

Regular Meeting
Thursday, June 27, 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. Don Wallace, Mr. Jack Spurlock, Mr. Rick Smith, Mr. David Minard, Alternate, and Mr. Jeff Horne

Absent: Mr. Tim Greenwood.

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: 6-31-2013: Minutes ~ May 23, 2013](#)

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

**VOTE: Yes: Mr. Wallace, Mr. Smith, and Mr. Minard
Abstain: Mr. Horne and Mr. Spurlock**

Motion 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 first case.

[BZA-2013-13: Variance Case ~ James Brock ~ Located at 316 Rosewood Road; 34 Hillcrest Drive; 1218 Lakeshore Drive plus Rosewood Road {PIN 010-05-00025-120-005} and Lakeshore Drive {PIN 010-05-00025-120-002; Lakeshore Drive {PIN 010-05-00025-123-003, 004, 005 & 006}; and Queen Road {PIN 010-05-00025-123-013 & 014} ~ Bethel Township](#)

Mr. Neimayer, Senior Planner explains this case was tabled from last month's meeting. We will need a motion to remove it from the table.

BZA: 6-32-2013: BZA-2013-13 ~ Variance Case ~ James Brock ~ Located at 316 Rosewood Road; 34 Hillcrest Drive; 1218 Lakeshore Drive plus Rosewood Road {PIN 010-05-00025-120-005} and Lakeshore Drive {PIN 010-05-00025-120-002; Lakeshore Drive {PIN 010-05-00025-123-003, 004, 005 & 006}; Queen Road {PIN 010-05-00025-123-013 & 014} ~ Bethel Township

Motion by Mr. Wallace, seconded by Mr. Smith, to remove item from the table.

VOTE: Motion carries unanimously.

Mr. Neimayer, Senior Planner, presents the staff report and accompanying maps. The subject properties are zoned R-2B (Medium Density Single-Family Residence District) and located in the Crystal Lakes Subdivision in Bethel Township. The typical lot in Crystal Lakes is 100 feet in depth. For lots served by public sewer only, the required front setback is 35 feet and the rear setback is 50 feet. That leaves 15 feet in depth for a new house. Therefore, the Applicant is requesting variances for the above referenced properties to Chapter 2, Section B, Footnote #2 that requires a 50 feet rear setback for lots served by public sewer only. All of those properties are owned by the Applicant.

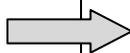
The property located at 316 Rosewood Road is a total of 4 lots combined. The parcel is 80 feet by 100 feet, 0.018 acres in size and is currently an undeveloped parcel. It would reduce the rear setback from 50 feet to 29.5.

SECTION B [eff. 4-4-96]

SINGLE-FAMILY RESIDENCE DISTRICTS R-1, R-2, R-2A, & R-2B
 REFERENCES TO FOOTNOTES (Restrictions) [Right Hand Column on Table]

1. In every case where a lot is not served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have written approval from the Clark County Health Department or from the Ohio E.P.A., as applicable, PRIOR TO ISSUING A ZONING CERTIFICATE. [eff. 4-4-96]
- 1a. Manufactured housing subject to requirements for Manufactured Home specified in Chapter 7, Section 135. [eff. 6-1-2000]
2. All Principal, Conditioned, and Conditionally Permitted Uses not served by public sewer and/or water shall have a minimum frontage, lot size(area), and setbacks as noted below: [eff. 12-1-2005]

UTILITIES SERVING PROPERTY	FRONTAGE	LOT SIZE	SETBACKS			
			Front	Side (Least Width)	Side (Sum of Both)	Rear
No public sewer or water -	150 feet	1 acre	40 feet	15 feet	50 feet	60 feet
Public water only -	125 feet	¼ acre	35 feet	12 feet	30 feet	50 feet
Public sewer only -	100 feet	½ acre	35 feet	12 feet	30 feet	50 feet



The applicant also has the properties at 34 Hillcrest Dr., 1218 Lakeshore Dr. and Queen Rd. with the same problem which are also undeveloped lots. He decided to include these properties along with 316 Rosewood Rd. to be heard at the same time.

At last month's meeting the Board initially moved to hear each one individually and at the end decided to table the application and move on it as a whole. The Board wanted Staff to get with Crystal Lakes Association and with Bethel Township Trustees to look

at the zoning of Crystal Lakes and come up with a new zoning district and zoning standards for Crystal Lakes only.

The work group met twice following the BZA meeting and have a proposal almost ready to go for public hearing: first with the residences of Crystal Lakes and then with the County Boards for formal adoption.

The first objective was to maintain the intent of the Crystal Lakes zoning code on the number of lots and lot dimensions for new development. In addition, the work group was trying to figure out how to make the existing residences come into compliance without applying for a variance.

Crystal Lakes Zoning setback info - History							6/17/2013
	Setbacks (in ft.)				Buildable Area (a)		
	Front	Side	Side	Rear	Width	Depth	(sq. ft.)
Pre- May 5, 1987	25	5	5	5	70	70	4,900
May 1987 - 2010	25	6	16	25	64	50	3,200
2010 - Present	35	12	30	50	15	50	750
<i>Proposed</i>	25	15	15	25	50	50	2,500
(a) = based on 8,000 sq. ft. lot							

In May of 1987, Clark County Zoning took over the Crystal Lake Zoning. It was changed to R-3 Zoning District and 25 feet for the front setback, 6 feet for least side setback, 16 feet for the total side setback and 25 feet for the rear setback. That was fine except that the R-3 Zoning District included multi-family residences which was not Crystal Lakes intent. In 2010, Clark County initiated a zoning map amendment to change the Crystal Lake zoning to R-2B which took care of the multi-family issue. Unfortunately, it that R-2B zoning was not looked at for development standards. The single-family setbacks were increased. When you apply those development standards on a typical parcel (i.e., four of the platted subdivision lots), it only gives you 750 square feet of buildable area.

The work group has come up with new setbacks of 25 feet for the front, 15 feet for both sides and a rear setback of 25 feet. That provides a buildable area of 2,500 square feet. The work group felt these development standards address the original intent of the zoning and will get the majority of the standard-shaped lots in compliance.

The property at 316 Rosewood Rd would meet the proposed setbacks. Therefore, the work group supports moving forward with this property since it would meet the

proposed setbacks. The Health District has already approved the location of the well that will be located in the lower right hand portion of the property with the sanitary sewer tap-in to the left.

The work group recommends to the Board that the remaining properties for Mr. Brock be denied until development is planned.

Mr. Wallace wants to clarify that the proposal is from the work group in Bethel Township.

Mr. Neimayer explains that is correct.

Hearing no questions from the Board members, Chairperson Horne opens the public hearing at 2:11 p.m. and asks if there are any proponents wishing to speak in favor of the case.

Janie Riggs, whose address is 815 Lakeshore Drive, states she is one of the representatives from the Crystal Lakes Property Association and would like to thank Mr. Neimayer for his efforts in making the zoning standards and setbacks more compatible with their intent. She, as well as the other two board members, is in approval of this request.

Chairperson Horne asks if there are any opponents.

There are none.

Chairperson Horne closes the public hearing at 2:13 p.m.

Chairperson Horne asks if the Board has any further questions for Staff.

Mr. Wallace questions if the work group supports the proposal for 316 Rosewood Rd and denial of the other properties.

Ms. Riggs comments he is correct.

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

[BZA: 6-33-2013: BZA-2013-13 ~ Variance Case ~ James Brock ~ Located at 316 Rosewood Road; 34 Hillcrest Drive; 1218 Lakeshore Drive plus Rosewood Road {PIN 010-05-00025-120-005} and Lakeshore Drive {PIN 010-05-00025-120-002; Lakeshore Drive {PIN 010-05-00025-123-003, 004, 005 & 006}; Queen Road {PIN 010-05-00025-123-013 & 014} ~ Bethel Township](#)

Motion by Mr. Wallace, seconded by Mr. Spurlock, to approve the variance to reduce the rear yard setback from 50 feet to 29.5 feet for property located at 316

Rosewood Road, and as for the Applicant's other properties, to deny the variance requests due to no development plan.

VOTE: *Motion carries unanimously.*

BZA-2013-17: Variance Case ~ Gerald & Nancy Neff {Applicant – Anthony Kimberly Snyder} ~ Located at 10872 Lower Valley Pike ~ Bethel Township

Mr. Neimayer, Senior Planner, presents the staff report and accompanying maps. The subject property is B-2 (Community Business District) and located at 10872 Lower Valley Pike in Bethel Township. The Applicant is requesting a variance to Chapter 2, Section H, Footnote 6) to allow outdoor display in a B-2 Zoning District.

The Clark County Zoning Regulations state:

Chapter 2, Section H:

Footnote 6. All uses, activities, and transactions (with the exception of off-street parking, loading/unloading, and outdoor seating areas associated with restaurants) shall be conducted entirely within an enclosed building.

The property is on the corner of Lower Valley Pike and Gerlaugh Road. The property has an entrance off Lower Valley Pike and on Gerlaugh Road. There are no proposed structural changes to the existing building, just cosmetic.

The Applicants want to display cemetery monuments and will be displayed in the parking area along Lower Valley Pike. Behind the property on Gerlaugh Road it is mostly single-family residences. Along Lower Valley Pike the properties are zoned B-2.

Mr. Spurlock questions if the underground tanks have been removed since the property at one time had been a gas station.

Mr. Neimayer was not certain.

Mr. Spurlock wonders if it would be a determining factor for the variance.

Mr. Neimayer did not believe it would since the tenants are not doing any new improvements.

Mr. Wallace questions the location of the display area on the lot.

Mr. Neimayer explains it will be along the front of Lower Valley Pike that is currently shown for parking. There is ample space for parking elsewhere and would not pose any problems.

Mr. Smith questions if there is a certain number of parking spaces required.

Mr. Neimayer comments there are. If this variance is approved, before a zoning certificate is issued the number of parking spaces will be confirmed per zoning.

Hearing no questions from the Board members, Chairperson Horne opens the public hearing at 2:20 p.m. and asks if there are any proponents wishing to speak in favor of the case.

Anthony Snyder, whose address is 900 Aspen Road, states he is the owner of a monument company. He wants to clean up the property and use it for a display area for advertising. He feels without the outside displays there would not be a use for the building.

Mr. Wallace wonders what the display area will be like.

Mr. Snyder explains it will be only monuments.

Mr. Wallace questions if the neighbor to the west has been notified.

Mr. Neimayer comments they have.

Mr. Spurlock wonders if there will be any work on the monuments at this location.

Mr. Snyder comments there will not. It will be just for sales.

Rick Seider, whose address is 1320 Snider Road, states he lives in close proximity and feels it would be a great improvement to the area. He wants to make sure the monuments would not make a traffic visibility problem.

Ed Dow, whose address is 10790 Lower Valley Pike, states he is in favor of the variance. The County will be widening Lower Valley Pike but it will not affect this property. There is a monitoring well to the east of the property but will not affect this property either. He feels there is enough room for parking. He wonders what the regulations are for signage and lighting.

Mr. Neimayer comments there are requirements for signage and lighting and will be addressed when the zoning certificate is issued. He has talked with Dean Fenton, County Engineer's Office, regarding the widening of Lower Valley Pike. The improvement project will stay within the existing right-of-way and will not affect the property.

Nancy Neff, whose address is 1912 Greenmont Dr., Englewood, Florida, states the underground tanks have been removed. There is a monitoring well on the corner where the traffic signal apparatus is located which they sold to the County. She feels since most the surrounding properties are zoned business there should not be a problem. She has talked with the only residence in the surrounding area and they did not have a problem with the proposed business. If the variance is not approved, the monuments would have to be brought inside in the evening that will cause a problem due to the weight of each one. She feels it will be a nice business for the surrounding area.

Mr. Wallace questions if the monuments will be displayed overnight.

Mrs. Neff comments they will be.

Chairperson Horne asks if there are any opponents.

There are none.

Chairperson Horne closes the public hearing at 2:32 p.m.

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

BZA: 6-34-2013: BZA-2013-17 ~ Variance Case ~ Gerald & Nancy Neff ~ Located at 10872 Lower Valley Pike ~ Bethel Township

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

VOTE: Motion carries unanimously.

BZA-2013-18: Variance Case ~ Brian & Renee Scoville ~ Located at 5326 Saum Street ~ Mad River Township

Mr. Neimayer, Senior Planner, presents the staff report and accompanying maps. The subject property is zoned R-2A (Medium Density District) and located at 5326 Saum Street in Mad River Township. The Applicants are requesting a variance to Chapter 8, Section B, 3, a) to allow a 10 ft. by 14 ft. shed in the rear yard that also protrudes in the front yard – a corner lot.

The surrounding zoning to the north, south, east and west of the subject property is R-2A.

There are various trees, landscaping, and a hedge row associated with the property. Mud Run Creek also runs along the rear/back side of the property. You will not be able to see the shed from Saum Street due to a large tree blocking the view. The Applicants are trying to maintain their view of the creek. The property in the rear slopes toward Mud Run. The rear portion of the lot is in the flood way which eliminates anything being put in that area.

The Clark County Zoning Regulations state:

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]

On June 25, 2013 Staff received a letter from Nathan Bowman, who address is 5341 Wakefield Dr., in favor of the variance request. The letter was passed to the Board to read.

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

There are none.

Hearing no questions from the Board members, Chairperson Horne opens the public hearing at 2:37 p.m. and asks if there are any proponents wishing to speak in favor of the case.

Brian Scoville, whose address is 5326 Saum Street, states he bought the property for the view. He feels if they would sell the house it would help preserve the view and up the value if they are allowed to put the shed in the location requested. They have limited area and will cut away a big part of their view. The property slopes close the rear of the property and is very limited as to where to locate the shed.

Chairperson Horne asks if there are any opponents.

There are none.

Chairperson Horne closes the public hearing at 2:41 p.m.

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

BZA: 6-35-2013: BZA-2013-18 ~ Variance Case ~ Brian & Renee Scoville ~ Located at 5326 Saum Street ~ Mad River Township

Motion by Mr. Spurlock, seconded by Mr. Wallace, to **Approve** the Variance request as presented.

VOTE: Motion carries unanimously.

BZA-2013-19: Variance Case ~ Elizabeth Wiley & Kristine Hofstra ~ Located at 6244 S. Tecumseh Road ~ Mad River Township

Mr. Neimayer, Senior Planner, presents the staff report and accompanying maps. The property is located at 6244 S. Tecumseh Road, Mad River Township. The Applicants are requesting a variance of Chapter 2, Section A to reduce the rear setback to 3 feet to add an addition (a fill in) between the existing house and the detached garage.

The subject property is located on the east side of Mad River Township. It is an odd triangle shape parcel. The house and barn were built in 1946. The detached garage was added to the barn which left the gap between the garage and the house. That is the area the Applicants want to fill in for additional living space.

The setback for a detached garage is five feet from the rear setback. With the proposed addition to the house, the rear setback now becomes 60 feet. Due to the shape of the lot, a 60 foot rear setback is not possible.

The Clark County Zoning Regulations state:

Chapter 2, Section A:

SECTION A

[eff. 12-1-05]

AGRICULTURAL DISTRICT

A-1 AGRICULTURAL

PRINCIPAL PERMITTED AND CONDITIONED USES:	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		FOOTNOTES (Restrictions)
	LOT SIZE (Area)	FRONTAGE WIDTH * (feet)	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
			FRONT (Setback) **	SIDE		REAR (Setback)			
			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 EXCEPTIONS TO 40 acre –	40 Acre	500	40	25	60	60	35	2	2, 5, 5a, 6
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								



At the Technical Review Committee meeting, concerns as to the location of the well and septic were raised. The Clark County Combined Health District has reviewed the variance request and has approved the Applicant’s Site Approval Application.

The Clark County Engineer’s Department has reviewed the variance request and has no objections.

Staff received a letter on June 17, 2013 from Shirley & Allan Keister in favor of the variance request.

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

Mr. Wallace comments he remembers when the house was built. It has always been beautiful and feels there would not be any negative impact of the area.

Chairperson Horne asks if the Board has any further questions for Staff.

Hearing none, Chairperson Horne opens the public hearing at 2:46 p.m. and asks if there are any proponents wishing to speak in favor of the case.

Chip Kennedy, whose address is 1821 Quail Hollow Rd, Dayton, Ohio, representative for the Applicants, states they would like to use the additional space to expand the living space with a kitchen and bedroom. Their aging father will be moving in. The footprint of the house will stay the same and will not change the existing setbacks from where they are located now.

Chairperson Horne asks if there are any opponents. There are none.

Chairperson Horne closes the public hearing at 2:48 p.m.

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

BZA: 6-36-2013: BZA-2013-19~ Variance Case ~ Elizabeth Wiley & Kristine Hofstra ~ Located at 6244 S. Tecumseh Rd ~ Mad River Township

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

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

Motion carries.

BZA-2013-20: Variance Case ~ Richard Schaefer ~ Located at 4271 Spangler Rd ~ Mad River Township

Mr. Neimayer, Senior Planner, presents the staff report and accompanying maps. The subject property, zoned I-1'S' (Industrial District with Specific Use), is located at 4271 Spangler Road in Mad River Township. The Applicant is requesting a variance to Chapter 2, Section I to split off a 59.9845 acre parcel without frontage on a public thoroughfare. The property is located on the north side of I-70 and west of I-675/Spangler Road. The parcel consists of two tracts of that total 186 acres.

The Clark County Zoning Regulations state:

Chapter 2, Section I:

SECTION I	INDUSTRIAL DISTRICTS	I-1 INDUSTRIAL
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PRINCIPAL PERMITTED AND CONDITIONED USES: [eff: 12-17-09] See TABLE 2.1 for Miscellaneous Requirements & TABLE 2.6 for Height & Setbacks	MINIMUM LOT SIZE	MINIMUM FRONTAGE	FOOTNOTES (Restrictions)
1. Industrial & Manufacturing Establishments	1 Acre	150 feet	1, 2
2. Warehouses	1 Acre	150 feet	1, 2
3. Wholesale Establishments	1 Acre	150 feet	1, 2
4. Manufacturing Retail Outlets	1 Acre	150 feet	1, 2, 3
5. Any use permitted and as regulated as a Principal Permitted or Conditioned Use in the B-4 District	--	--	--
CONDITIONALLY PERMITTED USES (Requires BZA Approval): [eff: 12-17-09] See TABLE 2.1 for Miscellaneous Requirements & TABLE 2.6 for Height & Setbacks	MINIMUM LOT SIZE	MINIMUM FRONTAGE	FOOTNOTES (Restrictions)
1. Any use permitted and as regulated as a Conditionally Permitted Use in the B-4 District	--	--	--
2. Junkyards & Automobile Wrecking Yards	5 Acre	250 feet	1, 2, 4
3. Resource and Mineral Extraction	5 Acre	250 feet	1, 2, 5
4. Penal & Correctional Facilities	5 Acre	250 feet	1, 2, 6
5. Sanitary Landfills [eff: 6-7-01]	5 Acre	250 feet	1, 2, 7

Section H – Miscellaneous

- 1. Frontage Required: All lots created after the adoption of these Regulations shall have frontage on a public dedicated and accepted thoroughfare other than a controlled or limited access thoroughfare.
 - a) The minimum frontage for each lot, parcel, or tract shall be as noted in Chapter 2. [eff: 4-4-96]
 - b) Notwithstanding other sections of these Regulations, lots, parcels, or tracts created after the adoption of these regulations shall have the minimum frontage (in accordance with 1. above) as follows: [eff: 4-4-96]

<u>LOT SIZE:</u>	<u>MINIMUM FRONTAGE:</u>
5 to 10 Acres	250 feet
More than 10 Acres	350 feet

Chapter 10 – Definitions:

Thoroughfare, Controlled or Limited Access: A thoroughfare on the interstate highway system, or any other thoroughfare which is so designed as to carry large volumes of through traffic and preclude traffic flow interruptions normally resulting from turning and stopped traffic. Controlled or limited access thoroughfares have no grade crossings and utilize exit and entrance ramps, bridges, merge and exit lanes, and other design features to accomplish unimpeded traffic flow, and are not intended to provide direct access to abutting property. Controlled or limited access thoroughfares shall not be construed as providing lot frontage as required by these Regulations.

A survey was prepared for the proposed lot split with a 25-foot ingress/egress easement that starts at the end of Victory’s Safety Lane and runs west to the proposed lot. The whole area is located in the flood plain, except for the existing buildings which were raised when they were constructed.

The Clark County Engineer’s Department has reviewed the variance request and has no objections with the proposed variance.

The property has access to county utilities. The property to the north is owned by the County for its future well fields. The Clark County Utilities Department is working with the Applicant to obtain an access easement.

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

Mr. Spurlock questions what the specific use is for this particular property.

Mr. Neimayer comments he is not sure.

Mr. Smith questions if the easement goes through the existing parking lot and will that be a problem.

Mr. Neimayer comments they will take care of that when the splits are done.

Mr. Spurlock wonders if the property to the north will also be landlocked and what will they have to do to obtain access.

Mr. Neimayer comments the County owns that parcel for the future well fields. Chuck Bauer, Deputy Director for the Utilities Department, has been working with the owners to obtain an access easement. They are hoping to use the same easement.

Mr. Wallace wonders if this will help with the County obtaining the easement.

Mr. Neimayer comments it would.

Chairperson Horne asks if the Board has any further questions for Staff.

Hearing none, Chairperson Horne opens the public hearing at 2:53 p.m. and asks if there are any proponents wishing to speak in favor of the case.

Cindy Hill, whose address is 3540 Harmeling Drive, Dayton, states she is Richard Schaefer's daughter and will be representing him since he has had a stroke. They are in the process of estate tax planning. Her father owned all three parcels which were originally separate parcels but had the parcels combined and rezoned Industrial. The specific use is for trucking and warehousing. US Express purchased the business but not the land, they had been leasing it, and when they moved to Springfield it has been sitting vacant. They have tried to sell or lease the land but have had no takers. There is a company called Refurb 1 in the mechanics building. To do the estate tax planning, her father wanted to gift the west and north parcels to his daughters into a partnership called Schaefer Family Partnership. They thought it would be best to split the parcel in case they wanted to sell or lease the properties. Realizing it would make the property landlocked they decided they needed to provide an easement. It will start at the Victory's Safety Lane and go along the trucking company, since it will stay in the family, and will continue to the other parcels. They have been talking with the Utilities Department about a variable use easement. All of the parcels have been gifted to the Family Partnership. The terminal will be put into a trust and she will be the co-trustee. She will have decision making capabilities for all the parcels.

John Haley, whose address is 270 Regency Ridge Dr, Dayton, states he is the surveyor for these parcels and the easement. They were originally separate parcels, but Mr. Schaefer combined them for tax purposes. He thinks separating the lots will help make the parcels more sellable.

Chairperson Horne questions the easement going to a pinpoint.

Mr. Haley comments he thought it went all the way to the parcels.

Mr. Dow comments the City of Dayton purchased a parcel off Spangler Road for their well fields but has done nothing with the property. It {a water line} was to run from Medway to Huber Heights. The property is in the Wright-Patterson Overlay Zoning District. There will be specific uses because of that.

Chairperson Horne asks if there are any opponents. There are none.

Chairperson Horne closes the public hearing at 3:08 p.m.

Mr. Wallace questions if this is a proposed easement per the Engineer's comments.

Mr. Neimayer comments it is not. It is not recorded yet and nothing can be done until the Board acts on the variance request.

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

BZA: 6-37-2013: BZA-2013-20 ~ Variance Case ~ Richard Schaefer ~ Located at 4271 Spangler Rd ~ Mad River Township

Motion by Mr. Wallace, seconded by Mr. Spurlock, to **Approve** the Variance request as presented.

VOTE: Motion carries unanimously.

STAFF COMMENTS

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

He asks the Board to verify their e-mail addresses for future notifications for agendas, meeting packets and etc.

Zoning Regulations – Discussion of Definitions and Proposed Amendments – Chapters 1 thru 4

Mr. Neimayer states the Board has been given copies of the proposed zoning amendments contained in its entirety in the zoning regulations. He asks the Board if they had any questions regarding the definitions from the previous month. Hearing no comments, he proceeds to review the proposed changes to chapters 1-4. Chapter 1 is the basics and purpose, breaking down the different zoning district. There are editorial (typos, wrong references, name changes) and substances changes. All numbering within the text will be spelled out and afterward numbered throughout the regulations. He points out that on page 1-4 in Section E, he has added the Eastern Edge Overlay District (EEOD) and the Specific Use Control District (S) to the listing of current zoning districts. On page 1-7 under OS Open Space Overlay District, it has been recommended by the Planning Commission that "should" needs to be "shall". The Overlay District is like an extension of the Flood Plain. It is where FEMA has not mapped the areas. It was established in Harmony, Madison and Green Township; they

are the only townships that have adopted the overlay. It is a further protection of the waterways in those perspective townships.

Mr. Neimayer states that on page 1-7 under the Eastern Edge Overlay Zoning District (EEOZ), the highlighted area is in question as to how it needs to read. It has been reviewed by the other two Boards with no decision. The Health Department has been changed to Clark County Combined Health District and the Zoning Inspector has been changed to Zoning Administrator. Both will be changed throughout the regulations.

He states on page 1-14 they are taking out the commentary as there should not be a commentary in a zoning code.

He moves to Chapter 2 which has substantial changes. The table in Section A under Conditional Uses list wrong development standards when compared with the respective sections in Chapter 7. The corrections are shown in red. In #11 Rest Homes will be changed to Assisted Living Facilities, trying to bring the terminology up-to-date. Staff has received calls regarding Landscaping Businesses which is nowhere in the code. Now it is included in #17 with Garden Centers and Greenhouses.

He states in Section B under the Conditional Uses setbacks and lot sizes have been changed. Page 2-9 mobile homes have been changed to manufactured homes or manufactured homes parks.

Mr. Spurlock questions how a mobile home and a manufactured home are determined.

Mr. Neimayer comments anything new that would come in today the axles would have to be removed (mobile home).

Chairperson Horne wonders what the difference is between a modular and a manufactured home.

Mr. Neimayer comments the modular is built in a factory and is shipped to the site.

On page 2-12 tattoo parlors have been added to the B-1 Neighborhood Business District. Page 2-13 motor repair of small equipment excluding farm machinery has been added. These have not been addressed anywhere in the regulations. Page 2-15, #11 Research Lab was changed to Research Facility. On Page 2-17 #27, there needs to be clarification as to a maximum height for a fence or solid wall. The Planning Commission feels it shall be eight (8) feet.

Mr. Spurlock comments that some motor homes exceed eight (8) feet in height.

Mr. Neimayer asks if the Board recommends it taller. The idea is providing screening. He believes that landscaping is better than fencing.

Chairperson Horne comments the language should be no less than six (6) feet and no more than ten (10) feet.

Mr. Neimayer comments they were trying to come up with an acceptable height. The Planning Commissions suggestion was a set height of eight (8) feet.

Chairperson Horne wonders what happens when the elevation changes.

Mr. Neimayer explains you take your measurement from the adjacent ground elevation.

The Board suggests maintaining the eight (8) feet considering the elevation.

Mr. Neimayer states he will come up with language that includes rolling terrain.

Mr. Neimayer states that on page 2-21 under Procedure for the Specific Use Control, under A. 3., there is clarification as to how the County Commissioners are referenced. Under A.4., instead of a unanimous vote required of the County Commissioners to vote differently then what is recommended by the Rural Zoning Commission, it only needs to be a majority vote. State legislation already made this change. It just needs to be incorporated in the zoning regulations. In B.2., the last sentence should read "have" acted upon and omit the word "has".

Mr. Neimayer states that Chapter 3 has mostly typos.

Mr. Wallace points out on Page 3-3 under 8. a), "improve" should be "improved" and in Section B,2 on the same page line 2, "statue" should be "statute". He also comments on Page 3-4, 4. H), it should be "to govern normal and customary ..." rather than "to govern to normal and customary ..."

Proceeding with Chapter 4, again there are mostly typos. On page 4-7 there is clarification under 4. b) as far as the title of the state building codes. On page 4-12, Section H makes reference to "manufactured" homes and omitting "mobile" homes. He states that concludes the review of Chapter 1 through 4. He asks the Board to review Chapter 5 through 7 for discussion at the July Meeting.

Mr. Neimayer states he would like to go over the chart that was given to the Board previously for accessory structures and compare it to Table 8.1 in Chapter 8. He reviewed the previous years of size-variances have been approved. Based on that review, the table needs to be changed. He asks the Board to look over the table and compare with the chart before next month's meeting.

Mr. Wallace would like a new copy of the chart.

Mr. Neimayer explains he would like to finish going over the changes in August and have the Rural Zoning Commission formerly vote on it in October. The Commissioners would get it in November and hopefully have it adopted and in place for the new year. Hopefully this will help eliminate some of the variance cases that have been coming in.

Chairperson Horne comments he did not think that Mr. Wallace needed to abstain from the one case because he made comments. He thinks the Board should be able to comment on what they observe and feels it is important.

Mr. Neimayer comments if a Board member knows an Applicant or has association with them, the member should abstain.

ADJOURNMENT

BZA: 5-38-2013 ~ Adjournment

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

VOTE: Motion carries unanimously.

The meeting was adjourned at 3:37 p.m.

Jeff Horne, Chairperson