. I talked with Sheriff Kelly during the process before we got too far into the purchase of the property. Sheriff Kelly stated he had no problem with the business and that it would be a great place for it with all the traffic to Young's Jersey Dairy.

Mrs. Mary L. Fannin, whose address is 5965 Springfield-Xenia Road, stated that what brought this all up was an audit from the ATF. We realized that we did not have the proper zoning. We have been charged commercial real estate taxes the whole time we have had this property. We can see online the Auditor has the property listed commercial. We did not realize that there were different kinds of zoning.

Mr. Fannin stated that starting a business without permission was the last thing he intended to do. I thought everything was in line and until the ATF lady called back and said she had noticed that no one had signed off it. Through someone else's negligence, there goes my livelihood.

Vice-Chairperson Greenwood asks if anyone else would like to speak in favor of the case.

Mr. William Lee, whose address is 5927 Springfield-Xenia Road, stated that he owns the property right next to Mr. Fannin. If anyone would be adversely effected, it would be us. Mr. Fannin has always been very courteous and easy to deal with. Rarely do you see more than one or two vehicles on his property. I have had the opportunity to tour Mr. Fannin's garage. It is a very cool facility. I am a small business owner myself and would not want Mr. Fannin to have any problems with his business.

Vice-Chairperson Greenwood asks if anyone would like to speak in opposition of this case. There were none.

Vice-Chairperson Greenwood closes the public portion of the hearing at 2:15 pm.

Hearing no further questions, Vice-Chairperson Greenwood asks the Board for a motion.

BZA: 2-07-2014: BZA-2014-03 ~ Conditional Use Case ~ Robert & Mary Fannin ~ Located at 5965 Springfield-Xenia Road ~ Mad River Township

Motion by Mr. Spurlock, seconded by Mr. Minard, to **Approve** the Conditional Use request as presented.

VOTE: Yes: Mr. Spurlock, Mr. Minard and Mr. Wallace

No: None

Motion carries.

STAFF COMMENTS

Mr. Neimayer stated the next meeting will be March 27, 2014. That meeting will include election of officers for 2014.

ADJOURNMENT

Vice-Chairperson Greenwood asks for a motion for adjournment.

BZA: 02-08-2014 ~ Adjournment

Motion by Mr. Wallace, seconded by Mr. Spurlock, to adjourn the meeting.

VOTE: Motion carries unanimously.

The meeting was adjourned at 2:22 pm.

Tim Greenwood, Vice-Chairperson