

Regular Meeting
Thursday, May 29, 2014

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

Mr. Tim Greenwood, 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, Mr. Rick Smith and Mr. Dave Minard

Absent: None

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

Chairperson Greenwood asks if there are any comments regarding the April 24, 2014 minutes. There were none.

BZA: 5-18-2014: Minutes ~ April 24, 2014

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

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

No: None

Motion carries.

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

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-2014-06: Variance Case ~ Chad & Jennifer Dorrell ~ Located at 3130 Windy Ridge Road ~ Moorefield Township

Mr. Neimayer explains that the Applicants are requesting a Variance to increase the height of a fence from 6 ft. to 9.5 ft. for screening of a travel trailer.

Mr. Neimayer states that the subject property is located at 3130 Windy Ridge Drive in Moorefield Township. The property is zoned R-1 and is Lot #11 of the Windy Ridge Subdivision, Section 2-A. The Applicants park their travel trailer in the back left corner of their property. To comply with a

subdivision plat covenant that states “There shall be inside storage or screen areas not exposed to public view for all boats, trailers, or other vehicles”, the Applicants constructed a 9.5 ft. tall fence around the travel trailer.

Mr. Neimayer also stated that Community Development received a complaint about the height of the fence and upon investigating notified the Applicants by letter dated November 13, 2013 of the zoning violation. The Applicants are requesting a variance to Chapter 8, Section E, 2, b, 1 to increase the height of a fence in the rear yard from 6 ft. to 9.5 ft. for screening of the travel trailer.

CLARK COUNTY ZONING REGULATIONS

Chapter 8, Section E:

Section E – Required Fencing, Screening, and Landscaping

1. Statement of Intent The intent of this Section is to outline the regulations of fencing, screening, and landscaping which will serve to provide for orderly transition between land uses, to protect and screen private property, to inhibit access to industrial and commercial sites, to give security and privacy to residents, to provide a physical and visual barrier, to reduce wind and modify climate, to define property lines, to identify and emphasize entrances, to create and define outdoor living space, and to generally improve the aesthetic appearance of a site.
2. Design Standards
 - a) No fence, wall, or screen may be located in any front yard except as provided below:
 - 1) Hedges not to exceed six (6) feet in height may be located in any front yard, but shall be subject to any traffic visibility requirements imposed by the Zoning Administrator. [rev: 12-13-2013]
 - 2) A fence or wall may be located in any front yard as follows:
 - a) The height of any fence or wall shall not exceed four (4) feet above the ground at any point, except that in instances where single-family homes front on major or secondary thoroughfares, such ornamental fences or walls shall be not more than six (6) feet in height.
 - b) Such fence or wall shall be subject to any traffic visibility requirements imposed by the Zoning Administrator. [eff: 4-4-96] [rev: 12-13-2013]
 - c) Such fence or wall on a corner lot shall be subject to any traffic visibility requirements imposed by the Zoning Administrator. [rev: 12-13-2013]
 - b) A fence, wall, or screen may be located in any rear or side yard, provided that:
 - 1) The height of the fence, wall, or screen shall not exceed six (6) feet above the ground.
 - 2) A fence or wall not to exceed ten (10) feet in height shall be permitted surrounding tennis courts in any rear yard.



As shown on the Applicant’s plot plan, they plan to add a 10 ft. by 12 ft. storage shed to complete the screening of the travel trailer. The Combined Health District has identified that this proposed shed would be within the existing leach field area and therefore would not approve it.

Mr. Neimayer pointed out to the Board that in their packet is a letter from Mr. Peifer, who is representing the Dorrells, stating how this whole process got started and explains the covenants of the subdivision.

Mr. Neimayer asks if there are any questions for Staff. There were none.

Chairperson Greenwood opens this portion of the public hearing at 2:07 pm.

Mr. Jim Peifer, whose address is 20 S. Limestone Street, stated that he is here representing the property owners Chad and Jennifer Dorrell. This all got started, as Mr. Neimayer had indicated, that the Dorrells have a trailer that they wanted to store on site. They looked into their covenants and started building a fence. They were not aware of the zoning requirements. The abutting property owners notified the Dorrells and they stopped where they were in the process. The fence as it is now is not a complete rendition of what it will ultimately look like. They do plan on putting foliage around the area of the fence. They also have a proposal to put a shed in the general area located near the trailer as Mr. Neimayer suggested. They are aware of the Health Department concerns and will deal with that separately. The concept of the shed is to simply provide further screening for the trailer from the neighbors. This particular lot sits high as far as the topography so the travel trailer sits high. The fencing has been done to shield that from the abutting property owners. The Dorrells have been in contact with the other property owners on this and they have a petition that Mr. Peifer would like to submit to the Board with signatures supporting the Dorrells. All neighbors have signed except for the neighbor next door. What the Dorrells are trying to do is to create an acceptable situation on a lot that is wide open. The best way to do that is to put up a fence with foliage around it. The Dorrells are prepared to install greenery that would have considerable height to it. At this point the project has stopped until the Board considers their request for a variance.

Mr. Peifer asks the Board if they have any questions.

Chairperson Greenwood asks how close the fence line is to the neighbors shed.

Mr. Peifer responds that the fence line is 12 inches off the property line. He understands that the shed is 3 feet from the property line.

Mr. Wallace asks what the small structure is on the neighbor's side of the fence.

Mr. Peifer stated that he is not sure, but believes it is a shed. The Dorrells are present along with the abutting neighbors and they could elaborate on that more.

Chairperson Greenwood asks if there are any more questions for Mr. Peifer. There were none.

Chairperson Greenwood asks if anyone else would like to speak in favor of the case. There were none.

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

Mrs. Terri Alexander, whose address is 3100 Windy Ridge Drive, stated that she was at the January meeting when this case was first heard and the 8 foot fence did not get approved. She are curious why this case is back and they are now asking for 9.5 feet.

Mr. Neimayer stated that he would do his best to respond and would ask the Board to add their comments as far as the denial. The Application that was filed in January was for an 8 foot fence. It was then clarified at the meeting that the fence was actually 9.5 feet. I would like to refer to the Board as far as why the case was denied.

Mr. Wallace stated that in his recollection he had hoped that there would be a solution found among the neighbors.

Mrs. Alexander asks the Board if she may submit letters that show correspondence between the Dorrells and themselves. The Dorrells solution was to put arborvitae on our property to shield their travel trailer. Why should we have to put the greenery on our property when it is not our problem? Mrs. Alexander also stated that they have lived on the property since 2007. The fence is not being properly cared for. The front of the trailer is not shielded, neither are the wheels. The fence does not go all the way to the ground. She presented the Board with photos. We have a beautiful home and do not wish for our property values to go down.

Chairperson Greenwood stated that he was not present at the January meeting and could not comment on that.

Chairperson Greenwood asks if anyone else would like to speak.

Mr. Steven Alexander, whose address is 3100 Windy Ridge Drive, stated that he believes this variance request is asking for a special privilege for Mr. Dorrell. This I believe would set a precedence for other townships within the county for anyone else that would want to screen a 12 foot travel trailer. The other options would be to properly store it in off-site storage. As we look out of the back of our home that is what we see. If we have people over on our patio, that is what we see instead of seeing a beautifully landscaped area. We are seeing a 9 foot fence and a travel trailer. I feel that it is not fair to us as landowners. As far as the signatures of everyone around us they are not the ones looking out their back door and seeing a travel trailer.

Mr. Alexander also stated that they did propose in a letter for them to move their travel trailer up to the side yard where there are already some pine trees and off to the side of our house and it would be out of our view or construct a pool barn. We did try to make contact with the Dorrells and work it out but the issue is not being resolved.

Mr. Alexander stated that Mr. Dorrell had an economic burden and that he was unable to build a pole barn. I would like to challenge that and state that he is trying to take the economic route to suit him and not help the neighborhood to develop properly.

Chairperson Greenwood asks if the Applicants would like to make a rebuttal.

Mr. Peifer stated that he would like to make a couple of comments. The reason the request is before the Board again is at the last meeting there was some discussion for the two property owners making an effort to resolve the situation. The Dorrells approached the Alexanders first and made a proposal which they received no response. Mr. Peifer presented photographs to the Board. The first photograph on the Alexander's property is of their fence. Note that the fence in some locations is taller than 8 feet tall and is in violation of their zoning code. The Alexander's shed is also located closer than 3 feet of the property line which is also in violation of code.

Mr. Peifer also stated that the comment about economics and building a pole barn is not relevant as there is nothing in code that requires him to build a pole barn. What the clients have done is to

offer to further screen the side of the fence that faces the Alexanders with foliage. This is an effort on the Dorrells part to completely screen something. One of the other proposals that was made is that the Dorrells would pay for the part of the fence that the Alexanders felt necessary to complete to adjoin the Dorrells fence. This is a situation that cannot be resolved.

Mr. Peifer stated that the proposal for the Dorrells to move the trailer to the side yard by the existing trees would not be any better. Two of the trees did not survive the winter and the remaining would not provide full screening. Also, due to the elevation, the proposed area sits up higher which would make the travel trailer sit up even higher.

Mr. Peifer stated that we believe that the screening process is good and that 11 or 12 neighbors approve of what the Dorrells have done. We would like to ask the Board for their approval of this variance.

Mr. Wallace asks Mr. Neimayer if he had a topographical map that would show the elevations on the property.

Mr. Neimayer presented a map from the county's GIS to the Board on the screen. It was also noted that there was one in the meeting packet the Board received.

Chairperson Greenwood closes the public portion of the hearing at 2:32 pm.

Mr. Dorrell asked to comment on the elevation.

Chairperson Greenwood reopens this portion of the hearing at 2:34 pm.

Mr. Chad Dorrell, whose address is 3130 Windy Ridge Road, stated that he wanted to comment on the elevation of the property. He stated that where the trailer was now was the lowest point of the back yard. It is the higher point of the neighborhood itself. Also as you get closer to the property line the elevation raises about 3 feet.

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

Chairperson Greenwood closes this portion of the hearing at 2:35 pm.

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

BZA: 5-19-2014: BZA-2014-06~ Variance Case ~ Chad & Jennifer Dorrell ~ Located at 3130 Windy Ridge Road ~ Moorefield Township

Motion by Mr. Wallace, seconded by Mr. Smith, to **Approve** the Variance as requested.

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

No: Mr. Spurlock

Motion carries.

BZA-2014-08: Variance Case ~ Charles & Jane Adams ~ Located at 159 Brookside Drive ~ Bethel Township

Mr. Neimayer explains that the Applicants are requesting a Variance to allow an accessory structure in the front yard to build a 24 ft. by 24 ft. detached garage.

Mr. Neimayer stated that the subject property is located at 159 Brookside Drive in Bethel Township. The property is zoned A-1 and is Lot #8 of the Brookside Estates Subdivision. The owners are seeking a variance to Chapter 8, Section B, 3, a) to allow an accessory structure in the front yard to build a 24 ft. by 24 ft. detached garage. This garage would be 30.5 ft. from the Brookside Drive right-of-way line.

CLARK COUNTY ZONING REGULATIONS

Chapter 8, Section B:

3. An accessory building shall be erected detached from the principal building. An accessory building, such as garage, which is attached to the principal building, either directly or connected by an enclosed breezeway, is no longer considered an accessory building and must meet the setback requirements of the principal building. [eff: 11-6-08]
 - a) 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 requirements of the principal building shall be met. [eff: 11-6-08]

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

Mr. Spurlock asks what the distance was between the house and the proposed garage.

Mr. Neimayer stated that the distance was 5 feet from the corner of the house to the corner of the garage.

Mr. Spurlock asks what code is for the distance, 5 feet.

Mr. Neimayer responds building code recommends 5 feet for structures. When considering accessory structures, the current building code makes exceptions for that. It also factors in if you are going to put fire-rated walls. What is still recommended is a 5 feet separation whether it be a shed or garage to that principal structure. The whole issue is to have the separation or the fire-rated wall to keep a fire from jumping from one structure to another.

Mr. Terry Shaffer, Clark County Building and Zoning Inspector, stated that is correct. Anything closer than 5 feet would be in violation.

Chairperson Greenwood asks if there are any further questions for Staff. There were none.

Chairperson Greenwood opens this portion of the public hearing at 2:44 pm.

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

Mr. Mark Scholl, whose address is 1533 Moorefield Road, stated that he is here to represent Chuck and Jane Adams who have lived at this property approximately 15 years. They have a very well kept and maintained property. Chuck, like so many of us, has a classic car, a motorcycle and a big lawnmower. The lawnmower is too big to keep in his garage with their two personal vehicles. This is the main purpose that they would like to build the detached garage. Chuck would like to utilize the existing driveway to access the proposed garage. The corner of the house to the detached garage would be about 6½ feet. It would be very difficult to have the garage any farther from the house due to the drainage swell that runs along the north property line.

Mr. Scholl states that the only traffic on Brookside Drive is residential traffic and typical service vehicles. The topography of the road is also very level and the site distance is very good in both directions of the driveway. Chuck and his wife are here today and can answer any questions that the Board might have.

Chairperson Greenwood asks if there are any questions. There were none.

Chairperson Greenwood asks if anyone else would like to speak in favor of the case. There were none.

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

Chairperson Greenwood closes the public portion of the hearing at 2:47 pm.

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

BZA: 5-20-2014: BZA-2014-08~ Variance Case ~ Charles & Jane Adams ~ Located at 159 Brookside Drive ~ Bethel Township

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

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

No: None

Motion carries.

STAFF COMMENTS

Mr. Neimayer stated the next meeting will be June 26, 2014.

ADJOURNMENT

Chairperson Greenwood asks for a motion for adjournment.

BZA: 05-21-2014 ~ Adjournment

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

VOTE: Motion carries unanimously.

The meeting was adjourned at 2:55 pm.

Tim Greenwood, Chairperson