

Regular Meeting
Thursday, March 28, 2013

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

Mr. Jeff Horne, Chairperson of the Board of Zoning Appeals, calls the meeting to order at 2:00 p.m.

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

Absent: None.

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

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

BZA: 3-10-2013: Minutes ~ February 28, 2013

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

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

No: None.

Abstain: Mr. Horne.

Motion to approve carries.

Chairperson Horne 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.

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

BZA-2013-6: Variance Case ~ James Watt ~ Located on Fowler Road south of Fairfield Road ~ Mad River Township

Mr. Neimayer, Senior Planner, presents the staff report and accompanying maps. The property owner is James Watt and the Applicant is Andrew Hellmuth. The subject property is zoned A-1 (Agricultural District) and located on the west side of Fowler Road south of Fairfield Pike in Mad River Township. The Applicant is requesting a Variance to Chapter 2, Section A, Footnote 6. to increase the 4:1 depth-to-width ratio to 4.78:1 for a proposed 3.359 acre lotsplit and a Variance to Chapter 2, Section A to increase the 4.99 acre maximum lot size for a proposed 6.387 acre lotsplit.

The surrounding zoning to the south, east and west of the subject property is A-1 with land use being agricultural and to the north are several lots in a platted subdivision with R-1 zoning and the land use being residential.

There are three lots proposed to be split with additional land to the rear or the west portion of property that Mud Run Creek runs through. Because of the soils, the land near Mud Run Creek it is not tillable. Hence, the buyer of the farm field directly behind this parcel did not want that section of land that the creek runs through. In order to make that sale move forward, Mr. Watt had to attach the land that the creeks run through to the Fowler Road frontage property, which is now proposed to be split into three lots. Without the additional land being attached, the proposed lotsplits would have complied with zoning. But because that additional land is attached, it presents the issues of depth-to-width ratio as well as lot size.

Mr. Neimayer asks if there are any questions from the Board members.

Mr. Spurlock asks what is happening with 1.441 acre tract to the north.

Mr. Neimayer responds that tract is going to be attached to the neighbor to the north and is not related to this variance case.

CLARK COUNTY ZONING REGULATIONS

SECTION A [eff. 4-4-96]

AGRICULTURAL DISTRICT
A-1

REFERENCES TO FOOTNOTES (Restrictions)
[Right Hand Column on Table]

- 6. No parcel of land in this district shall be used for residential purposes, which has an area of less than one (1) acre. All lots or parcels under five (5) acres, the depth of such lot or parcel shall not exceed an amount equal to four (4) times its width [eff: 10-17-85]. No new lot or lots shall be created by the platting of a subdivision in the A-1 District. [eff: 4-4-96]

SECTION A
[eff: 12-1-05]

AGRICULTURAL DISTRICT	A-1 AGRICULTURAL
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PRINCIPAL PERMITTED AND CONDITIONED USES:	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		FOOTNOTES (Restrictions)
	LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
			WIDTH * (feet)	FRONT (Setback) **	SIDE				
					LEAST WIDTH	SUM of BOTH			
1. Agriculture, Farm Markets, Agricultural-Related Processing & Marketing & related buildings & structures	1 Acre	150	50	30	60	50	35	2	1, 2, 3, 5, 5a, 8, 16, 31
2. Single-Family Residential	40 Acre	500	40	25	60	60	35	2	2, 5, 5a, 6
EXCEPTIONS TO 40 acre –									
a. Single-Family Residential (restricted to lotsplits)	1 Acre #	150	40	25	60	60	35	2	2, 5, 5a, 6
b. Single-Family Residential (restricted to cluster lotsplits) [eff: 12-17-09]	1 Acre #	--	40	25	60	60	35	2	2, 5, 5a, 6
3. Private Landing Field	--	--	--	--	--	--	--	--	7
4. Day-Care Homes	--	--	--	--	--	--	--	--	2, 5, 26
5. Bed and Breakfast [eff: 4-2-2000]	--	--	--	--	--	--	--	--	2, 5, 30
# Maximum LOT SIZE – 4.99 Acre									

The Clark County Engineer’s Department has reviewed the proposed lotsplits. They have approved the lot configurations with the following condition: Access to Fowler Road (driveways for each proposed lot) shall be restricted to the respective areas as shown on Exhibit “A”. The reason for this condition is to ensure safe site distance from each lot onto Fowler Road.

The Clark County Combined Health District has reviewed the proposed lotsplits and has approved the lot configurations subject to their survey and soil analysis.

There has been no negative response from any of the surrounding property owners regarding this case. Staff did receive a call from the neighbor to the north where the 1.441 acre tract is being attached to their lot and was simply inquiring about the status of where things stood with this case.

Chairperson Horne asks if the Board has any questions.

Mr. Wallace asks for clarification as to the restricted access points the Engineer’s Department has designated.

Mr. Neimayer responds that the larger lot (Lot A) will have access in the most southern part of that lot. Access to the other two lots will be located next to their shared lot line. Lot B’s access being the northern most area and Lot C’s access is the southern most area. All other frontage on the lots will have no direct access as marked on the survey. Because of the site distance on Fowler Road these specified access points are the only areas the Engineer’s Department would approve.

Mr. Horne asks if the tests holes were all acceptable to the Health Department.

Mr. Neimayer responds that there were multiple test holes done on each lot. The areas shown in red on the map are the Health District's approved leach field areas for each respective lot.

Mr. Wallace asks if the approved test holes as indicated on the map are at the highest ground.

Mr. Neimayer responds yes.

Chairperson Horne opens the public hearing at 2:15 p.m. and asks if there are any proponents wishing to speak in favor of the case.

Mr. Andrew Hellmuth (Applicant and Representative for the Owner), whose address is 202 Hawthorne Road, states that he has been working with Mr. Watt on the larger farm land for fifteen years and this is the last piece of land south of Follower Road that needed to be addressed. This lot had a separate deed that was in the name of a "Trust" until the death of Mr. Watt's mother and last year was taken out of the trust and that is when the buyer for the farm land stated that he did not want the property that the creek runs through. He also confirmed the leach field areas for the lots in reference to Mr. Horne's question.

Chairperson Horne asks if there are any opponents.

There are none.

Chairperson Horne closes the public hearing at 2:18 p.m.

Chairperson Horne reminds the Board that in their motion they need to address the access requirement from the Engineer's Department with regards to the access point for each proposed lot to ensure safe site distance from each lot onto Fowler Road. He asks if the Board has any questions.

Mr. Spurlock asks if the Health District would sign off on any permitting of the septic systems with regards to the test holes that were conducted.

Mr. Neimayer responds yes. When there is development for the individual lots the actual system will have to be designed at that time. This is just the first step in the approval process by the Health District. These are buildable lots for private well and septic from the Health District's perspective.

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

**BZA: 3-11-2013: BZA-2013-6 ~ Variance Case ~ James Watt ~
Property Located on Fowler Road south of Fairfield Road ~ Mad
River Township**

Motion by Mr. Wallace, seconded by Mr. Greenwood, to **Approve** the Variance request subject to the access restrictions imposed by the Engineer's Department.

VOTE: Motion carries unanimously.

BZA: 3-12-2013: Election of Officers ~ Chairman

Motion by Mr. Greenwood, second by Mr. Spurlock to elect Mr. Jeff Horne as Chairman.

VOTE: Motion carries unanimously.

BZA: 3-13-2013: Election of Officers ~ Vice-Chairman

Motion by Mr. Spurlock to elect Mr. Don Wallace as Vice-Chairman. Mr. Wallace states that he is honored to be Vice Chairperson. But he feels that this position can be filled by any of the members and he would like to share this honor with some of the other members who may want to serve as Vice Chairperson. He feels that there are other "Senior" members such as Tim Greenwood that could serve as Vice Chairperson. He asks if Mr. Greenwood would accept a nomination as Vice Chairperson.

Mr. Greenwood responds that he would have no objection in doing so but he has no objection for Mr. Wallace continuing as Vice Chairperson if he wishes to.

Mr. Spurlock withdraws his motion.

Chairperson Horne asks the Board for a new motion.

Motion by Mr. Wallace, seconded by Mr. Horne to elect Mr. Tim Greenwood as Vice-Chairman.

VOTE: Motion carries unanimously.

STAFF COMMENTS

Mr. Neimayer states there have been several cases filed so there will be a meeting next month. The meeting will be on Thursday, April 25, 2013.

ADJOURNMENT

BZA: 3-14-2013 ~ Adjournment

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

VOTE: Motion carries unanimously.

The meeting was adjourned at 2:24 p.m.

Jeff Horne, Chairperson