Regular Meeting Thursday, July 25, 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. Tim Greenwood, Mr. David Minard,

Alternate, and Mr. Jeff Horne

Absent: Mr. Rick Smith.

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:** 7-39-2013: Minutes ~ June 27, 2013

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

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

Abstain: Mr. Greenwood

#### 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.

Mr. Wallace comments he will need to abstain from the Cory Wise case.

Chairperson Horn asks the Staff to present the first case.

### <u>BZA-2013-22: Variance Case ~ Cory Wise ~ Located at 9995 New Carlisle Pike ~</u> Bethel Township

Mr. Neimayer, Senior Planner explains the applicant is requesting to increase the maximum size of an accessory structure to 7,200 sq. ft. and also locate it in the front yard due to it being a corner lot. After the surrounding properties and the staff report had been sent out, the Applicant sent a letter requesting to table this case. As the

subject property and adjacent parcels were split, there were deed restrictions placed that deal with the use and size of accessory structures. The Applicant would like to try to work out the issues with the surrounding property owners and hopefully will be on next month's agenda.

BZA: 7-40-2013: BZA-2013-22 ~ Variance Case ~ Cory Wise ~ Located at 9995 New Carlisle Pk. ~ Bethel Township

Motion by Mr. Greenwood, seconded by Mr. Spurlock, to <u>Table</u> the Variance request.

**VOTE:** Motion carries unanimously.

## <u>BZA-2013-21: Variance Case ~ Dennis & Mickie Bayne ~ Located at 849 Donnelly Ave ~ Moorefield Township</u>

Mr. Neimayer, Senior Planner, presents the staff report and accompanying maps. The subject property is zoned R-2A (Medium-Density Single-Family Residence District) and located at 849 Donnelly Ave. in Moorefield Township. The property is also Lot #242 of the Simon Kenton Farms Subdivision, Section 2, Part B. The Applicants are requesting a variance to Chapter 2, Section B to reduce the rear yard setback from 25 ft. to 17 ft. to construct a 160 sq. ft. room addition at the rear of the house. The last two lots on Donnelly Ave. at the cul-de-sac have been squared off resulting in smaller lots. It limits the rear yard setback, which is 25 feet.

When the house was constructed it has a rear yard setback of 25 feet. There is an existing deck which the owners would like to remove and replace with the room addition. It will be located in the same location and be the same size. It will be 17 feet from the rear yard setback.

The Clark County Zoning Regulations state:

SECTION D I				IGLE-FAMILY SIDENCE DISTRICTS		R-1 RURAL		R-2A MEDIUM DENSITY						
[eff: 6-1-2000]						R-2 LOW DENS	ITY	R-2B MEDIUM-HIGH DENSITY						
PRINCIPAL PERMITTED AND CONDITIONED USES:			NING RICTS			MINIMUM ZO	ONING LOT REQUIREMENTS				MAXIMUM HEIGHT		FOOTNOTES	
					LOT SIZE	ZE FRONTAGE YARD REQUIREMENTS (Feet)					(Feet)	(Stories)		
	R-	R-	R-	R-	(Area)	WIDTH *	FRONT SIDE REAR							
	1	2	2A	2B		(feet)	(Setbac	k)	LEAST	SUM of	(Setback)			(Restrictions)
							**		WIDTH	BOTH				
Single-Family Dwellings	Υ	Υ	Υ	Υ	20,000 SF	100	35		12	30	50	35	2	1, 1a, 2
(Note special requirements	N	Υ	Y	Υ	12,000 SF	80	30		6	16	25	35	2	1, 1a, 2
contained in Footnote 2)	N	N	Y	Y	7,500 SF	60	25		6	16	25	35	2	1, 1a, 2
	N	N	N	Υ	5,000 SF	50	25		6	16	25	35	2	1, 1a, 2

Mr. Neimayer further explains the County Engineer's Department, the Health District and the Utilities Department did not attend the Technical Review Committee meeting. He did receive the report from the County Engineer's Department after the staff report was sent out. They did not have any objections to the request. He did not receive any comment from the Utilities Department.

- Mr. Neimayer asks if there are any questions from the Board members.
- Mr. Greenwood wants clarification on the size of the room addition.
- Mr. Neimayer comments it will be the same size as the existing deck.
- Mr. Wallace questions what the property is behind the subject property and will be developed.

Mr. Neimayer states it is a farm and woods. There are no plans for development at this time

Hearing no further questions from the Board members, Chairperson Horne opens the public hearing at 2:07 p.m. and asks if there are any proponents wishing to speak in favor of the case.

Mr. Dennis Bayne, whose address is 849 Donnelly Ave, states he and his wife would like to expand the living space of the home they just purchased.

Chairperson Horne asks if there are any opponents.

There are none.

Chairperson Horne closes the public hearing at 2:08 p.m.

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

BZA: 7-41-2013: BZA-2013-21 ~ Variance Case ~ Dennis & Mickie Bayne ~ Located at 849 Donnelly Ave ~ Moorefield Township

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

**VOTE:** Motion carries unanimously.

## <u>BZA-2013-23: Variance Case ~ Richard Willis ~ Located at 7670 Springfield</u> <u>Jamestown Rd ~ Green Township</u>

Mr. Neimayer, Senior Planner, presents the staff report and accompanying maps. The subject property is zoned R-1 (Rural Residence District) and located at 7670 Springfield-Jamestown in Green Township. The Applicant is requesting a variance to Chapter 8, Section B, 6 to increase the combined maximum size of accessory structures from 2,400 sq. ft. to 3,056 sq. ft. to add a 30 ft. by 40 ft. (1,200 sq. ft.) pole barn.

The property has three existing accessory structures: two sheds (both under 120 sq. ft.) and a detached garage with what appears to be two additions that add up to 1,692 sq. ft. All accessory structures figure into the square footage allowed per Table 8.1. Aerial photos indicate that the additions to the detached garage were occurred between 2007 and the fall of 2011. Although both required zoning and building permits, there is no record of those permits being issued.

The well and septic are to the side of the house. Although Mr. Neimayer has not received a report from the Health District, their approval is necessary before a zoning certificate can be issued.

The Clark County Zoning Regulations state:

### Chapter 8, Section B, 6,b):

- 6. Location, Numbering, and Size of Residential Accessory Buildings. [eff: 11-6-08]
  - a) Unless otherwise permitted by this Zoning Resolution, a lot of less than one (1) acre zoned Residential or used for residential purposes, shall contain no more than two (2) accessory buildings and the sum of their square footage shall not exceed the maximum square footage noted in TABLE 8.1
  - b) When two (2) or more accessory buildings are located on a lot utilized for residential purposes, the sum of their square footage shall not exceed the maximum square footage noted in TABLE 8.1.
  - Accessory building development standards shall be based upon the following table and requirements:

Maximum Size Set-Back From Side or Maximum Lot Size of Accessory Rear Property Lines (When located in rear yard) Height Building(s) 18 feet Under one (1) acre 800 square feet Equal to or greater than one (1) acre but less than two (2) acres 1,600 square feet 20 feet 5 feet Equal to or greater than two (2) acre but 2,400 square feet 25 feet 10 feet less than three (3) acres Equal to or greater than three (3) acre but less than four (4) acres 3,200 square feet Equal to or greater than four (4) acre but 4 000 square feet 25 feet 10 feet less than five (5) acres Five (5) or more acres (non-agricultural) 4,800 square feet 25 feet 10 feet

TABLE 8.1 - Accessory Building Development Standards [eff: 11-6-08]

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

Chairman Horne questions how many square feet will the Applicant be over.

Mr. Neimayer comments it would be approximately 600± sq. ft.

Hearing no further questions from the Board members, Chairperson Horne opens the public hearing at 2:13 p.m. and asks if there are any proponents wishing to speak in favor of the case.

Mr. Richard Willis, whose address is 7670 Springfield-Jamestown Road, states he wants the extra space to work in the garage. The other buildings house the lawn mower, cars and a motor home. He does not feel it will affect the neighbors. The well is located in the front yard with the septic and leach field on the other size of the property.

Chairperson Horne asks if there are any opponents.

There are none.

Chairperson Horne closes the public hearing at 2:15 p.m.

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

BZA: 7-42-2013: BZA-2013-23 ~ Variance Case ~ Richard Willis ~ Located at 7670 Springfield Jamestown Rd ~ Green Township

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

VOTE: Motion carries unanimously.

# BZA-2013-24: Variance Case ~ Nicholas Reichert ~ Located at 1601 Lammes Lane ~ Bethel Township

Mr. Neimayer, Senior Planner, presents the staff report and accompanying maps. The subject property is zoned A-1 (Agricultural District) and located at 1601 Lammes Lane in Bethel Township. The Applicant is requesting a variance to Chapter, 8, Section B, 6, a) to increase the maximum size of an accessory structure from 800 sq. ft. to 864 sq. ft in order to construct a 24' x 36' detached garage in the rear yard.

### The Clark County Zoning Regulations state: Chapter 8, Section B, 6, a):

- 6. Location, Numbering, and Size of Residential Accessory Buildings. [eff: 11-6-08]
  - a) Unless otherwise permitted by this Zoning Resolution, a lot of less than one (1) acre zoned Residential or used for residential purposes, shall contain no more than two (2) accessory buildings and the sum of their square footage shall not exceed the maximum square footage noted in TABLE 8.1
  - b) When two (2) or more accessory buildings are located on a lot utilized for residential purposes, the sum of their square footage shall not exceed the maximum square footage noted in TABLE 8.1.
  - Accessory building development standards shall be based upon the following table and requirements:

TABLE 8.1 – Accessory Building Development Standards [eff: 11-6-08]

Lot Size	Maximum Size of Accessory Building(s)	Maximum Height	Set-Back From Side or Rear Property Lines (When located in rear yard)
Under one (1) acre	800 square feet	18 feet	5 feet
Equal to or greater than one (1) acre but less than two (2) acres	1,600 square feet	20 feet	5 feet
Equal to or greater than two (2) acre but less than three (3) acres	2,400 square feet	25 feet	10 feet
Equal to or greater than three (3) acre but less than four (4) acres	3,200 square feet	25 feet	10 feet
Equal to or greater than four (4) acre but less than five (5) acres	4,000 square feet	25 feet	10 feet
Five (5) or more acres (non-agricultural)	4,800 square feet	25 feet	10 feet

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

There are two existing accessory structures which is understood to be removed after the new structure is built since lots under one (1) acre may only have two accessory structures.

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

Hearing none, Chairperson Horne opens the public hearing at 2:19 p.m. and asks if there are any proponents wishing to speak in favor of the case. There are none.

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

Chairperson Horne closes the public hearing at 2:19 p.m.

Chairman Horne questions, since the Applicant is not present and they do not know if the two existing accessory structures will be removed, what are the Board's options?

Mr. Neimayer states he understands they are to be eliminated.

Chairman Horne questions if they could add that as part of the motion, would that be satisfactory.

Mr. Neimayer responds yes.

Mr. Spurlock wonders how it will be enforced.

Mr. Neimayer states it will be part of the motion and sent to the Applicant, and it will be part of the zoning certificate. It can also be caught when the building inspector inspect the project. If the structures are not removed, it will be addressed by code enforcement.

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

BZA: 7-43-2013: BZA-2013-24 ~ Variance Case ~ Nicholas Reichert ~ Located at 1601 Lammes Lane ~ Bethel Township

Motion by Mr. Greenwood, seconded by Mr. Spurlock, to **Approve** the Variance request subject to the two existing accessory structures be removed.

**VOTE:** *Motion carries unanimously.* 

# BZA-2013-25: Variance Case ~ Jason & Cherise Schell ~ Located at 6323 Garrison Road ~ Mad River Township

Mr. Neimayer, Senior Planner, presents the staff report and accompanying maps. The subject property is zoned A-1 (Agricultural District), is located at 6323 Garrison Road in Mad River Township. The Applicants are requesting a variance to Chapter 2, Section A to reduce the least side yard setback from 25 feet to 23 feet and to Chapter 8, Section B, 3, a) to allow a 30' X 40' 1,200 sq. ft. detached garage in the side yard that also protrudes into the front yard. The proposed garage will be six (6) feet from the dwelling which is required by the zoning regulations.

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

The Clark County Zoning Regulations state:

#### Chapter 2, Section A:

SECTION A									
[eff: 12-1-05]	AGRICULT	URAL DISTRIC	т	A-1 AGR	ICULTURA	L			
PRINCIPAL PERMITTED AND CONDITIONED USES:		MINIMUM	MAXIMUM HEIGHT		FOOTNOTES				
	LOT SIZE FRONTAGE YARD REQUIREMENTS (Feet)						(Feet)	(Stories)	
	(Area)	WIDTH*	FRONT		DE	REAR		, ,	(Restrictions)
		(feet)	(Setback)	LEAST WIDTH	SUM of BOTH	(Setback)			(Nestrictions)
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
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

#### Chapter 8, Section B, 3,a):

- 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. Greenwood wonders if there is another structure in that same location looking at the aerial photo.

Mr. Neimayer comments he believes it is a vehicle or motor home.

Chairperson Horne asks what the required setback must be.

Mr. Neimayer states 25 feet. The proposed setback would be 23 feet.

Mr. Greenwood wonders if any letters were received from the neighbor to the south.

Mr. Neimayer responds no.

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

Hearing none, Chairperson Horne opens the public hearing at 2:26 p.m. and asks if there are any proponents wishing to speak in favor of the case.

Mr. Marc Kabbes, whose address is 708 Broadway Street, comments on the aerial photo. There is a camper, a trailer and various vehicles. The existing garage has been turned into an artist studio. The Applicants are wishing to construct the detached garage to house the various vehicles and clean up the property. The reasoning for the proposed placement is the Applicants would like to expand the existing attached garage for further studio space.

Chairperson Horne asks if there are any opponents.

Mr. Jon Vanderglas, whose address is 6187 Garrison Road, questions if the Applicants own the lot next door where the barn is located. The Applicants utilize it.

After looking up the property on GIS, Mr. Neimayer responds he does not.

Mr. Vanderglas comments he would like to see the property cleaned up. He would like to see all the vehicles into a structure. He is not against the variance.

Mr. Kabbes comments the Applicants do not own the adjacent property. They have rented the building space, but the farmer needs the building back for his farm equipment. That is why the urgent need for the proposed detached garage.

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

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

BZA: 7-44-2013: BZA-2013-25 ~ Variance Case ~ Jason & Cherise Schell ~ Located at 6323 Garrison Road ~ Mad River Township

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

**VOTE:** *Motion carries unanimously.* 

## <u>BZA-2013-26: Variance Case ~ Richard Baxter ~ Located at 1747 Newlove Road ~ Harmony Township</u>

Mr. Neimayer, Senior Planner, presents the staff report and accompanying maps. The subject property, zoned A-1 (Agricultural District), is located at 1747 Newlove Road in Harmony Township. The Applicant is request a variance to Chapter 2, Section A to reduce the rear yard setback from 60 ft. to 50 ft. to allow a 24 ft. x 24 ft. (576 sq. ft.) room addition to the north side of the house. The property is very limited as to the rear yard due to the placement of the house. The house was constructed in 1972. Zoning regulations at that time required a 50 ft. rear yard setback.

Chairperson Horne wonders what the acreage of the lot was.

Mr. Neimayer comments 2.5 acres. The Health Department has approved the site plan. A letter was received from a Mr. William Lawson in favor of the variance.

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

The Clark County Zoning Regulations state:

### Chapter 2, Section A:

SECTION A [eff: 12-1-05]	AGRICULT	TURAL DISTRIC	т	A-1 AGRI	CULTURA	L			
PRINCIPAL PERMITTED AND CONDITIONED USES:		MINIMUM	MAXIMUM HEIGHT		FOOTNOTES				
	LOT SIZE FRONTAGE YARD REQUIREMENTS (Feet)						(Feet)	(Stories)	
	(Area)	WIDTH *	FRONT	SIDE		REAR			
		(feet)	(Setback)	LEAST	SUM of	(Setback)			(Restrictions)
			**	WIDTH	BOTH				
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
		,		•	,			•	
Single-Family Residential     EXCEPTIONS TO 40 acre –	40 Acre	500	40	25	60	60	35	2	2, 5, 5a, 6
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

Mr. Spurlock wonders how close the existing house is to the property line.

Mr. Neimayer states 40 ft. for the house. There is also an existing detached garage.

Mr. Spurlock wonders if the detached garage meets the setbacks.

Mr. Neimayer states it is about 8 ft. from the property line at the closest. The garage does sit at an angle to the property line.

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

Hearing none, Chairperson Horne opens the public hearing at 2:40 p.m. and asks if there are any proponents wishing to speak in favor of the case.

Mrs. Lora Lawson, whose address is 1789 Newlove Road, states when they purchased their property Mr. Baxter's was part of their lot and was later split off from the main parcel. She is in favor of the variance.

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: 7-45-2013: BZA-2013-26 ~ Variance Case ~ Richard Baxter~ Located at 1747 Newlove Road ~ Harmony Township

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

**VOTE:** Motion carries unanimously.

# BZA-2013-27: Variance Case ~ Paul Hyatt ~ Located at 4364 Tulane Ct. ~ Moorefield Township

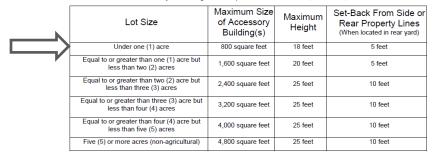
Mr. Neimayer, Senior Planner, presents the staff report and accompanying maps. The subject property, zoned R-2A (Medium Density Single-Family Residence District), is located at 4364 Tulane Ct. in Moorefield Township. The property is also Lot #1661 of the Northridge Subdivision, No. 9. The Applicant is requesting a variance to Chapter 8, Section B, 6, a) to increase the combined maximum size of accessory structures from 800 sq. ft. to 1,520 to construct a 24 ft. x 30 ft. storage building in the rear yard. There is an existing detached garage plus two storage sheds in the rear of the property. The storage sheds will be removed with the construction of the new building. There will be a gravel driveway to the proposed building.

The Clark County Zoning Regulations state:

### Chapter 8, Section B,6 a):

- 6. Location, Numbering, and Size of Residential Accessory Buildings. [eff: 11-6-08]
  - a) Unless otherwise permitted by this Zoning Resolution, a lot of less than one (1) acre zoned Residential or used for residential purposes, shall contain no more than two (2) accessory buildings and the sum of their square footage shall not exceed the maximum square footage noted in TABLE 8.1
  - b) When two (2) or more accessory buildings are located on a lot utilized for residential purposes, the sum of their square footage shall not exceed the maximum square footage noted in TABLE 8.1.
  - Accessory building development standards shall be based upon the following table and requirements:

TABLE 8.1 - Accessory Building Development Standards [eff: 11-6-08]



The property is on county utilities. The Clark County Engineer's Department has reviewed the variance request and has no objections with the proposed variance.

Chairperson Horne questions if there will be enough room from the existing detached garage to property line to drive back to the new building.

Mr. Neimayer comments according to the plot plan it is nine feet from the corner of the existing garage to the property line. The Applicant has mentioned he has driven back there in trucks, etc. to be able to prune the trees.

Mr. Spurlock asks if the proposed building will meet all the setback requirements.

Mr. Neimayer responds yes.

Chairperson Horne questions if the Staff had received any letters or calls from neighbors.

Mr. Neimayer responds no.

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.

Mr. Paul Hyatt, whose address is 4364 Tulane Court, states one of the sheds has to be removed before he can start construction. The other one will be removed after the new building is completed. He explained he has nine feet from the existing garage to the

property line and the drive has a gate. Along the driveway is a row of pine trees and he does not like to park there. He has been parking in the cul-de-sac. He needs the garage to be able to park his vehicles and move them off the street. He has never had any drainage problems.

Mr. Spurlock wonders if the property line has been surveyed.

Mr. Hyatt states it has been done twice last year.

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: 7-46-2013: BZA-2013-27 ~ Variance Case ~ Paul Hyatt ~ Located at 4364 Tulane Ct. ~ Moorefield Township

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

**VOTE:** Motion carries unanimously.

Some of the Applicants asked what the next step is. Mr. Neimayer explained, per state law, the BZA's approval is not effective until 30-days after today's meeting. Their next step is to submit their zoning permit and building permit applications. They will receive a letter explaining this.

## Zoning Regulations - Proposed Amendments - Chapters 5 thru 7

Mr. Neimayer proceeds to Chapter Five that covers Off-Street Parking and Loading/Unloading Regulations, which are mostly editorial changes. On Page 5-5, Assisted Living Facilities was added.

He comments some of the parking formulas need to be changed since they are based on the number of employees. That is outdated and should be based on square footage.

He proceeds to Chapter Six, Sign and Billboard Regulations. On Page 6-2, signs for the sale/lease of property have been broken down into residential and commercial categories. Signs in the Planned Development District shall be constructed in compliance of the approved plan. Page 6-3, Political Signs – we do not have authority of these types of signs except they cannot be placed in the public right-of-way.

Mr. Wallace questions what the footage is for the public right-of-way.

Mr. Neimayer states most roads are 60 feet. Some subdivisions and other roads are less than that. Arterial and collector roads are more than 60 ft.

Mr. Neimayer proceeds to Page 6-4, Electronic Signs, which mirrors the City of Springfield's Zoning Regulations that were changes a couple of years ago. Churches and some businesses have requested these types of signs. Staff has used these proposed regulations and has had no complaints. On Page 6-4 f), it should be eight (8) feet instead of 100 feet.

Mr. Wallace questions the definition of nits.

Mr. Neimayer explains it is the current terminology of the brightness of the LED component of the sign.

Mr. Neimayer proceeds to Page 6-6, Portable Signs will be added. He is still researching information on the height and size. They are pretty much a standard size and are ones that can usually be pulled around. Bench signs, which have come up in the past in Moorefield Township, are now included under prohibited signs except for "dedication" or "in-memory-of" type plaques. The rest of Chapter 6 is editorial changes.

Mr. Wallace wonders if there is anything regarding grandfathering in the regulations.

Mr. Neimayer states that is covered in the beginning (Chapter 1) of the regulations.

He proceeds to Chapter Seven, Regulations for Conditioned and Conditional Uses. There are several editorial changes. On Page 7-19, Private and Public Outdoor Recreation Areas have been changed to match the wording in Chapter 2. On Page 7-20 Regulations for Cell Towers are regulated by the State Review Board. The wording "to the extent permitted by ORC" will be added per advice received from the County Prosecutor's Office.

Mr. Wallace comments the zoning regulations have more clout than the state regulations for resource and mineral extraction.

Mr. Neimayer states they can be more restrictive as long as they do not go against state law. Local land use decisions are left to local jurisdictions. The state is worried more on what is being extracted, how much and what it is being used for.

Mr. Neimayer proceeds to Page 7-25 Section 131, Regulations for Zero Lot Line, Cluster, Detached, Semi-Detached, or Attached Dwellings. How this section is worded will be changed to clarify the intent. Page 7-29, Manufactured Homes, updating proper reference to the state building codes. On Page 7-30, Automotive Services Stations, clarification changes.

Mr. Neimayer asks Board members to review Chapters 8 and 9 for next month.

Mr. Neimayer comments he would like to review Table 8.1 Accessory Building Development Standards. He has updated the table and supporting information through June. He has taken the average size of the buildings and acreage the Board has approved and came up with the proposed sizes. Mr. Tom Hale, Director of Community Development has reviewed the table and felt the proposed numbers are too high.

Mr. Wallace states he would like some input from the other Board members to see if they think they are doing any good by approving the variances, especially from a real estate perspective.

Mr. Neimayer comments Mr. Hale is concerned that lots between one and two acres in size allowing a 3,000 sq. ft. building could be larger than some houses. He would like to come to some common ground. He would like to eliminate some of the cases that have come before the Board due to Table 8.1. Either they need to enforce the regulations or change the table.

Mr. Wallace comments the Board approves the variances relatively quickly on what they believe makes sense and the Staff has put so much time into preparing the cases, he feels they should make necessary changes.

Chairperson Horne feels the Staff prepares the reports for the Board to make the best decision and also who shows up at the meeting with the reasoning for the request or in opposition. It takes all three things to make a decision. It also depends on what is surrounding those lots. He feels the large numbers for the higher acres are too high to become the standard number.

Mr. Neimayer comments the larger lots probably will be surrounded by other larger lots. The whole table does not necessarily have to be changed depending on the acreages. Most of the variance requests have been for lots under an acre and up to two with most of those being approved. He feels the first two categories need to be higher.

Chairperson Horne feels the lots less than two acres definitely need to be changed. He suggests making it around the average size of what they have been approving. He feels there are still going to be cases where a property owner wants to increase the size. He does not want to keep making changes to the table to keep from hearing cases.

Mr. Wallace comments maybe they should look at the median instead of averages. He also agrees with not raising the sizes too much. He feels they have been approving the cases on a case-by-case basis.

Mr. Greenwood asks how much does it costs to apply for a variance.

Mr. Neimayer responds there is a \$150 variance application fee. Also, the Applicant is set back for three months – the 1<sup>st</sup> month is filing, 2<sup>nd</sup> month is the hearing, 3<sup>rd</sup> is the 30-day waiting period – which can be translated into a cost. This happens before they can even begin construction.

Mr. Greenwood feels for those reasons alone the table needs to be adjusted since they are here to serve the public especially since they are approving the majority of those variance cases.

Mr. Neimayer comments the table was last amended in 2007 and was based on Franklin County which is an entirely different environment than Clark County. It is clear that the under one acre and the one to two acre categories need to be adjusted.

Mr. Spurlock feels they should increase the sizes to the averages that have been approved by the Board.

Mr. Wallace feels they should use a median number instead.

#### **STAFF COMMENTS**

Mr. Neimayer states there have been new cases filed so there will be a meeting next month. The meeting will be on Thursday, August 29, 2013.

Chairperson Horne comments he will be out of town for the next meeting.

#### **ADJOURNMENT**

BZA: 7-47-2013 ~ Adjournment

Motion by Mr. Greenwood, seconded by Mr. Wallace, to adjourn the meeting.

VOTE: Motion carries unanimously.

The meeting was adjourned at 3:25 p.m.
Jeff Horne, Chairperson