

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, April 28, 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 2:00 pm. and asked for the Roll Call.

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

Absent For Roll Call: None.

Also in Attendance: Mr. Allan Neimayer, Mrs. Jennifer Tuttle and Ms. Kristie West of Clark County Community Development, and other interested persons.

Chairperson Greenwood asked if there are any comments regarding the minutes. Hearing none, he asked for a motion.

Approval of the January 28, 2016 Minutes

Motion by Ms. Riggs, seconded by Mr. Smith, to **Approve** the minutes as presented.

VOTE: Yes: Ms. Riggs, Mr. Smith and Mrs. Taylor.

No: None.

Abstain: Mr. Greenwood, Mr. Hazlett and Mr. Minard.

Motion carried.

Approval of the February 25, 2016 Minutes

Motion by Mr. Minard, seconded by Mrs. Taylor, to **Approve** the minutes as presented.

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

No: None.

Abstain: Mr. Smith.

Motion carried.

Chairperson Greenwood explained how the meeting will be conducted.

Case #BZA-2016-02 ~ Property Owner/Applicant: V & A Heisler, LLC ~ Location 9219 Columbus-Xenia Road ~ Madison Township

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

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Mr. Allan Neimayer, Senior Planner presented the case. Property owner and applicant is V & A Heisler LLC and located at 9219 Columbus-Xenia Road in Madison Township. This is a variance request to Chapter 2, Section A to create a 20.119-acre parcel for agricultural use without frontage on a public right away. The property has a small portion that crosses the Madison County line. Prior to August 2015 this property consisted of two parcels plus parts of three additional parcels. In May of 2015, the BZA approved a variance request from the prior owners to reduce the minimum lot frontage from 150 feet to 50 feet to allow for the split and reconfiguration of the Martin farm property.

Mr. Neimayer explained the whole area is mostly agricultural use. The request is to create a 20 + acre parcel. Mr. Neimayer said he would let the applicant speak on this and why. The property today would be a landlock parcel. Even though this is under the same ownership, it is the funding that requires this. The intent is after that term expires then they will come back and put this back into one parcel.

Mr. Neimayer said there were letters from the County Engineer's Department that he passed around. He said that he received an email yesterday from Michael Byers. They are an adjoining property owner to the subject property and have no objection to the request.

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

Mrs. Taylor asked if someone from the County Engineer's Department was here.

Mr. Neimayer said yes that Tom Bender from the County Engineer's Department was present.

Hearing no further questions, Chairperson Greenwood opened this portion of the public hearing at 2:09 pm. and asked if anyone would like to speak in favor of the case.

David Heisler, Applicant, 3738 Cemetery Road, Hilliard, OH, explained that he is requesting the variance because of the proposed financing of the project. His best option is to lease out the 20 acres. The lease period is up in ten years and after then he will combine both parcels back into one.

Chairperson Greenwood asked if anyone would like to speak in opposition of the case.

Mrs. Taylor stated she would like to hear from Mr. Bender.

In regards to road frontage, Mr. Bender explained there is always potential that something could fall thru. The County Engineer's Department recommends some kind of connection to the right away. As far as roadway improvements, Mr. Bender said they referred back to the Ohio Administration Code 901: 10-1-02 (7) and responded accordantly to the anticipated truck traffic associated with the proposed use of the 20-acre site. Columbus-Xenia Road is getting to the end of its useful life and improvements would fall on Madison Township. In following the OAC, the County Engineer's Department proposes that there be some kind of cost sharing effort. That way Madison Township would not bear all of this.

Mr. Hazlett asked if the road was maintained as a township road. Mr. Bender said yes it was.

Mr. Hazlett asked if he had been in contact with the Township Trustees. Mr. Bender said that he had not, but believed that Dean Fenton in the office had.

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Mr. Hazlett said there was 90 feet for access to the property and the recommendation would be to cut off approximately 20 feet for the easement. Mr. Bender said it would create property connection to road right away.

Mr. Heisler commented to the plan for an easement and said he is open to doing it either way. Truck traffic was documented for the permits. The numbers would be less traffic than what there was from the previous owners. Mr. Heisler said that he recently met with the Madison Township Trustees to discuss the proposed project.

With no further comments, Chairperson Greenwood closed this portion of the public hearing at 2:20 pm. and asked for discussion among the Board.

The Board noted their authority is to consider the variance request to allow the proposed 20-acre parcel to be created without frontage on a public right-of-way. The maintenance issue and up-keep of Columbus-Xenia Road is a matter between the Applicant and the Township Trustees/County Engineer's Department.

Hearing no further questions or comments from the Board, Chairperson Greenwood asked for a motion.

#BZA-2016-01 ~ Property Owner: V & a Heisler LLC: Dave Heisler ~ Location 9219 Columbus-Xenia Road~ Madison Township

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

VOTE: Yes: Mr. Smith, Mrs. Riggs, Mrs. Taylor and Mr. Hazlett.

No: None.

Abstain: Mr. Minard

Motion carried.

Staff Comments

Mr. Neimayer stated the next scheduled meeting is Thursday, May 26, 2016.

Adjournment

Motion by Mrs. Taylor, seconded by Mr. Smith, to Adjourn.

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:28 pm.

Mr. Greenwood, Chairperson

Mr. Thomas A. Hale, Secretary