

Regular Meeting
Thursday, February 21, 2013

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

Mr. Don Wallace, Vice Chairperson of the Board of Zoning Appeals, calls the meeting to order at 2:02 p.m.

Present: Mr. Don Wallace, Mr. Tim Greenwood, Mr. Jack Spurlock, Mr. Rick Smith and Mr. David Minard.

Absent: Mr. Jeff Horne.

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

Vice Chairperson Wallace asks if there are any comments regarding the minutes. Hearing none, he asks for a motion to approve the minutes.

BZA: 2-4-2013: Minutes ~ January 24, 2013

Motion by Mr. Spurlock, seconded by Mr. Minard to approve the minutes as presented.

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

No: None.

Abstain: Mr. Greenwood.

Motion to approve carries.

Vice Chairperson Wallace 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 Wallace asks the Board if anyone needs to abstain. Hearing none, he asks the staff to present the case.

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

BZA-2013-2: Variance Case ~ Garland Neil Webster ~ Located at 3190 Rebert Pike ~ Mad River Township

Mr. Neimayer, Senior Planner, presents the staff report and accompanying maps. The subject property is zoned A-1 (Agricultural District) and located at 3190 Rebert Pike in Mad River Township. The Applicant is requesting a Variance to Chapter 8, Section B, 6 (c) to increase the maximum combined size of accessory structures from 2,400 sq. ft. to 3,076 sq. ft. for a 50ft. by 26 ft. carport that has already been constructed.

The surrounding zoning to the north, south, east and west of the subject property is A-1 with land use being agricultural. The County Auditor shows the property is two acres in size.

CLARK COUNTY ZONING REGULATIONS

Chapter 8, Section B, 6 (c)

- 6. Location, Number and Size of Residential Accessory Buildings. [eff: 11-6-08]
 - (a) Unless otherwise permitted by this Zoning Resolution, a lot of less than one (1) acre zoned Residential or used for residential purposes, shall contain no more than two (2) accessory buildings and the sum of their square footage shall not exceed the maximum square footage noted in TABLE 8.1.
 - (b) When two (2) or more accessory buildings are located on a lot utilized for residential purposes, the sum of their square footage shall not exceed the maximum square footage noted in TABLE 8.1.
 - (c) Accessory building development standards shall be based upon the following table and requirements:

TABLE 8.1 - Accessory Building Development Standards [eff: 11-6-08]

LOT SIZE	MAXIMUM SIZE OF ACCESSORY BUILDING(S)	MAXIMUM HEIGHT	SET-BACK FROM SIDE OR REAR PROPERTY LINES (When located in rear yard)
Under one (1) acre	800 square feet	18 feet	5 feet
Equal to or greater than one (1) acre but less than two (2) acres	1,600 square feet	20 feet	5 feet
Equal to or greater than two (2) acres but less than three (3) acres	2,400 square feet	25 feet	10 feet
Equal to or greater than three (3) acres but less than four (4) acres	3,200 square feet	25 feet	10 feet
Equal to or greater than four (4) acres but less than five (5) acres	4,000 square feet	25 feet	10 feet
Five (5) or more acres (non- agricultural)	4,800 square feet	25 feet	10 feet

A plot plan provided by the Applicant shows an existing barn that had a lean-to added on to it. The red shaded area of the plot plan shows the carport that was constructed that is a total of 1,300 sq. ft.

The County Engineer has reviewed the request for variance and has no objection subject to approval by the Clark County Combined Health District. There was also a correction of the Engineer’s letter with regards to the increase in maximum size from 2,400 sq. ft. instead of 3,400 sq. ft.

There has been no response from any of the surrounding property owners regarding this case.

Vice Chairperson Wallace asks if the Board has any questions.

Mr. Spurlock asks if the lean-to is included in the square footage of the barn area.

Mr. Neimayer responds yes. The combined square footage of the barn and lean-to is a total of 1,776 sq. ft.

Vice Chairperson Wallace opens the public hearing at 2:16 p.m. and asks if there are any proponents wishing to speak in favor of the case.

Mr. Neil Webster (Applicant), whose address is 3190 Rebert Pike, states that the health inspector was o.k. with the placement of the carport and the building inspector has looked at the structural drawings and deemed it adequate. The carport is an open structure with no power or water going to it and it is not a visual impairment to any neighbors view. According to the current zoning table he is basically only allowed to use two percent of his property. He feels that is a significant problem.

Vice Chairperson Wallace asks if there are any opponents.

There are none.

Vice Chairperson Wallace closes the public hearing at 2:10 p.m.

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

BZA: 2-5-2013: BZA-2013-2 ~ Variance Case ~ Garlan Neil Webster ~ Located at 3190 Rebert Pike ~ Mad River Township

Motion by Mr. Greenwood, seconded by Mr. Smith, to **Approve** the Variance request as presented.

VOTE: Motion carries unanimously.

BZA-2013-3: Variance Case ~ Ron Boling ~ Located at 10812 Schiller Road ~ Bethel Township

Mr. Neimayer, Senior Planner, presents the staff report and accompanying maps. The subject property is zoned R-1 (Rural Residence District) and located at 10812 Schiller Road in Bethel Township. The Applicant is requesting a Variance to Chapter 8, Section B, 6 (c) to increase the maximum combined size of accessory structures from 4,800 sq. ft. to 7,489 sq. ft. for a 49ft. by 65 ft. pole building.

The surrounding zoning and land use of the subject property is: to the north is R-MHP with land use being a manufactured home park; to the south is A-1 with agricultural land use; to the west I-1 industrial use and B-1 business use and B-2'S' a specific business use; and to the east is R-1 residential use. The County Auditor shows the property is 38.55 acres in size.

CLARK COUNTY ZONING REGULATIONS

Chapter 8, Section B, 6 (c)

6. Location, Number and Size of Residential Accessory Buildings. [eff: 11-6-08]

- (a) Unless otherwise permitted by this Zoning Resolution, a lot of less than one (1) acre zoned Residential or used for residential purposes, shall contain no more than two (2) accessory buildings and the sum of their square footage shall not exceed the maximum square footage noted in TABLE 8.1.
- (b) When two (2) or more accessory buildings are located on a lot utilized for residential purposes, the sum of their square footage shall not exceed the maximum square footage noted in TABLE 8.1.
- (c) Accessory building development standards shall be based upon the following table and requirements:

TABLE 8.1 - Accessory Building Development Standards [eff: 11-6-08]

LOT SIZE	MAXIMUM SIZE OF ACCESSORY BUILDING(S)	MAXIMUM HEIGHT	SET-BACK FROM SIDE OR REAR PROPERTY LINES (When located in rear yard)
Under one (1) acre	800 square feet	18 feet	5 feet
Equal to or greater than one (1) acre but less than two (2) acres	1,600 square feet	20 feet	5 feet
Equal to or greater than two (2) acres but less than three (3) acres	2,400 square feet	25 feet	10 feet
Equal to or greater than three (3) acres but less than four (4) acres	3,200 square feet	25 feet	10 feet
Equal to or greater than four (4) acres but less than five (5) acres	4,000 square feet	25 feet	10 feet
Five (5) or more acres (non- agricultural)	4,800 square feet	25 feet	10 feet

The aerial map shows the location of the proposed pole building that will be located in the side yard. Because the structure is well over 300 ft. back from the road right-of-way, the Zoning Regulations allow the accessory structure to be in the side yard. There is an existing barn located to the front of the property, which the Applicant has indicated that future plans are to eventually tear it down.

There has been one response from a surrounding property owner regarding this case that came in after the board member packets were sent out. A copy was given to all members at the beginning of the meeting with a copy provided to the Applicant.

The County Engineer has reviewed the request for variance and has no objection subject to approval by the Clark County Combined Health District.

Vice Chairperson Wallace asks if the Board has any questions.

Vice Chairperson Wallace asks, regarding the letter from a surrounding property owner Mr. Zeller, where is that property relative to the subject property.

Mr. Neimayer displays on the screen via AccuGlobe that Mr. Zeller's property is to the right of Mr. Boling's property.

Vice Chairperson Wallace opens the public hearing at 2:16 p.m. and asks if the Applicant wishes to speak.

Mr. Ron Boling (Applicant), whose address is 10812 Schiller Road, states that Mr. Zeller will not be able to see the pole building much less his house. The neighbors to the right are about 1,000 feet or more away from his house. The reasoning for the pole building is due to his two sixteen year old daughters having their own cars and needing a place to park them. He has a two car attached garage to the house that he and his wife park in. This property used to be a gravel pit. It had sat vacant for twenty-seven years and had over growth on the entire property. Since he bought it he has cleared it all out and now mows the property. There are no crops growing on it. He would like to build a three car garage with three horse stalls behind the garage area.

Vice Chairperson Wallace asks Mr. Boling if anyone has an objection to the pole building.

Mr. Boling responds no. He does not even know Mr. Zeller, the gentleman that sent the letter.

Mr. Neimayer states for the record that Mr. Zeller, who is an adjoining neighbor, mailed in a letter in support of the variance request.

Mr. Spurlock asks Mr. Boling that he mentioned tearing the barn down that is to the front of the property. He asks if there is a time table in which he is going to do so.

Mr. Boling response he has no time table at this time. The barn is over 100 years old and is falling down so he will be back when it is time to tear it down because he wants to build a replacement barn because he does farm other land close by and he needs a barn to store alfalfa in.

Mr. Spurlock asks if the barn is being utilized for anything currently.

Mr. Boling responds yes. He stores some alfalfa in it now. It would not be cost efficient to repair it in its present state and that is why he will eventually replace it but he will locate the new barn in another area on the property.

Vice Chairperson Wallace asks if there are any opponents.

There are none.

Vice Chairperson Wallace closes the public hearing at 2:21 p.m.

Vice Chairperson Wallace asks if when Mr. Boling replaces the old dilapidated barn along Schiller Road, will that have any impact on the current variance request.

Mr. Neimayer responds that he discussed that with Mr. Boling prior to filing the variance application and if it was going to be within a short time frame in tearing the old barn down he would not have required going through the variance. But because Mr. Boling did not have a specific time frame for tearing the barn down that is why a variance is being requested.

Mr. Smith asks if the old barn is torn down and he does not build a new one of the same size, will he have to come back before this Board.

Mr. Neimayer responds that he will not have to come back before the Board as long as he stays within the 7,489 sq. ft., the current request, if that is approved.

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

BZA: 2-6-2013: BZA-2013-3 ~ Variance Case ~ Ron Boling ~ Located at 10812 Schiller Road ~ Bethel Township

Motion by Mr. Smith, seconded by Mr. Minard, to **Approve** the Variance request as presented.

VOTE: Motion carries unanimously.

BZA-2013-4: Variance Case ~ Eric & Katrina Robbins ~ Located at 275 Wilson Road ~ Harmony Township

Mr. Neimayer, Senior Planner, presents the staff report and accompanying maps. The subject property is zoned A-1 (Agricultural District) and located at 275 Wilson Road in Harmony Township. The Applicant is requesting a Variance to Chapter 2, Section A to reduce the side yard setback from 44 ft. to 10 ft. to construct a 24 ft. by 32 ft. (768 sq. ft.) detached garage in the side yard.

The surrounding zoning to the north, south, east and west of the subject property is A-1 with land use being agricultural. The County Auditor shows the property is 0.79 acres in size.

Several photos submitted by the Applicant were displayed showing the area of where the proposed garage is to be located in the side yard in comparison to the rear yard that shows an extensive slope to the entire back yard area.

CLARK COUNTY ZONING REGULATIONS

Chapter 8, Section B, 3 (a) states, "A detached accessory building shall only be erected in a rear yard, except that a private detached garage may be erected in a rear or side yard. If a private detached garage is located in a side yard, the side yard requirement of the principal building shall be met."

Under Chapter 2, Section A, the side yard requirements are:

Least Width: 25 ft.; Sum of Both: 60 ft.

The lot width is 135 ft. The current side setbacks are approximately 16 ft. from the house to the south lot line and approximately 65 ft. from the house to the north line. To comply with the side yard setback requirements, the setback from the north lot line would need to be a minimum of 44 ft. In addition, accessory structures must be a least 6 ft. from any other building.

A plot plan (not to scale) provided by the Applicant identifies the house and the area to the right of the house where the detached garage is proposed, maintaining a ten (10) foot setback from the north lot line and also maintaining a six (6) foot separation from the garage to the house required by zoning.

The County Engineer has reviewed the request for variance and has no objection subject to approval by the Clark County Combined Health District.

There has been no written response from the Health District. However, they did inform staff that the leach field is in the rear yard area west of the house and with the slope of the rear yard they stated the side yard is the best location for the proposed detached garage subject to your approval of the request.

There has been no response from any of the surrounding property owners regarding this case.

Vice Chairperson Wallace asks if the Board has any questions.

Mr. Spurlock asks if there is no indication from the Health District as to the location of the leach field behind the house.

Mr. Neimayer responds not specifically but it is in the general area that is shown on the plot plan obviously because of the size they would need plus the reserve area. It would limit putting a drive on either side of the leach field to get to a garage if it were located in the lower part of the back yard. You still have to deal with the slope of the rear yard.

Mr. Spurlock asks if the proposed garage could be reconfigured to be longer in depth and placed back behind the house to maintain the setbacks.

Mr. Neimayer responds that he does not have a definitive response from the Health District. It seems by the Applicant's plot plan that they would still get into the leach field area or reserved area if the proposed garage were moved behind the house. The configuration of the garage may be changed somewhat but they do not want to go too far into the back yard area for that same reason.

Vice Chairperson Wallace asks what the property to the right (north) of subject property is.

Mr. Neimayer responds that the adjacent property to the north has a wooded area and a lake behind it just to the right (north) of the subject property. It is a 53 acre farm owned by a David Saunders.

Mr. Greenwood asks for clarification as to the Clark Co. Engineer's report regarding item number 3, (a) Miscellaneous. Is the reference of a site plan tied in to the building permit process?

Mr. Neimayer responds that what the Engineer's Office is suggesting is providing a survey of the property verifying where the property lines are in relation to the setback requirements and the distance needed for the detached garage.

Vice Chairperson Wallace opens the public hearing at 2:35 p.m. and asks if there are any proponents wishing to speak in favor of the case.

Mr. Eric Robbins (Applicant), whose address is 275 Wilson Road, states that when he refinanced his house he had to have the health inspector come out. At that time he was shown where his leach field was in relation to the house. It is fairly close (to the house) because of the slope in the back yard. As far as reconfiguring the garage, he cannot do that. If he were to turn it and move it more into the back yard he will run not only into the leach field but would also have to deal with the slope. Also, he has to be careful because of a power line that is on the same side of the house where the garage is to be located that could possibly interfere and would have to be moved. He also clarifies that the structure will not be a garage it will be a pole building and used as a garage. He was told that a garage could be located on the side yard and a pole building had to be located in the back yard. That is what had to be approved as well. He states the reason for a pole building instead of a garage is solely because of the cost.

Vice Chairperson Wallace asks for clarification that there are two issues on the table. The first is the pole building and the second is the setback.

Mr. Neimayer responds yes. That would be correct.

Vice Chairperson Wallace asks what the use of the pole building is for.

Mr. Robbins responds that it will be used for parking his wife's vehicle in and also to store firewood and a lawnmower.

Vice Chairperson Wallace asks if there are any opponents.
There are none.

Vice Chairperson Wallace closes the public hearing at 2:37 p.m.

Vice Chairperson Wallace clarifies again for the Board that there are two issues and the first being the use of a pole building in the side yard in this situation and not a garage and the second is the setback.

Mr. Neimayer responds that the application states garage/pole building. You can have a detached garage in the side yard but any other accessory structures are to be in the rear yard unless a variance is granted by this Board.

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

BZA: 2-7-2013: BZA-2013-4 ~ Variance Case ~ Eric & Katrina Robbins ~ Located at 275 Wilson Road ~ Harmony Township

Motion by Mr. Minard, seconded by Mr. Greenwood, to **Approve** the Variance request (both issues) as presented.

VOTE: Motion carries unanimously.

BZA-2013-5: Variance Case ~ Susannah Cowden & Robert Crew, Trustees ~ Located at 12075 Huntington Road ~ Madison Township

Mr. Neimayer, Senior Planner, presents the staff report and accompanying maps. The subject property is zoned A-1 (Agricultural District) and located at 12075 Huntington Road in Madison Township. The Applicant is requesting a Variance to Chapter 8, Section B, 6 (c) to reduce the setback requirements from 10 ft. to 6.7 ft. for two existing accessory structures (barns) to allow the house site to be split from the farm land.

The surrounding zoning to the north, south, east and west of the subject property is A-1 with the land use being agricultural. The County Auditor shows the property is 352 acres in size. The house site to be split out is a 5.083 acre tract.

The survey map for the proposed lot split shows the two barns in question and the lot line that will go in between the them. Both barns would be 6.7 ft. from the proposed lot line. The end result will be that one barn will be part of the house site and the second barn will remain with the farm.

CLARK COUNTY ZONING REGULATIONS

Chapter 8, Section B, 6 (c)

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TABLE 8.1 - Accessory Building Development Standards [eff: 11-6-08]

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Equal to or greater than two (2) acres but less than three (3) acres	2,400 square feet	25 feet	10 feet
Equal to or greater than three (3) acres but less than four (4) acres	3,200 square feet	25 feet	10 feet
Equal to or greater than four (4) acres but less than five (5) acres	4,000 square feet	25 feet	10 feet
Five (5) or more acres (non- agricultural)	4,800 square feet	25 feet	10 feet

The County Engineer has reviewed the request for variance and has no objection, subject to approval by the Clark County Combined Health District.

There has been no response from any of the surrounding property owners regarding this case.

Vice Chairperson Wallace asks if the Board has any questions.

Mr. Spurlock asks in the communication from the Clark County Engineer regarding item number 3, (a) Miscellaneous, a separate deed of easement must be granted, prior to approval of the lotsplit. Does that have any effect on the Board’s decision at this time?

Mr. Neimayer responds that it does not. That will fall under the lotsplit review and approval process.

Mr. Spurlock asks with the new lot line between the two barns, what is the setback from the property line for the barn on the farm land.

Mr. Neimayer responds that both barns will sit 6.7 ft. from the property line. If the variance is approved and should something happen with either structure then the property owners will be able to rebuild as they are as far as the location.

Vice Chairperson Wallace asks if the Board does not grant the variance then the lotsplit cannot occur.

Mr. Neimayer responds that is correct unless the property owner would want to redo the lot line in some other configuration.

Vice Chairperson Wallace opens the public hearing at 2:44 p.m. and asks if there are any proponents wishing to speak in favor of the case.

Mr. Charles Neff, whose address is 4550 Bonner Road, states that he rents the farm and his son is buying the house site. The reason for the lot line going in between the two barns is because of the grain bins and the owner wanting to keep them with the farm. This was just the cleanest line.

Mr. Smith asks if the variance is granted and once this is split will the access to the grain bins still be through the existing driveway.

Mr. Neff responds no. He has constructed a new driveway on the east side of the lot line that goes back to the grain bins.

Vice Chairperson Wallace asks if there are any opponents.

There are none.

Vice Chairperson Wallace closes the public hearing at 2:46 p.m.

Mr. Spurlock asks if there is any conflict or stipulation with the fire department and the buildings being the way they are now.

Mr. Neimayer responds that the current zoning calls for a 6 ft. separation between structures and there is approximately 13 ft. separating them now.

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

BZA: 2-8-2013: BZA-2013-5 ~ Variance Case ~ Susannah Cowden & Robert Crew, Trustees ~ Property located at 12075 Huntington Road ~ Madison Township

Motion by Mr. Spurlock, seconded by Mr. Smith, to **Approve** the Variance request as presented.

VOTE: Motion carries unanimously.

STAFF COMMENTS

Mr. Neimayer states there has been a case filed so there will be a meeting next month. The meeting will be on Thursday, March 28, 2013. He would like to have a work session earlier on the same day and then move into the regular scheduled meeting. He would like to start the work session at 11a.m. and lunch will be provided. He has invited the representative from the County Prosecutor's Office to join in the session so if there are any legal related questions she will be able to respond to those and also provide her take on board procedures from a legal perspective. It would be a good idea to start thinking and writing down questions you may have and if they are legal questions you can email them to him prior to the session and he can forward them on to the prosecutor possibly to do some research on prior to the work session.

He also states that Terry Shaffer who was sitting at the staff table for the meeting will be joining staff at future meetings. He is working code enforcement and so cases such as the first one on Rebert Pike that was cited through the code enforcement process should there be any questions the Board has in that respect Terry will be available to answer them.

ADJOURNMENT

BZA: 2-9-2013 ~ Adjournment

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

VOTE: Motion carries unanimously.

The meeting was adjourned at 2:51 p.m.

Don Wallace, Vice Chairperson