

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, June 23, 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, Mrs. Janie Riggs, Mr. David Minard and Mr. Rick Smith.

Absent For Roll Call: Mr. Paul Hazlett and Mrs. Jerri Taylor.

Also in Attendance: Mr. Allan Neimayer, Mrs. Jennifer Tuttle and Ms. Kristie West of Clark County Community and Economic 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 May 26, 2016 Minutes

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

VOTE: Yes: Mr. Minard, Mrs. Riggs, Mr. Greenwood and Mr. Smith.

No: None

Motion carried.

Chairperson Greenwood explained how the meeting will be conducted.

Case #BZA-2016-07 ~ Property Owner/Applicant: Daniel and Angela Keeton ~ Location 132 West Main Street ~ Bethel Township

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Allan Neimayer, Senior Planner, stated the Property Owners/Applicants are Daniel and Angela Keeton. The subject property is located at 132 West Main Street in Bethel Township. Mr. Neimayer explained this is a variance request to increase the maximum height of a fence in the front yard from four feet to six feet. Mr. Neimayer stated that the actual property in question fronts on Middle Street. The Applicants are requesting to fence in the rear lot. Chapter 8, Section E, 2) limits the height of a fence in the front yard to four feet.

Mr. Neimayer explained that there were letters from surrounding property owners in the Board packets. Mr. Neimayer stated that he would answer questions the Board may have at this time.

Mrs. Riggs asked if that is where the fence would be located in regards to the right-of-way on Middle Street. Mr. Neimayer stated that the fence could be up to the right of way.

Mrs. Riggs asked if there is a sidewalk. Mr. Neimayer stated the fence would be on the inside of the property. Mrs. Riggs asked if it went beyond that parcel itself. Mr. Neimayer said they would need to know where the lot lines are and keep it within their property.

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Hearing no further questions from Board members, Chairperson Greenwood opened this portion of the public hearing at 2:07 pm. and asked if anyone would like to speak in favor of the case.

Daniel Keeton, 132 West Main Street, Medway Ohio was sworn in. Mr. Keeton showed the area in question and stated that he is requesting to have the six foot tall fence for privacy. Mr. Keeton explained it would connect the back yard with his house and that his kids could be in the back yard securely. Mr. Keeton also said having a pool he wants to make sure the fence is high enough for privacy and make sure no one can easily access the back yard without his permission.

Chairperson Greenwood asked for clarification where the privacy fence would be. Mr. Keeton explained where the fence would be. It would not be along the bank property.

Chairperson Greenwood asked if it would extend out towards Main Street. Mr. Keeton said there will be no fence up through there.

Mr. Neimayer asked if the existing fence around the pool will be taken down when the “new” fence is put up. Mr. Keeton said they will be moving it out and it will be coming down.

With no one else to speak in favor of the case, Chairperson Greenwood asked if anyone would like to speak in opposition of the case. There was none.

Chairperson Greenwood closed this portion of the public hearing at 2:10 pm. and asked for discussion among the Board.

Mr. Smith asked Mr. Neimayer if he knew how wide the corner lot was. Mr. Neimayer said it is about 82 feet.

Mr. Smith asked with it being that far away, would there be any obstruction with oncoming traffic. Mr. Neimayer responded no.

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

Action on #BZA-2016-07 ~ Property Owners/Applicants: Daniel and Angela Keeton ~ Location 132 West Main Street ~ Bethel Township

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

VOTE: Yes: Mr. Minard, Mrs. Riggs and Mr. Smith.

No: none

Motion carried.

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Case #BZA-2016-10 ~ Property Owner/Applicant: Matthew Middendorf~ Location 227 East Main Street ~ Bethel Township

Mr. Neimayer stated the Property Owner/Applicant is Matthew Middendorf. Mr. Neimayer apologized for the name being incorrect on the staff report. The subject property is located at 227 East Main Street, Bethel Township. Mr. Neimayer explained this is a variance request to increase the maximum size and height of an accessory structure, and to allow more than two accessory structures on a lot less than one acre in order to construct a 30 ft. by 40 ft. pole barn. This property is just under that one acre and the minimum setback from the side and/or rear lot lines is five feet.

Mr. Neimayer stated there are other accessory structures on the subject property with a total of 914 square feet (based on data from the county auditor's website). Zoning regulations for a property under an acre limit accessory structures to two with a combined maximum size of 1,500 square feet. Also, the accessory structures are to be a minimum five feet from the side and/or rear lot lines. With the proposed 30 ft. by 40 ft. structure, the combined size of accessory structures would be 2,114 sq. ft. Mr. Neimayer explained the Board is looking at a variance for the size, height and the number of accessory structures.

Mr. Neimayer stated he has not received any communication other than a letter from Steve Coppess opposing this variance request. Mr. Coppess lives to the left side of the subject property.

Mr. Smith asked Mr. Neimayer what is the maximum height allowed. Mr. Neimayer stated the maximum height allowed is 18 feet. The lift being proposed for the pole barn structure would exceed the 18 feet. Mr. Smith asked how much it would exceed. Mr. Neimayer said he would let the Applicant explain reason for that.

Chairperson Greenwood asked what is behind the property. Mr. Neimayer stated it is part of a wetlands area {Estel Wenrick Wetlands}.

Hearing no further questions, Chairperson Greenwood opened this portion of the public hearing at 2:17 pm. and asked if anyone would like to speak in favor of the case.

Matthew Middendorf, 227 East Main Street, Medway Ohio was sworn in. Mr. Middendorf stated that the pole barn was going to 19.6 inches in height. He stated that his lot was just 0.06 from being one full acre. Mr. Middendorf said looking at the picture on the map there is sufficient space to put in the building and have plenty of yard left. Mr. Middendorf explained that this is a prefabbed metal building and will increase the property value as well as the property taxes. The neighbor to the east has one like it as well.

Chairperson Greenwood asked the Applicant what is the intended use. Mr. Middendorf stated that he wanted more storage and a place for his sons to work on cars.

Ed Dow, 10790 Lower Valley Pike, was sworn in. Mr. Dow asked about the square footage of the two small buildings. Mr. Neimayer stated that the records from the County Auditor show there is a 96 sq. ft. structure and a 120 sq. ft. structure both built in 2000. Mr. Dow asked if the small shed counted in the total square footage. Mr. Neimayer explained it did.

With no one else to speak in favor of the case, Chairperson Greenwood asked if anyone would like to speak in opposition of the case.

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Steve Coppess, 225 East Main Street, Medway, Ohio was sworn in. Mr. Coppess read his letter to the Board that he submitted and was included in the Board packets. Mr. Coppess asked that this variance not be granted based upon the concerns and objections he has or at least table this application until the Board can investigate the concerns brought before them. Mr. Coppess explained that if this building was allowed, the roof would extend out past that and cause water to run off onto his property. There is also an approximate 6 to 8 inch drop between the properties.

Mr. Coppess asked Mr. Neimayer if the neighbor (233 W. Main St.) got a variance for his (accessory structure) building. Mr. Neimayer responded all he found was a zoning permit for that building. Mr. Coppess asked whether it should have been granted. Mr. Neimayer said at that time it should not have been granted. Mr. Coppess said that individual is now running a commercial endeavor out of a residential area.

Chairperson Greenwood asked if anyone else would like to speak in opposition of the case. Hearing none, he asked if the Applicant would like time for rebuttal.

Mr. Middendorf explained there will still be plenty of green space on his property. A contractor has not been selected yet. Mr. Middendorf said the pole barn will definitely be five feet from the lot line and there will be gutters on the building. The neighbor's building has gutters and causes no water run off onto his property.

Chairperson Greenwood asked the Applicant if the building would have gutters. Mr. Middendorf said it will have gutters and downspouts.

Mr. Middendorf said he is still under oath and this building is strictly for personal use, not commercial use. Mr. Middendorf said he buys cars, maybe one every three years. The building will be 14 feet on the sides. As far as having a lift, it will be for private use.

Mrs. Riggs asked about the side the driveway comes in on. Mr. Middendorf showed that the driveway comes down between two houses on the west side.

Mrs. Riggs asked if they were all connected to the central sewer system. Mr. Middendorf said they are.

Mrs. Riggs asked if there was a leach bed on the property. Mr. Middendorf said there is not.

Mrs. Riggs asked where the door opening will be. Mr. Middendorf said the opening will face towards the house.

Mrs. Riggs asked what if relocating it to the center of the property would solve anything. Mr. Middendorf asked if Mrs. Riggs was proposing another location. Mrs. Riggs said in the middle to keep good neighbors if possible, does it have to be right there as proposed. Mr. Middendorf said the drainage concerns on the other property are not going to happen because there will be gutters and downspouts. Mr. Middendorf stated that there is no compelling reason to move it into the middle of the lot.

Hearing no further questions from the Board, Chairperson Greenwood closed this portion of the public hearing at 2:41 pm.

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

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Action on case #BZA-2016-10 ~ Property Owner/Applicant: Matthew Middendorf~ Location 227 East Main Street ~ Bethel Township

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

VOTE: Yes: Mr. Smith, Mrs. Riggs and Mr. Minard.

No: none

Motion carried.

Staff Comments

Mr. Neimayer stated the next scheduled meeting is Thursday, July 28, 2016.

Adjournment

Motion by Mr. Smith, seconded by Mr. Minard, to Adjourn.

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:45 pm.

Mr. Greenwood, Chairperson

Mr. Thomas A. Hale, Secretary