

Regular Meeting ~ 8:30 am. Wednesday, March 12, 2014

Springview Government Center 3130 East Main Street Springfield, Ohio 45505

Mr. Ken Brust, Chairperson of the Clark County Rural Zoning Commission of Clark County Ohio, calls the meeting to order at 8:30 am.

Present: Mr. Ken Brust, Mr. Pete Lane, Mr. John Hays, Mr. John Baird, Mr. Bob Jurick.

Absent: Mr. Wayne Leis

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

RZC: 3-07-2014: Minutes ~ January 16, 2014 ~ Regular Meeting

Motion by Mr. Hays, seconded by Mr. Baird, to approve the minutes as presented.

VOTE: *Motion carried unanimously.*

Chairperson Brust 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.

For the record this meeting took place in the Sheriff's Conference Room due to a leak in Conference Room 151.

Z-2014-03: Rezoning Case ~ Larry & Alicia DeWitt ~ 1.5 Acres ~ Property located at 180 Willow Road ~ Moorefield Township ~ Rezone from B-4 (Heavy Business District) to R-1 (Rural Residence District)

Mr. Neimayer, Senior Planner, presents the Staff Report. He states that the Applicant is requesting to rezone 1.5 acres currently zoned B-4 (Heavy Business District) to R-1 (Rural Residence District) for an existing single-family home.

Mr. Neimayer stated that the original zoning map for Moorefield Township, adopted in November 1959, shows the subject property zoned B-3 (General Business District). The May 1984 zoning map shows the property as B-3A (Business District). Following zoning map amendments adopted in February 1990, the current zoning of the subject property is B-4 (Heavy Business District).

Minutes

Mr. Neimayer also stated that according to the County Auditor's records, the existing house was built in 1958. There is a pending sale of the subject property as a residential lot. Under current zoning, the house (land use) is a legal, non-conforming use. Due to the existing B-4 zoning, if the house were to be destroyed, zoning regulations do not allow the house to be rebuilt. Hence, the Applicants are requesting to rezone the property to R-1. The existing house and the detached garage both comply with the setback requirements of the R-1 District and Table 8.1 (Standards for Accessory Structures) respectively.

Mr. Neimayer stated that although the subject property has been zoned in a "Business" District since zoning was first adopted in Moorefield Township, the property has always been used as a single-family residence – prior to zoning. As such, and with adjacent properties to the south and east being developed as single-family residences, Staff recommends the Applicant's request to rezone the subject 1.5 acres from B-4 to R-1 be approved as presented.

Mr. Neimayer also stated that the CPC met on March 5, 2014 to hear this rezoning application. Following discussion, the CPC unanimously passed a motion recommending to the Rural Zoning Commission that the Applicant's request to rezone the subject 1.5 acres from B-4 to R-1 be approved as presented.

Mr. Neimayer asked the Board if there were any questions for Staff.

Mr. Jurick inquires about the setback differences between B-4 verses R-1. If the property became residential would any development around the said property be affected?

Mr. Neimayer stated that he did not see any issues with that. He actually recommended the R-1 zoning for the subject property for that reason to deal with the setback requirements as opposed to an A-1 zoning district. As far as the B-4 zoned area, there has been no development. Although it has been a business district since the 1950's, there has been no development or plan for that area. If there was a development that was right next to this property, zoning regulations would require some sort of buffering.

Chairperson Brust asks the Board if there were any more questions. There were none.

Chairperson Brust opens the public hearing at 8:39 am.

Chairperson Brust asks if the Applicant would like to speak.

Mr. Larry DeWitt, whose address is 180 Willow Road, stated that he and his wife have lived there for 22 years. The house was purchased from the original owners. When we began the process of selling the place recently, we found out that we have been paying property taxes on some place that we do not even know where it is, it was not on our parcel. The situation had to be straightened out by going to the four heirs of the original owners. It had to be verified that we indeed did purchase the property from their parents. Then we found out that the property had not been rezoned when the farm was sold off. When we bought the place and the title search was done, they did not rezone it 22 years ago.

Chairperson Brust stated that it should have been rezoned a long time ago.



Mr. DeWitt stated that it was taken for granted that the property was zoned R-1. We have a potential buyer for the property. The lending institution, Fannie Mae, found out that it is zoned B-4 and would not back the buyers for financing unless it is zoned R-1.

Chairperson Brust stated that he drives by that property all the time. He is surprised that it is not zoned R-1. The topography of the land surrounding does not lend itself to much industrial development because it is so hilly.

Chairperson Brust asks if there are any further questions. There were none. Chairperson Brust closes the public hearing at 8:41 am.

Hearing no further questions, Chairperson Brust asks for a motion.

Mr. Neimayer noted that, because Mr. Leis is absent, Mr. Jurick will be a full voting member.

RZC: 1-08-2014: Z-2014-03: Rezoning Case ~ Larry & Alicia DeWitt ~
~ 1.5 Acres ~ Property located at 180 Willow Road ~ Moorefield Township ~
Rezone from B-4 (Heavy Business District) to R-1 (Rural Residence District)

Motion by Mr. Lane, seconded by Mr. Hays to recommend <u>Approval</u> of rezoning case Z-2014-03 from B-4 to R-1 as presented.

VOTE: Yes: Mr. Lane, Mr. Hays, Mr. Baird, and Mr. Jurick

No: None

Motion carried unanimously.

Staff Comments

Mr. Neimayer states the next scheduled meeting is Wednesday, April 9, 2014. Also we will be scheduling a Work Session in April for the Board.

<u>Adjournment</u>

RZC: 1-09-2014: Adjournment

Motion by Mr. Hays, seconded by Mr. Baird to adjourn.

VOTE: Motion carried unanimously

The meeting was adjourned at 8:17 am.

Mr. Ken Brust, Chairperson Mr. Thomas A. Hale, Secretary